

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, OCTOBER 3, 1995  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Vargas at 10:21 a.m. Deputy Mayor Vargas made a special announcement that the verdict of the O.J. Simpson Trial had been released and was telecast at approximately 10:08 a.m. October 3, 1995. Deputy Mayor Vargas stated that Mr. Simpson was found not guilty of the crime of murder and found innocent on all counts. Deputy Mayor Vargas recessed the regular meeting at 10:50 a.m. to convene as the Redevelopment Agency. Deputy Mayor Vargas reconvened the regular meeting at 10:52 a.m. with Mayor Golding not present. Deputy Mayor Vargas recessed the regular meeting at 10:54 a.m. to reconvene the Redevelopment Agency and to convene the Housing Authority thereafter. Deputy Mayor Vargas reconvened the regular meeting at 10:58 a.m. with Mayor Golding not present. The meeting was recessed at 12:07 p.m. by Deputy Mayor Vargas to reconvene at 2:00 p.m. The meeting was reconvened by Deputy Mayor Vargas at 2:10 p.m. with Mayor Golding and Council Member Stallings not present. Deputy Mayor Vargas recessed the regular meeting at 4:09 p.m. to convene the Housing Authority. The regular meeting was reconvened by Deputy Mayor Vargas at 5:24 p.m. with Mayor Golding and Council Member McCarty not present. Deputy Mayor Vargas adjourned the meeting at 5:25 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-excused by R-286570  
(Out-of-town City business)
- (1) Council Member Mathis-present
- (2) Council Member Harvey-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present  
Clerk-Fishkin (pr/mc)

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Harvey-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Warren A. Nielsen requesting City Council investigate the 252 Corridor and the loss of housing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A034-058.)

PUBLIC COMMENT:

ITEM-PC-2:

Comment by Mel Shapiro regarding the Housing Authority and that the Fay Avenue property in La Jolla has not been listed for sale.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A065-091.)

COUNCIL COMMENT:

ITEM-CC-1: REFERRED TO CITY MANAGER

Comment by Council Member Mathis to request the City Manager confer with the Housing Commission as to whether or not the Fay property in La Jolla has been listed.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A096-107.)

COUNCIL COMMENT:

ITEM-CC-2:

Comment by Council Member Kehoe thanking Council Members for their participation in "San Diego Shines" and the eradication of graffiti.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A110-118.)

ITEM-310: HEARING GRANTED; HEARING TO BE HELD ON OCTOBER 30, 1995

SUBJECT: Request by David Purcell (the applicant) and George Fleming and Marty Bohl (the appellants) for a hearing of appeals from the decision of the Planning Commission in approving the request for Coastal Development Permit CDP-95-0215 (Purcell Residence). (CDP-95-0215. Peninsula Community Plan Area. District-2.)

SUPPORTING INFORMATION:

The appeal is being requested for a Coastal Development Permit to demolish an existing single family residence and construct a new 5,162 sq. ft. single family residence with 3-car garage on a 9,050 sq. ft. property located at 741 Rosecrans Street in the R1-5,000 Zone in the Peninsula Community Plan area.

LEGAL DESCRIPTION:

A portion of the north half of Pueblo Lot 175, and a portion

of Pueblo Lot 176, of the Pueblo Lands of San Diego.

FILE LOCATION: PERM-CDP-95-0215

COUNCIL ACTION: (Tape location: A123-319.)

MOTION BY HARVEY TO GRANT THE HEARING. Second by Kehoe.  
Passed by the following vote: Mathis-yea, Harvey-yea,  
Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-not present.

ITEM-311: HEARING GRANTED; HEARING TO BE HELD ON OCTOBER 31,  
1995

SUBJECT: Request by Donna Tisdale (for Backcountry Against  
Dumps) and Leonard A. Quijencio (Protecting Our Barrio), by  
Richard J. Wharton, Environmental Law Clinic, for a hearing of an  
appeal from the decision of the Planning Commission in granting  
Barrio Logan and Coastal Development Permits BLP/CDP-94-0552 to  
allow the demolition of three single-family dwelling units and  
construction of a 7,000 square-foot addition to an existing  
solid waste transfer facility located at 3660 Dalbergia Street,  
in the Barrio Logan Planned District, Zone B.  
(BLP/CDP-94-0552. District-8.)

FILE LOCATION: PERM - BLP-94-0552 and CDP-90-0544

COUNCIL ACTION: (Tape location: A326-329.)

MOTION BY McCARTY TO GRANT THE HEARING. Second by Kehoe.  
Passed by the following vote: Mathis-yea, Harvey-not  
present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-330: RETURNED TO CITY MANAGER

SUBJECT: Four actions related to Mission Valley West LRT  
Extension Cost Reimbursement District No. 4083.

(Mission Valley Community Area. District-6.)  
(Continued from the meeting of September 11, 1995,  
Item 101, at Councilmember Stallings's request, for

further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-197)

Authorizing the City Manager to take the necessary actions to initiate the Mission Valley West LRT Extension Cost Reimbursement District for improvements being constructed by the Metropolitan Transit Development Board; Authorizing the Auditor and Comptroller to establish the Mission Valley West LRT Extension Fund (Fund No. 72021), to maintain interest in the fund and to make appropriate deposits when liens are paid.

Subitem-B: (R-96-198)

Authorizing a consultant agreement with Nolte and Associates, Inc., to provide cost reimbursement engineering services for the Mission Valley West LRT Extension.

Subitem-C: (R-96-199)

Authorizing a District Formation Cost Agreement with the Metropolitan Transit Development Board, for improvements being constructed on the Mission Valley West LRT Extension.

Subitem-D: (R-96-200)

Stating for the record that the information contained in the Final Mission Valley West Environmental Impact Report SCH No. 90010961, prepared by the Metropolitan Transit Development Board, dated May, 1992, including any comments received during the public review process, has been reviewed and considered by Council in connection with the Mission Valley West LRT Extension Cost Reimbursement District.

CITY MANAGER SUPPORTING INFORMATION:

In past years, the City of San Diego received development proposals for several projects that abutted the right-of-way of a proposed Light Rail Transit (LRT) Extension in Mission Valley. The City placed development conditions relating to the LRT Extension on those properties. The Metropolitan Transit Development Board (MTDB) has recently awarded contracts for the

construction of the Mission Valley West LRT Extension project between Interstate 5 and San Diego Jack Murphy Stadium. MTDB has requested the City to form a cost reimbursement district in connection with the public improvements that will be constructed as part of the LRT Extension project. The reason for establishing the district is to provide a mechanism to ensure that the development conditions (relating to the LRT) now in effect for properties in Mission Valley will be satisfied when the conditioned development occurs at some future date. The district will be formed under the terms of the City of San Diego Cost Reimbursement District Procedural Ordinance (O-17725, adopted January 6, 1992). The Ordinance specifies that the Street Superintendent shall determine the area of benefit and establish reimbursement charges, based on benefit, to be collected from the owners of the various parcels of property within the district. In the proposed LRT Extension Cost Reimbursement District, the release of subdivider responsibilities relating to the LRT is expected to be the only benefit criterion. The currently effective LRT conditions for each project will be used to determine the benefit received and to establish the reimbursement charge due from those projects placed in the reimbursement district. Only those abutting properties whose owners have approached the City with development proposals will be considered for inclusion in the district.

Aud. Cert. 9600172.

FILE LOCATION:                    STRT-CR-26     CONTFY96-1  
                                      CCONTFY96-1

COUNCIL ACTION:                   (Tape location: A340-412; A346-348.)

MOTION BY WARDEN TO RETURN TO CITY MANAGER DUE TO CHANGES IN DEVELOPER AGREEMENTS. Second by McCarty. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-331:

SUBJECT: Mission Valley Family Fitness Center rezoning and amendments to the San Diego Municipal Code and the Mission Valley Planned District. (RZ-94-0329. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution and introduce the ordinances:

Subitem-A: (R-96-79) ADOPTED AS RESOLUTION R-286381

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-94-0329 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 pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-96-12) INTRODUCED, TO BE ADOPTED OCTOBER 16, 1995

Introduction of an Ordinance for MV-CV Zoning.

Subitem-C: (O-96-13) INTRODUCED, TO BE ADOPTED OCTOBER 16, 1995

Introduction of an Ordinance amending the San Diego Municipal Code relating to the Mission Valley Planned District.

SUPPORTING INFORMATION:

Proposal to amend Section 103.2102 of the San Diego Municipal Code with regard to the boundaries of a rezoning within the Mission Valley Planned District. The site is located in the northerly portion of a currently developed 106,624-square-foot, 2.45 acre site from MVR-2 (multi-family residential)/FPF (flood-plain fringe) to MV-CV (commercial visitor)/FPF (flood-plain fringe). The southerly portion of the site, currently zoned FW (Floodway) is not proposed to be rezoned. The subject property is located at 5885 Rancho Mission Road within the MVR-2, FPF and FW zones, in the Mission Valley Planned District.

LEGAL DESCRIPTION:

A portion of Lot 44, Rancho Mission of San Diego, Map-348.

NOTE: The project proponent must furnish Council with the proposed findings in keeping with Section 21081 of the California Public Resources Code.

FILE LOCATION: Subitem A: LAND - Mission Valley Planned

Dist; Subitem B: None; Subitem C: LAND -  
Mission Valley Planned District

COUNCIL ACTION: (Tape location: A532-B318; E379-387;  
F140-217.)

Hearing began at 10:58 a.m. and halted at 11:28 a.m.

Testimony in favor by Leonard E. Teyssier and Randy  
Coopersmith.

Testimony in opposition by Helen Bird.

Motion by Stalling to continue to November 20, 1995 to speak  
with the community so they have a clearer understanding of  
the rezoning and what the problems are. Second by Warden.  
Failed. Yeas-5,6. Nays-1,2,3,4,7,8. Not present-M.

MOTION BY McCARTY TO ADOPT THE CITY MANAGER'S RECOMMENDATION  
TO INTRODUCE THE ORDINANCES FOR SUBITEMS B AND C, AND ADOPT  
THE RESOLUTION FOR SUBITEM A. Second by Mathis. Passed by  
the following vote: Mathis-yea, Harvey-yea, Kehoe-  
yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea,  
Vargas-yea, Mayor Golding-not present.

ITEM-332: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings  
regarding the acquisition of Parcel A and Parcel B of Carmel  
Valley Neighborhood 8A, for an open space park and preserve  
(Assessment District No. 4084). Council will take action at the  
subsequent hearing scheduled for October 17, 1995 at 10:00 a.m.  
Public testimony will also be taken at that meeting. (See City  
Manager Report CMR-95-196. Carmel Valley Community Area.  
District-1.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the  
matter to the second public hearing which has been scheduled  
for October 17, 1995 at 10:00 a.m.

FILE LOCATION: STRT-0S-39

COUNCIL ACTION: (Tape location: B320-C211; D012-E061.)



Hearing began at 11:29 a.m. and recessed at 12:07 p.m.

Council Member Stevens left at 11:55 a.m. and returned at 12:00 p.m.

Testimony in favor by Richard Barber, Sonja Erion, Will Canham, Kimberly Brown, Clara Davis, Norma Sullivan, Monica Carson, Erin Harold, Joan Stewart, Opal Trueblood, Charles David Stout, Michael Beck. Testimony in opposition by Mark Hendrick, Dudley Pollard, Charles Finney, Bill Meyer, Keith Rhodes, Shirley Smith, Robert McCracken, Therese Tanalski, Kathleen McCormick, Diane Valentine.

Hearing resumed at 2:12 p.m. and halted at 2:59 p.m.

Council Member Stallings arrived at 2:13 p.m.

Testimony in favor by Michael Beck, Craig Sherman, Paul Griffin, Lisa Ross, Fred Buenavista, Jan Fuchs, Lee Harvey, Udo Wald, Allison Rolfe, Inez Yoder, Anne Harvey, Lillian Barnes Justice, Isabelle Kay, Craig Adams, Ruth Merrill, and Diana Gordon.

Testimony in opposition by Mike Leach, Mike Madigan, Roy Moeller, and Therese Tanalski. Deputy Mayor Vargas closed the first hearing.

ITEM-333:

SUBJECT: Appeals of Bruce Tabb and Philip Taylor from the decision of the Planning Commission in approving a Conditional Use Permit for the Nextel-San Diego Border Communication Facility.

(CUP-94-0548. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A and adopt Subitem B to deny the appeals and approve the permit.

Subitem-A: (R-96-380) ADOPTED AS RESOLUTION R-286389

Adoption of a Resolution certifying that the

information contained in Environmental Negative Declaration DEP-94-0548 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-96-381) DENIED APPEAL AND GRANTED PERMIT,  
ADOPTED AS AMENDED AS RESOLUTION  
R-286390

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

SUPPORTING INFORMATION:

The Conditional Use Permit would allow for the construction and operation of an unmanned dispatch mobile radio communication facility to include an 800-square-foot fenced enclosure containing a 200-square-foot unmanned equipment building and a 90-foot-high monopole which will support up to 12 vertical panel antennas and three 16-foot-high whip antennas at 4350 Otay Mesa Road in the San Ysidro Community Plan Area.

LEGAL DESCRIPTION:

The project site is described as a portion of Section 36, Township 18 South, Range 2 West, San Bernardino Meridian, in the R1-5000 Zone.

FILE LOCATION: PERM - CUP-94-0548

COUNCIL ACTION: (Tape location: E062-323.)

Hearing began at 3:00 p.m. and halted at 3:20 p.m.

Testimony in favor by Barbara Saito.

Testimony in opposition by Robert Stewart.

MOTION BY HARVEY TO ADOPT THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE CONDITIONAL USE PERMIT FOR A PERIOD OF TWO YEARS. INCLUDE IN THE CONDITIONS OF THE PERMIT THAT AFTER ONE YEAR STAFF IS TO RETURN TO COUNCIL

WITH A REPORT ON THE STATUS OF THE NEGOTIATIONS FOR A DIFFERENT SITE. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-334:

SUBJECT: Two actions related to Revised Permit Fees and the Conversion of the Development Services Department to the Enterprise Fund. (See City Manager Report CMR-95-180.) (Trailed from the adjourned meeting of September 26, 1995; continued from the meeting of August 14, 1995, Item 151, at Councilmember Stevens's request, for further information.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-96-167 Rev.2) ADOPTED AS AMENDED AS  
RESOLUTION R-286391

Approving the Schedule of Fees and Deposits for the Development Services Department, as described in City Manager's Report CMR-95-180.

Subitem-B: (R-96-166) ADOPTED AS AMENDED AS RESOLUTION  
R-286392

Directing the City Manager to provide notice of land development permits to all of those persons who may be entitled to notice under state and federal law;  
Declaring that the City Manager is no longer required by City Council to provide notice of land development permits to tenants unless such notice is required by law or by some other regulatory scheme.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 8/2/95, LU&H voted 4-0 to approve the City Manager's recommendation for the following revised fees and/or regulatory changes (a through f). In addition, the Committee requested periodic updates on Process 2000 and requested the City Manager to return to the Committee for review of permit fees once the automation was complete. (Councilmembers Mathis, Harvey, Stevens

and Warden voted yea. Councilmember McCarty not present):

- a) Revise the fee for Zoning Use Certificates from \$12 to \$25;
- b) Revise the fee for Substantial Conformity Review from \$250 to \$500;
- c) Revise the fee for Adult Entertainment Zoning Use Certificate from \$25 (the revised fee for a Zoning Use Certificate) to \$1,500;
- d) Amend the Municipal Code to revise the noticing requirements for all land development permits to eliminate the noticing of tenants in order to maintain the current fee for Noticed Variances without a Hearing at \$725 and Variances and Conditional Use Permits that Require a Public Hearing at \$1,000;
- e) Convert certain deposit accounts to a flat fee basis;
- f) Reduce fees for Subdivision (Multiple Unit) Plan Check and Building Permits by decreasing the building valuation by 18 percent for building permit fees and 45 percent for plan check fees from the current 10 percent reduction in valuation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E324-F429.)

MOTION BY McCARTY TO ADOPT THE CITY MANAGER'S NEW ALTERNATIVE FOR ITEM A, WHICH REDUCES THE SERVICE LEVEL TO CORRESPOND TO CURRENT FEE. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-not present.

MOTION BY KEHOE TO ADOPT ITEMS B,C,E, AND F, AND TO ADOPT THE CITY MANAGER'S NEW ALTERNATIVE FOR ITEM D, WHICH IS TO CONTINUE NOTICING THE TENANTS AND THE FEE STRUCTURE STAYING THE SAME. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-335:

SUBJECT: Three actions related to Funds Exchange - Redevelopment Agency and Other Projects.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-193) ADOPTED AS RESOLUTION R-286382

Amending City Fund 10227, the contribution to the  
Redevelopment Agency Fund.

Subitem-B: (R-96-194) ADOPTED AS RESOLUTION R-286383

Reallocating \$285,000 in Fiscal Year 1996 Community  
Development Block Grant Funds from Fire Station #23 and the  
Linda Vista Community Center to the Redevelopment Agency of  
the City of San Diego for the San Ysidro and North Park  
Redevelopment Studies and the Barrio Logan Redevelopment  
Project.

Subitem-C: (R-96-224) ADOPTED AS RESOLUTION R-286384

Amending the Fiscal Year 1996 CIP Budget, Fund 30244.

CITY MANAGER SUPPORTING INFORMATION:

This action involves an even exchange of CDBG funds with non-CDBG funds among several projects. Two current FY 1996 CDBG-funded projects, Fire Station #23 Renovation and the Linda Vista Community Center, will give up all or part of their FY 1996 CDBG allocation in exchange for Sales Tax Re-loan funds which are currently allocated to the Redevelopment Agency for the San Ysidro Study, North Park Study and Barrio Logan Redevelopment Project. This exchange will benefit the Fire Station #23 and Linda Vista Community Center projects by removing some of the restrictions and additional costs which come with CDBG funds, and thereby expediting the progress and cost effectiveness of both projects. The redevelopment studies and projects involved - San Ysidro, North Park and Barrio Logan - already have budgeted CDBG funds and there will be no negative impact to the use of additional CDBG funds.

Aud. Certs. 9600177/9600230.

NOTE: See the Redevelopment Agency Agenda of October 3, 1995 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A350-412.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Harvey-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-not present.

ITEM-336:

SUBJECT: Consenting to a Joint Public Hearing on the First  
Amendment to the Central Imperial Redevelopment Plan. (See  
Southeastern Economic Development Corporation's Memorandum for  
the Agenda of 10/3/95. District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-96-308) ADOPTED AS RESOLUTION R-286385

Consenting to a Joint Public Hearing on the Proposed First  
Amendment to the Redevelopment Plan for the Central Imperial  
Redevelopment Project; authorizing the establishment of a  
date, time and place; and authorizing publication and  
mailing of notice of the Joint Public Hearing.

NOTE: See the Redevelopment Agency Agenda of October 3, 1995 for  
a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A350-412.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Harvey-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-not present.

ITEM-CS-1: (R-96-360) ADOPTED AS RESOLUTION R-286386

A Resolution adopted by the City Council in Closed Session on  
October 3, 1995: Authorizing the City Manager to pay the sum of

\$30,000.00, in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. 680788, Marina Contractors, Inc. v. City of San Diego, et al., resulting from the property damage claim of Marina Contractors, Inc.; authorizing the City Auditor and Comptroller to issue one check in the amount of \$30,000.00, made payable to Marina Contractors, Inc. and Josef Cowan, attorney of record, in full settlement of all claims.

Aud. Cert. 9600379

FILE LOCATION: MEET

ITEM-CS-2: (R-96-334) ADOPTED AS RESOLUTION R-286388

A Resolution adopted by the City Council in Closed Session on October 3, 1995: Authorizing the City Manager to pay the sum of \$276,794.51 in the settlement of each and every claim against the City of San Diego, its agents and employees, for the property damage claim of Kathleen Boyd-Wells as a result of an incident which occurred on September 25, 1994; authorizing the City Auditor and Comptroller to issue three checks, one made payable to Darren Debree and Robert Rice, his attorney in the amount of \$16,500.00, one made payable to Kathleen Boyd-Wells in the amount of \$69,000.00, and one made payable to Luth & Turley, Inc. in the amount of \$191,294.51, in full settlement of all claims.

Aud. Cert. 9600358

FILE LOCATION: MEET

ITEM-CS-3: (R-96-373) ADOPTED AS RESOLUTION R-286433

A Resolution adopted by the City Council in Closed Session on October 3, 1995: Authorizing the City Manager to pay the sum up to and including \$220,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. 665804, Kvaas Construction Co., Inc. v. City of San Diego, et al., resulting from contract disputes regarding the construction of the Canyonside Community Park; authorizing the City Auditor and Comptroller to issue one check in the amount of \$205,000.00, made payable to Kvaas Construction Co., Inc. and its attorney of record, Thomas R. Laube, in full settlement of all claims.

Aud. Cert. 9600367

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Vargas at 5:25 p.m. in honor of the memory of Leo E. McDade, as requested by Council Member Harvey.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H273-274.)