

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 23, 1997
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:11 a.m.

Acting City Manager Penelope Culbreth-Graft commended two Sanitation Drivers, Donnie Taylor and Duane Santos, who saved a house from burning to the ground. These two men were driving by a house in La Jolla and noticed smoke. With the help of a neighbor, they were able to locate the owner. They then pulled a fire extinguisher from their truck and put out the fire which was caused by an appliance. After the fire was out, Mr. Taylor and Mr. Santos loaded the debris onto their truck and took it with them on their route. The City, along with the resident, commend Donnie Taylor and Duane Santos for their help.

The regular meeting was recessed by Mayor Golding at 10:47 a.m. to meet in Closed Session at the Hyatt Regency Hotel, 1 Market Street, 33rd Floor, San Diego, California, at 11:00 a.m., to interview a City Manager candidate and to reconvene the regular meeting at 2:15 p.m.

The meeting was reconvened by Deputy Mayor Warden at 2:22 p.m. with Mayor Golding and Council Members Mathis and Kehoe not present. Deputy Mayor Warden adjourned the meeting at 4:41 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-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-Abdelnour (lw/ms)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-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

ITEM-10: INVOCATION

Invocation was given by Pastor Naomi Cannon of Abundant Life Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vargas.

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO CITY MANAGER

Bruce Hamilton informed Council of a problem in the area of Highway 5 and Santa Fe Street near his business. He said this area has become a kitchen for transients, a human waste dump, and a garbage dump. Several companies have also been broken into. Mr. Hamilton said this culvert carries water down into the Mission Beach area and he is concerned about all that is getting dumped into this drainage ditch.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A038-079.)

ITEM-PC-2:

Cleo Malone came before Council because of the young people from the Youth Opportunities Unlimited School. These young people are concerned about the alcohol and tobacco abuse in their community, commented Mr. Malone, and so they put together a "Call to Arms." He said one of the recommendations is for law enforcement and policy makers to work with the community coalitions, neighborhood councils and other community groups to ensure liquor store merchants act as responsible and law abiding citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A080-105.)

ITEM-PC-3:

Al Strohlein stated that Anheuser-Busch is paying more per square foot for the bay front property than we paid for Alaska and Louisiana. He said Mission Bay leases should be renegotiated when they are due and also pay market rates.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A109-133.)

ITEM-PC-4:

Don Stillwell said his subject is "Timing is Everything." His concerns are regarding the Mount Soledad Cross. Mr.

Stillwell said Congress did not pass a law regarding separation of church and state; the Supreme Court made a decision which we accepted as law. He asked the Council to stand up for the Cross.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A134-148.)

COUNCIL COMMENT:

ITEM-CC-1:

Deputy Mayor Warden announced that she had friends in the audience; and on Saturday her son Douglas married Kristen Johnson. She said they had a beautiful, outdoor wedding with many friends and relatives in town for the event. Ms. Warden thanked her friends and relatives for their help and said it was a great day for her family.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A150-157.)

ITEM-CC-2:

Council Member Kehoe updated Council on the annual "Coastal Clean-up" for which a resolution was offered last week. She said hundreds of San Diegans turned out for the event to clean Mission Bay, La Jolla Shores, Ocean Beach, and on down to the Tijuana Estuary. Ms. Kehoe said the volunteers were very motivated, even the young ones, and she and Mayor Golding thanked everyone for their hard work.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A158-161.)

ITEM-30:

SUBJECT: San Diego Rainbow Community Choir Appreciation Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-274) ADOPTED AS RESOLUTION R-289220

Commending the San Diego Rainbow Community Choir for their unselfish efforts in spreading the word of God to all people and acknowledging them on their Fifth Anniversary;

Proclaiming September 22, 1997 to be "San Diego Rainbow Community Choir Appreciation Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B006-071.)

MOTION BY COMMON CONSENT TO ADOPT THE RESOLUTION. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: San Ysidro Golden Dolphins Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-295) ADOPTED AS RESOLUTION R-289221

Designating September 29, 1997, to be "San Ysidro Golden Dolphins Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B072-131.)

MOTION BY COMMON CONSENT TO ADOPT THE RESOLUTION. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: Code Enforcement Week.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-203) ADOPTED AS RESOLUTION R-289191

Recognizing the accomplishments and proactive involvement of all code enforcement personnel, volunteers and community groups;

Proclaiming the week of September 22 through September 26, 1997 to be "Code Enforcement Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A233-308 / A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, ar-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33:

SUBJECT: Cabrillo Festival Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-312) ADOPTED AS RESOLUTION R-289192

Proclaiming September 21 through 28, 1997 to be "Cabrillo Festival Week" in San Diego, and urging our citizens to join in commemorating this historical event.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A309-380 / A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Easement Grant - SDG&E - Am-Sod.

(San Pasqual Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-277) ADOPTED AS RESOLUTION R-289193

Authorizing the execution of an easement deed in favor of San Diego Gas and Electric Company (SDG&E) to provide electricity to a machine repair shop on the Am-Sod leasehold located in the San Pasqual Valley at Old Pasqual Road and Via Rancho Parkway.

CITY MANAGER SUPPORTING INFORMATION:

Am-Sod, a City lessee, has requested SDG&E to provide electricity to a machine repair shop located on their leasehold. This shop will be used to repair machines used exclusively on the leasehold. Currently, Am-Sod is using a diesel generator to provide electricity to the repair shop. The proposed easement is 963 feet long and 12 feet wide. The Water Department has reviewed and approved this easement.

FILE LOCATION: DEED F-7072 DEEDFY98-1

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Easement Exchange with San Diego Gas & Electric Company
for Underground Electrical Service to Del Dios.

(Del Dios Community Area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-252) ADOPTED AS RESOLUTION R-289194

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company an easement located at Lot 5, Block 88, Campo Del Dios Unit No. 4, for installing underground electrical service to Del Dios.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Gas and Electric Company (SDG&E) has requested that the City grant an underground electrical easement in exchange for removing the existing overhead electrical lines which service the Del Dios Community. If the City Council approves the resolution, SDG&E will deliver to the City a recordable quitclaim deed after the underground lines have been installed. The removal of the overhead lines will benefit the City parcel. The easement will be 100 feet long and 6 feet wide. City staff has reviewed and approved the exchange.

FILE LOCATION: DEED F-7073 DEEDFY98-1

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Drainage Easement Grants to the City of Chula Vista -
Otay Mesa.

(Otay Mesa Community Area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-278) ADOPTED AS RESOLUTION R-289195

Authorizing the execution of an easement deed to the City of Chula Vista for two 400-square foot drainage easements in Otay Mesa.

CITY MANAGER SUPPORTING INFORMATION:

As part of the grading improvement work for widening Wueste Road and the construction of east Orange Avenue from Wueste Road to the Olympic Training Center, two 400-square-foot drainage easements are needed. The City of San Diego has already approved these easements as part of the street dedication and drainage plat on October 17, 1995, however, the actual easements were never granted. The City of Chula Vista has now requested two 400-square-foot drainage easements. The Water Department has approved these easements. The Real Estate Assets Valuation Division has recommended a \$500 nominal assessment for the easements.

FILE LOCATION: DEED F-7074 DEEDFY98-1

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Vacating a Drainage Easement within Lot 15 and Lot A, Map-13118.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-257) ADOPTED AS RESOLUTION R-289196

Vacating an unneeded drainage easement within Lot 15 and Lot A, Map-13118, pursuant to Section 8300 et seq. of the Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

The developer of Carmel Valley Neighborhood 4, Unit 13 (Map-13118), has requested the proposed drainage easement abandonment to unencumber the affected property. The drainage easement was originally provided by deed (Document Number 1994-0458243) in order to accommodate interim drainage facilities to be installed by CalTrans. The permanent CalTrans facilities within this development have since been completed at a different location thus rendering the subject easement unnecessary. Another 20 foot-wide drainage easement dedicated on Map-13118 which overlays the abandoned easement will remain unaffected by this action. Staff review of this drainage easement abandonment indicates that the four required findings for abandonment can be made and this easement may be summarily abandoned.

FINDINGS:

1. There is no present or prospective use for the drainage easement for the purpose for which it was originally acquired or for any other use of a like nature.
2. The public will benefit from the abandonment through improved utilization of the land.
3. The abandonment is consistent with the approved Community Plan.
4. The drainage system for which the easement was originally acquired will not be detrimentally affected by this abandonment.

FILE LOCATION: DEED F-7075 DEEDFY98-1

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: City of San Diego Emergency Operations Plan.

(See City of San Diego Emergency Operations Plan dated August, 1997.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-223) ADOPTED AS RESOLUTION R-289197

Approving the revised Emergency Operations Plan for the City of San Diego, Fire and Life Safety Services business center.

CITY MANAGER SUPPORTING INFORMATION:

Section 51.0107 of the San Diego Municipal Code provides for the development and maintenance of the City of San Diego Emergency Operations Plan. This Plan is a tool used to assist in the effective mobilization of city resources to meet conditions constituting local, state and federal emergencies. The Plan covers the organization, powers, duties, services and staffing patterns of the emergency services organization. The Emergency Operations Plan has been developed as the basis for conducting emergency operations within the City of San Diego. It incorporates the Standardized Emergency Management System (SEMS) concepts as mandated by Senate Bill 1841 (Petris). This Plan supercedes the Major Incident Response Plan dated August 1990.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Six actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-185) ADOPTED AS RESOLUTION R-289198

Gerald Williams - Water Utilities - \$300.03.
Rachel Herrera - Auditors - \$358.17.

Subitem-B: (R-98-186) ADOPTED AS RESOLUTION R-289199

Benjamin Lopez - MWWWD - \$727.80.

Subitem-C: (R-98-187) ADOPTED AS RESOLUTION R-289200

Ron Halbritter - Development Services - \$1,000.

Subitem-D: (R-98-188) ADOPTED AS RESOLUTION R-289201

Michael White - Water Utilities - \$5,000.

Subitem-E: (R-98-189) ADOPTED AS RESOLUTION R-289202

Richard Isabella - Water Utilities - \$500.

Subitem-F: (R-98-190) ADOPTED AS RESOLUTION R-289203

Maria LeSire - MWWWD - \$5,000.

FILE LOCATION: Subitems A,B,C,D,E,F: MEET

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Transfer of Funds for Inspiration Point Plan and East Mesa Northeast Corner Development.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-265) ADOPTED AS RESOLUTION R-289204

Authorizing the Auditor and Comptroller to transfer and expend \$57,902 from CIP-21-828.0, Naval Hospital Exchange Parcel - Landscaping and Related Work, San Diego Equipment Leasing Corporation Fund No. 91106, to CIP-21-856.0, Inspiration Point Precise Plan, for improvements to the Balboa Park East Mesa Northeast Corner and sidewalk extension on the west side of Pershing Drive;

Authorizing the Auditor and Comptroller to transfer and expend \$19,989 from CIP-21-828.0, Naval Hospital Exchange Parcel - Landscaping and Related Work, Naval Hospital Building Demolition Fund No. 60252, to CIP-21-839.0, Balboa Park East Mesa Northeast Corner Development.

CITY MANAGER SUPPORTING INFORMATION:

In the fall of 1996, construction was completed and the City accepted the Phase One reconstruction of the historic central courtyard on Inspiration Point (Naval Hospital Exchange Parcel - Landscaping and Related Work). A funding balance in the amount of \$77,891 currently exists in the Phase I Courtyard Project.

In August of 1996, the City authorized a contract for the construction of the improvements on the Balboa Park East Mesa Northeast Corner. During the construction process and due to safety concerns, the community of North Park requested that the City install a sidewalk from the tot lot on the west side of Pershing Drive to the intersection of Pershing Drive, Upas Street and 28th Street. In May of 1994, City Council authorized the location of the proposed Balboa Park Activity Center on the Inspiration Point site. Additional funding is necessary to accomplish the community's desires on the Balboa Park East Mesa Northeast Corner development project and to reconcile the Inspiration Point Precise Plan project budget currently in deficit as a result of the addition of the Activity Center to the Inspiration Point site. Additional funding will also provide for

future staff charges related to the approval of the Precise Plan, the Activity Center and the required Amendment to the Balboa Park Master Plan.

Aud. Cert. 9800210.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Settlement of the Property Damage Claim of Xiaowu Liang.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-184) ADOPTED AS RESOLUTION R-289205

A Resolution approved by the City Council in Closed Session on Tuesday, July 29, 1997 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$185,000 in the settlement with full release of each and every claim against the City, its agents and employees, (Superior Court Case No. 706631, Liang v. Bailey, et al.), and a full release from any failure of the slope repair to work as intended;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$185,000 made payable to Desert View Client Trust Account, in full settlement of the lawsuit and all claims;

Declaring that the funds are to be paid from the Public

Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the property damage claim of Xiaowu Liang et al. against the City of San Diego, its agents and employees, as a result of an incident which occurred on March 11, 1995.

Aud. Cert. 9800271.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: Scripps Ranch Boulevard/I-15 Subsystem Additional Funding.

(Scripps Miramar Ranch and Miramar Ranch North Community Areas. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-271) ADOPTED AS RESOLUTION R-289206

Authorizing the expenditure of an amount not to exceed \$115,000 from Fund No. 41500, CIP-70-918.0, Scripps Ranch Boulevard/I-15 Subsystem, to provide additional project-related costs, based on revised cost estimates for in-house engineering services, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

This request amends the amount previously authorized to expend for project related costs by Resolution R-287418, adopted on May 28, 1996, by \$115,000 for the Scripps Ranch Boulevard/I-15 Subsystem project based on revised cost estimates for in-house engineering service.

This increase is the result of unexpected efforts required to obtain a longitudinal encroachment permit from CalTrans, many unforeseen underground conflicts and a redesign of approximately 2.5 miles of the pipeline.

Aud. Cert. 9800272.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Two actions related to Mission Gorge Road Widening.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-269) ADOPTED AS RESOLUTION R-289207

Authorizing the City Auditor and Comptroller to expend \$1,000 from CIP-52-501.0, Mission Gorge Road Widening Trans Net Fund 30300, for the acquisition of property rights for this project and acceptance of the donated right-of-way;

Accepting the "reservation for future street" referred to in Map-7554, approved by City Council Resolution R-207370, dated February 15, 1973.

Subitem-B: (R-98-270) ADOPTED AS RESOLUTION R-289208

Authorizing the execution of a Joint Use Agreement with San Diego Gas and Electric Company (SDG&E), for joint use of right-of-way relating to Mission Gorge Road widening.

CITY MANAGER SUPPORTING INFORMATION:

The project consists of acquiring 468 square feet of a commercial lot for the widening of Mission Gorge Road from four lanes to six lanes. The property owner donated the required right-of-way instead of accepting the City's offer of \$6,325 for the property required. However, it is necessary for the City to pay for title, escrow and miscellaneous costs which total \$1,000.

Aud. Cert. 9800269.

FILE LOCATION: Subitems A,B: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: First Amendment to the Lease Agreement with Gibbs Flying Service, Inc. for a Police Air Support Unit Facility.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-182) ADOPTED AS RESOLUTION R-289209

Authorizing the execution of a first amendment to the lease agreement with Gibbs Flying Service, Inc. (Gibbs), for a Police Air Support Unit facility at Montgomery Field, which includes a large hangar/office

and helipad, extending the lease term for one year, commencing on July 1, 1997, with an option to extend the term one more year, with up to three additional one-year options (through May 31, 2002) if Gibbs exercises its option on a separate ground lease (Master Lease) it has with the City;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$45,986.04 for FY 98 from Fund 10118.

CITY MANAGER SUPPORTING INFORMATION:

In 1989, the City executed a lease with Gibbs Flying Service, Inc. (Gibbs), that is now on holdover, for a Police Air Support Unit facility at Montgomery Field. The lease includes a large hangar/office and helipad. The City also leases a small aircraft storage hangar from Gibbs on a month-to-month agreement.

The small hangar will be added to premises by this amendment. The entire facility currently accommodates six aircraft. The Police Air Support Unit was created primarily to protect the safety of Police Officers and citizens. It is used extensively in searching for suspects and missing persons. It is an extremely beneficial part of the Police Department because aircraft can normally respond faster than ground units; they can maneuver more safely in high-speed pursuits; and they are critical in surveying canyons or other areas not easily accessible or that are unsafe for ground units to enter. The aircraft are equipped with infrared for night visibility. The pilots are thoroughly trained; they flew 2,500 hours last year, and they operate in full compliance with the City and FAA guidelines and with letters of agreement with local air traffic control facilities. The leased premises is located near the Police Department's Eastern Division and south of Runway 28L at Montgomery Field, allowing the Police to rapidly and safely respond to dispatches. This amendment extends the lease term one year, commencing on July 1, 1997, with an option to extend the term one more year and with up to three additional one-year options (through May 31, 2002) if Gibbs exercises its option on a separate ground lease (Master Lease) it has with the City. By approving the first amendment to the lease agreement, the Police Air Support unit will be able to continue operating from Montgomery Field and providing vital support services for the City's Police Officers.

Aud. Cert. 9800131.

FILE LOCATION: LEAS - Gibbs Flying Service, Inc.
(Gibbs) LEASFY98-1

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Second Amendment to the Agreement with San Diego Tennis Patrons for the Youth Activity Building.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-249) ADOPTED AS RESOLUTION R-289210

Authorizing a second amendment to the agreement with San Diego Tennis Patrons for design of tennis courts and the Youth Activity Building located at 4490 W. Point Loma Boulevard, San Diego;

Authorizing the expenditure of not to exceed \$25,000 from CDBG Fund No. 18532, Dept. No. 4112, Org. No. 1228, JO No. 112482; and not to exceed \$10,000 from CDBG Fund No. 18533, Dept. No. 4132, Org. No. 3224, JO No. 112482.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Tennis Patrons (SDTP) is a non-profit organization which has been providing tennis activities for children since 1953. On September 12, 1994, the City Council adopted Resolution No. R-284575 authorizing the expenditure of \$258,000 for design services and permit fees for construction of the George E. Barnes Family Junior Tennis Center. On January 9, 1995, the City Council adopted Resolution No. R-285161 authorizing the expenditure of \$75,000 for asphalt paving of this project.

The Tennis Center is constructed in two phases. Phase One of the project, which includes construction of one stadium court, fifteen hard courts and a 2,000 sq. ft. Youth Activity Building, was completed in June 1995. Phase Two of the project will include construction of four hard courts, four clay courts and an 11,000 sq. ft. Youth Activity Building. On April 23, 1996, the City Council adopted Resolution No. R-287238 granting \$25,000 of Fiscal Year 1997 CDBG Funds for the San Diego Tennis Patrons. On April 29, 1997, the City Council adopted Resolution No. R-288602 granting \$10,000 of Fiscal Year 1998 CDBG Funds for the San Diego Tennis Patrons. Council action is requested to allow \$35,000 to be used for design of Phase Two of the project.

Aud. Cert. 9800239.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112:

SUBJECT: Sixth Amendment to the Memorandum of Agreement to extend use of the Tijuana Emergency Sewer Connection.

(San Ysidro, Tijuana River Valley Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-280) ADOPTED AS RESOLUTION R-289211

Authorizing a sixth amendment to the memorandum of agreement of July 22, 1991, with the United States International Boundary and Water Commission, to extend use of the Tijuana emergency sewer connection until September 30, 1998.

CITY MANAGER SUPPORTING INFORMATION:

In 1990, the City agreed to treat up to 13 million gallons per day (mgd) of Tijuana sewage in the City's Metropolitan Wastewater System (Metro) as an interim solution to the border sanitation problem, until the International Treatment Facilities are constructed. The City entered into an agreement with the International Boundary and Water Commission (IBWC) on July 22, 1991 to treat Tijuana sewage. Since October 1991, the City has conveyed Tijuana sewage through the emergency connection to the Metro system for treatment. The existing agreement expires on September 30, 1997.

This sixth amendment will extend the agreement until September 30, 1998. The advanced primary portion of the International Treatment Plant came on line in May 1997. The South Bay Ocean Outfall is expected to be complete by October 1998. Until the outfall system is completed, Tijuana flows will continue to be conveyed to the Metro system for disposal.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113:

SUBJECT: Extending the Agreement with the YMCA to Provide After School Day Camp Programs.

(City Heights, Golden Hill, Linda Vista, Logan Heights, Otay Mesa/Nestor, San Ysidro and Skyline/Valencia Community Areas. Districts-3, 4, 5 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-264) ADOPTED AS RESOLUTION R-289212

Authorizing the City Manager to enter into an agreement with the YMCA of San Diego County, Inc., to provide youth after school day camp programs as part of the City's Neighborhood Pride and Protection Program for Fiscal Year 1998;

Authorizing the expenditure of an amount not to exceed \$242,000 from Fund 18533, Dept. 4141, Org. 4112.

CITY MANAGER SUPPORTING INFORMATION:

The Park and Recreation Department is proposing to extend the contract with the YMCA to operate youth after school day camp programs in seven high crime communities within the City as part of the Neighborhood Pride and Protection Program. The YMCA's PRYDE Program format was used in the implementation of this program in FY '92.

The PRYDE Program is designed to reach "at risk" youth between the ages of 8 and 15 and features anti-drug/gang education as well as wholesome recreation activities. The PRYDE Program is conducted out of four YMCA centers and outreach into the seven communities: City Heights, Golden Hill, Logan Heights, Linda Vista, Otay Mesa/Nestor, San Ysidro and Skyline/Valencia. Approximately 50 percent of the program is conducted on park or school grounds and the remainder at YMCA sites. The program includes a camping component and follow-up with families. The program has been in effect since FY '92 during which time it has proven to be effective and successful with positive evaluation. Per Resolution No. R-284840, the Park and Recreation Department proposes to extend the program into FY '98. The program will serve 320 to 560 children and their families during the twelve month program in FY '98 beginning July 1, 1997.

Aud. Cert. 9800231

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114:

SUBJECT: Colony Hills Water Main and Slope Repair Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-281) ADOPTED AS RESOLUTION R-289213

Accepting the low bid and awarding a contract to Vadnais Corporation for the Construction of Colony Hills Water Main and Slope Repair on Work Order No. 183991 in the amount of \$1,150,825.50, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer \$1,800,000 from Water Fund Unallocated Reserve (Water Department Fund 41500, Program Element 76226) to CIP-73-083.0/73-851.8;

Authorizing the expenditure of \$1,550,000 from CIP-73-083.0/73-851.8, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds if any to the appropriate reserves;

Authorizing the City Manager to pay up to, but not to exceed \$250,000 from CIP-73-083.0/73-851.8 to the consultant retained by Risk Management Department, Group Delta Consultants, Inc., for geological services and repair plans for the Colony Hills Water Main and Slope Repair Project. (BID-K98019)

CITY MANAGER SUPPORTING INFORMATION:

The existing slope and 16-inch water main adjacent to and behind 7555 and 7563 Caminito Avola failed. Due to the emergency potential of the slope instability that might adversely affect

the adjacent property owners' homes. Group Delta Consultants, Inc., was retained by the Risk Management Department to perform geological services and prepare construction drawings. The Engineering and Capital Projects Department, Water and Wastewater Facilities Division, acquired the construction portion of the project. Due to the urgent nature of the project, proposals were solicited from five contractors. The lowest proposal from Vadnais Corporation in the amount of \$1,150,825.50, which is 11.5 percent below the engineer's estimate, is being recommended by staff for the project, as construction should proceed immediately to prevent further slope failure that may ultimately impact the structures. The scope of work shall include the repair of the 16-inch water main, reconstruction of the slope and revegetation of the damaged areas. This action will provide the necessary funds required for the design, specifications, construction, and related activities.

Aud. Certs. 9800314, 9800315.

WWF-98-303.

FILE LOCATION: CONT - Vadnais Corporation
 W.O. 183991 CONTFY98-1

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115:

SUBJECT: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-115) ADOPTED AS RESOLUTION R-289214

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116:

SUBJECT: Two actions related to the Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-97-156; letter from Scot C. Sandstrom, E. Williams Meyer, and Jerry Elder dated 8/12/97; letter from Willard E. and Traute Gleeson dated 6/29/97. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1353 Corr.Copy) ADOPTED AS RESOLUTION R-289215

Approving the document entitled "Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 1998, September 1997."

Subitem-B: (R-97-1354 Corr.Copy) ADOPTED AS RESOLUTION R-289216

Resolution of Intention to designate an area of benefit in Carmel Valley and setting the time and place for holding a public hearing.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 8/13/97, LU&H voted 3-0 to recommend that the City Council:
1) Approve the Carmel Valley Public Facilities Financing Plan for Fiscal Year 1998; 2) Adopt a Resolution of Intention to designate two areas of benefit for Facilities Benefit Assessment (FBA) in Carmel Valley; and 3) Adopt a resolution of designation.
(Councilmembers Mathis, Wear and Stevens voted yea.
Councilmembers Kehoe and Vargas not present.)

FILE LOCATION: Subitems A,B: STRT - FB-8

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

(Continued from the meeting of September 9, 1997, Item 331, at the City Manager's request, for further review.)

SUBJECT: An appeal by Don Rose of SDG&E from the decision of the Historical Site Board in approving the historical site designation of property located at 75 9th Ave., Lot A in Block 157 of Horton's Addition in the City of San Diego (Brick Building).

(Centre City Community Area. District-2.)

NOTE: Hearing open. No testimony taken on 9/9/97.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal:

(R-97-) CONTINUED TO OCTOBER 21, 1997

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

OTHER RECOMMENDATIONS:

Historical Site Board voted 9-1-1 to approve the historic designation.

Ayes: Barr, Bishop, Brown, Christenson, Furlong, May,
Riley, Jr., Stiegler, Stykes
Nays: Iseman
Abstaining: Strahm
Not present: Austin

SUPPORTING INFORMATION:

The historical site designation of the two walls of the building on Lot A, Block 157, on San Diego Gas & Electric's (SDG&E) property located at 75 9th Avenue, was decided by the Historical Site Board on June 25, 1997. Don Rose, Land Planning and Natural Resources Supervisor for SDG&E, is appealing this decision based on historical, structural, environmental, and economic issues. The Station A "Brick Building" is a 5,000 square foot concrete and unreinforced masonry structure constructed in 1911 by the Chicago firm of Byllesby and Company. It was built as a turbine room addition for the now-demolished first power plant of the City of San Diego (1880-88). This structure is the only extant building of that original plant. The "Brick Building" is a Richardsonian, two-story structure with classical design features such as a series of large keystone arched windows, a circular window and masonry pilasters as well as quoins at the Ninth and Imperial Corner. The Ninth Avenue facade has been altered by the addition of an unsympathetic rollup door. Nonetheless, both the Imperial Avenue and Ninth Street Facades are primarily intact and are excellent examples of the turn-of-the-century Richardsonian industrial architectural style.

LEGAL DESCRIPTION:

The subject property is located at 75 9th Avenue and is more particularly described as Lot A in Block 157 of Horton's Addition in the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO CONTINUE FOR THREE WEEKS AT THE REQUEST OF COUNCIL MEMBER WEAR TO ALLOW TIME FOR DATA TO COME BACK FROM THE AGENCY AND SDG&E. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea,

Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: WORKSHOP HELD

SUBJECT: In the matter of a Special Workshop regarding Welfare
Reform.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B136-E084.)

ITEM-S500:

(Continued from the meeting of September 16, 1997, Item
201, at Councilmember Stevens's request, to allow staff
time to get the information from the Office of Federal
Contract Compliance.)

SUBJECT: Brown Field Airport Improvements Project.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-19) ADOPTED AS RESOLUTION R-289217

Accepting the low bid and authorizing a contract with
Sim J. Harris Construction Company, for the Brown Field
Airport Improvements Project, Taxiway "Alpha" Extension
and Runway 8L/26R Rehabilitation (2-week schedule),
plus Alternate One, Runway 26L Extension, in the amount
of \$1,490,462.22, which is 0.2 percent under the
estimate of \$1,492,874.25;

Authorizing the City Auditor and Comptroller to
transfer \$90,000 to CIP-31-166.0 and \$150,000 to
CIP-31-167.0 from the unappropriated fund balance in
Fund 41100;

Authorizing the additional expenditure of \$90,000 from

CIP-31-166.0, and \$150,000 from CIP-31-167.0, to supplement funds previously authorized by Resolution R-288898 for Brown Field Airport Improvements Project, adopted on June 30, 1997;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K97221C)

CITY MANAGER SUPPORTING INFORMATION:

These actions would appropriate funds from the Airport Enterprise Fund for runway improvement work at Brown Field Airport. Existing capital improvement projects at Brown Field will construct a taxiway extension and rehabilitate the main runway using State and Federal grant funds. However, as part of the CIP design process, additional improvements were identified which should be constructed in conjunction with the existing CIP projects. These additional improvements include additional pavement and rehabilitation on the main runway, which does not qualify for grant funding, and improvements to the airport's secondary runway in order to reduce disruption of operations while the primary runway is closed for construction. The airport staff wishes to consolidate this additional work with the current CIP projects, which are ready to begin construction, in order to achieve a savings through economy of scale. Approval and construction of these needed additional improvements will improve safety and operations and will enhance the overall efficiency of the airport.

Aud. Cert. 9800230.

FILE LOCATION: CONT - Sim J. Harris Construction Company
 CONFY98-1

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S501:

(Trailed from the meeting of Tuesday, August 5, 1997, Item 330a & b; continued from the meeting of Monday, August 11, 1997, Item S406b; continued from the meeting of September 16, 1997, Item 334; last continued at Councilmember Mathis's request, to reach final resolutions of this item.)

(District-1.)

SUBJECT: Matter of Amendments to the La Jolla Community Plan and Local Coastal Program Land Use Plan.

NOTE: The resolution certifying Addendum DEP-96-7580 to Environmental Impact Report EIR-92-0199 was adopted by Council on 8/12/97, Resolution R-289096; the rezoning ordinance was approved by Council on 9/8/97, Ordinance O-18430.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-93) CONTINUED TO SEPTEMBER 30, 1997

Adoption of a Resolution amending the La Jolla Community Plan and Local Coastal Program Land Use Plan.

NOTE: The public testimony portion of the hearing is open. No testimony taken on 9/16/97.

OTHER RECOMMENDATIONS:

On December 1, 1994, the Planning Commission voted 5-1 to approve the La Jolla Community Plan Update with a modification regarding low-income housing and also to approve the associated rezonings to implement the plan, modifying the proposal to include the rezoning of all City-owned open space to OS-OSP. The January, 1995 Draft Community Plan incorporated the modifications approved by the Planning Commission.

On June 6, 1996, the La Jolla Community Planning Association approved a motion (by a vote of 13-0-0) to "request (that the) City draft (a) policy which eliminates requirements for vertical access way and visual corridors through private property." On July 10, 1997, the proposed revisions to the text regarding access were presented to the Association and, after discussion, there was no motion to reconsider their action of June 6th. The

Association did, however, vote 8-1-1 to approve the proposed revisions clarifying the "Cultural Complex" designation of the Plan, as well as the proposed amendments to the La Jolla Planned District Ordinance to rezone the two "split-zoned" properties as proposed on Rezone Map C-630.2.

CITY MANAGER SUPPORTING INFORMATION:

On January 17, 1995, the City Council approved the La Jolla Community Plan and Local Coastal Program Land Use Plan. On May 11, 1995, the California Coastal Commission denied the Plan as submitted, but adopted the Plan with modifications. On August 15, 1995, the City Council approved the modifications, with the exception of one item which proposed to amend the Community Plan recommendation 2.e. on page 44 of the January, 1995 draft of the Plan, regarding the physical and visual access to the coast. The Council directed the City Attorney and Community Planning staff to work with California Coastal Commission staff to revise the recommendation in a manner that is legal and mutually acceptable, and to bring the revisions back to the Council for adoption.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A443-470.)

MOTION BY MATHIS TO CONTINUE FOR ONE WEEK TO ALLOW TIME TO REVIEW THE PROPOSED LANGUAGE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S502: REFERRED TO CLOSED SESSION

SUBJECT: Authorizing Property Negotiations with representatives of the Metropolitan Transit Development Board (MTDB).

In the matter of authorizing the City Manager to negotiate with representatives of MTDB regarding the trolley station at the QUALCOMM Stadium parking lot.

As a requirement of the Brown Act (California Government Code Section 54956.8) this issue must be listed on the docket for public testimony prior to Council discussion in Closed Session.

TODAY'S ACTION IS:

1) Open the Public Hearing and accept testimony from any members of the public who wish to address the Council on this subject; 2) Close the public hearing; and 3) Refer the matter to Closed Session on September 23, 1997.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO REFER TO CLOSED SESSION. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-S503:

SUBJECT: Settlement of the Property Damage Claim of Dr. John and Mrs. Barbara Nevara.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-332) ADOPTED AS RESOLUTION R-289218

A Resolution approved by the City Council in Closed Session on Tuesday, September 9, 1997 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-nay; Warden-yea; Stallings-yea; McCarty-not present; Vargas-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$300,000 in the settlement of each and every claim against the City, its agents and employees, Superior Court Case No. 698671, John Nevara, et al. v. City of San Diego, et al., resulting from the settlement of the property damage claim of Dr. John and Mrs. Barbara Nevara in the amount of \$200,000; authorizing the expenditure of an additional amount not to exceed \$100,000 from the Public Liability Fund for building of the drainage system and removal of other improvements in the public right of way at the north end of the paved portion of Ampudia Street, as required by the

settlement;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$200,000, made payable to Dr. John and Mrs. Barbara Nevara and their attorney of record, Edward H. McIntyre, in full settlement of the lawsuit and all claims;

Declaring that the funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the property damage claim of Dr. John and Mrs. Barbara Nevara against the City of San Diego, its agents and employees, as a result of an incident which occurred on May 12, 1994.

Aud. Cert. 9800349.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A381-440.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ITEM-CS-1: (R-98-346) ADOPTED AS RESOLUTION R-289219

A Resolution adopted by the City Council in Closed Session on September 23, 1997:

Authorizing the City Manager to pay the sum of up to but not exceeding \$37,000.00 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from the Personal Injury Claims of Dannie Kamack, Mark Reese and Tracson McLeod; authorizing

the City Auditor and Comptroller to issue three checks: one in the amount of \$12,000.00 made payable to Dannie Kamack and his attorney of record Michael Marrinan; one check in the amount of \$18,500.00 made payable to Mark Reese and his attorney of record Michael Marrinan; and one check in the amount of \$6,500.00 made payable to Tracson McLeod and his attorney of record Kay Sunday in full settlement of all claims.

Aud. Cert. 9800355

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Warden at 4:41 p.m. in honor of the memory of:

Thompson "Tom" Goldsmith as requested by Deputy Mayor Warden; and

Dr. Orrin E. Klapp as requested by City Clerk Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E087-105).