

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
OCTOBER 1, 1990
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 2:03 p.m. The meeting was recessed by Mayor O'Connor at 2:20 p.m. to convene the Housing Authority. The meeting was reconvened by Mayor O'Connor at 5:00 p.m. with Councilmember Pratt not present. The meeting was recessed by Mayor O'Connor at 5:05 p.m. and reconvened at 5:10, with Councilmember Pratt not present. Mayor O'Connor adjourned the meeting at 10:25 p.m.

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 (ll)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member 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

Oct-1-1990

ITEM-10: INVOCATION

Invocation was given by Clerk Abdelnour.

FILE LOCATION: MINUTES

Oct-1-1990

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member McCarty.

FILE LOCATION: MINUTES

ITEM-30: PROCLAIMED

Proclaiming October 1 through 6, 1990, to be "Customer Service Days" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A029-033)

MOTION BY McCARTY TO PROCLAIM. 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-yea.

ITEM-31:

(Continued from the meeting of September 17, 1990, Item S404, at Councilmember Roberts' request, to allow Bee Fang and Scott Closson to be present.)

Two actions relative to commendations:

Subitem-A: (R-91-476) ADOPTED AS RESOLUTION R-276615

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

Subitem-B: (R-91-477) ADOPTED AS RESOLUTION R-276616

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A036-072.)

MOTION BY ROBERTS TO ADOPT. Second by McCarty. 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-32: GRANTED REQUEST FOR A HEARING ON OCTOBER 16, 1990

Matter of the requests of J. P. Snodgrass, William W. Williams, Christopher J. Wills, Herman F. Froeb, R. L. McNitt, Jr., and Joseph M. Patridge, for a hearing of the appeals 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.)

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

FILE LOCATION: PERM CDP/LJS-90-0531

COUNCIL ACTION: (Tape location: A074-108.)

MOTION BY WOLFSHEIMER TO GRANT THE APPEAL FOR THE HEARING AS IT IS AN ISSUE THAT IS OF CITYWIDE IMPORTANCE AND NOW IS THE TIME TO SET A PRECEDENCE. 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 REQUEST FOR A HEARING ON OCTOBER 16, 1990

Matter of the request of Alfred C. Strohlein and Charles D. Grim, for a hearing of an appeal from the decision of the Planning Director in granting Early Release Single-Family Neighborhood Protection Ordinance (ERSFNPO) Case-90-3007, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family

residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property at 1343 Reed Avenue is located within a single-family neighborhood. The subject property is further described as Lots 11 and 12, Block 288, Pacific Beach Map-923, in Zone R-1500 (Multi-Family), in the Pacific Beach Community Plan area. (ER-90-3007. District-6.)

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

FILE LOCATION: ZONE ERSFNPO-90-3007

COUNCIL ACTION: (Tape location: A110-127.)

MOTION BY HENDERSON TO GRANT HEARING ON TUESDAY, OCTOBER 16,

1990 AS ISSUE WILL HOPEFULLY BE RESOLVED AT THE SPECIAL MEETING SCHEDULED FOR OCTOBER 10, 1990 IN PACIFIC BEACH. 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-34: GRANTED REQUEST FOR A HEARING ON OCTOBER 16, 1990

Matter of the request of Alfred Strohlein for a hearing of an appeal, from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance Case-90-3027, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property located at 3867 Kendall Street is located within a single-family neighborhood. The subject property is further described as Lots 7 and 8, Block 28, Fortuna Park Addition, Tract 894, in Zone R-1500, in the Pacific Beach Community Plan area. (Case-90-3027. District-6.)
A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: ZONE ERSFNPO 90-3027

COUNCIL ACTION: (Tape location: A110-127.)

MOTION BY HENDERSON TO GRANT HEARING ON OCTOBER 16, 1990 AS ISSUE WILL HOPEFULLY BE RESOLVED AT SPECIAL MEETING SCHEDULED FOR OCTOBER 10, 1990 IN PACIFIC BEACH. 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-35: GRANTED REQUEST FOR A HEARING ON OCTOBER 16, 1990

Matter of the request of Alfred C. Strohlein, for a hearing of an appeal from the decision of the Planning Director in granting Early Release Single-Family Neighborhood Protection Ordinance (ERSFNPO) Case-90-3026, requesting an early release from the Single-Family Neighborhood

Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property located at 4053 Honeycutt Street is located within a single-family neighborhood. The subject property is further described as Lots 11 and 12, Block 2, Venice Park Map-991, in Zone R-1500, in the Pacific Beach Community Plan area. (Case-90-3026. District-6.)

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

FILE LOCATION: ZONE ERSFNPO 90-3026

COUNCIL ACTION: (Tape location: A110-127.)

MOTION BY HENDERSON TO GRANT HEARING ON OCTOBER 16, 1990 AS THE ISSUE WILL HOPEFULLY BE RESOLVED AT THE SPECIAL MEETING SCHEDULED FOR OCTOBER 10, 1990 IN PACIFIC BEACH. 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-50: (O-91-11) ADOPTED AS ORDINANCE O-17534 (New Series)

Amending the San Diego Municipal Code relating to Land Development and Public Right-of-Way, Chapter VI, Article II, of the San Diego Municipal Code by amending Sections 62.0101, 62.0102, 62.0103, 62.0104, 62.0105, 62.0106 and 62.0107; by adding Section 62.0108; by renumbering and amending Sections 62.0108, 62.0109, 62.0110 and 62.0111; by renumbering Section 62.0112; by adding Section 62.0114; by renumbering Section 62.0114; by renumbering and amending Section 62.0115; by adding Sections 62.0117, 62.0118 and 62.0119; by amending Sections 62.0202, 62.0203, 62.0206, 62.0207, 62.0301, 62.0302, 62.0303, 62.0304, 62.0401 and 62.0402; by renumbering and amending Sections 62.0402.1 and 62.0402.2; by adding Section 62.0405; renumbering and amending Sections 62.0402.1 and 62.0402.2; by adding Section 62.0405; by renumbering and amending Sections 62.0403.6 and 62.0404; by adding Section 62.0408; by renumbering Section 62.0404.6; by renumbering and amending Section 62.0405; by renumbering Sections 62.0406 and 62.0407; by renumbering and amending Sections 62.0408,

62.0409, 62.0410, 62.0414, 62.0416.5 and 62.0417; by renumbering Section 62.0417.1; by renumbering and amending Section 62.0418; by renumbering Section 62.0419 and by renumbering Section 62.0419 and by renumbering and amending Section 62.0420; amending Chapter VIII, Article 2, Section 82.25.5, Chapter X, Article 1, Section 101.0550 and Chapter X, Article 3, Sections 103.1204 and 103.1408 to reflect the renumbering of Sections 62.0115 to 62.0116 within those Sections; and amending Chapter X, Article 2, Section 102.0500 to reflect the renumbering of Section 62.0111 to 62.0112 within that Section.

(Introduced on 9/17/90. Council voted 8-0. District 7 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C-239-276.)

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

19901001

ITEM-51:

Two actions relative to the San Ysidro Community Plan:
(San Ysidro Community Area. District-8.)

Subitem-A: (O-91-15 Rev.1 COR.COPY) ADOPTED AS ORDINANCE
O-17548 (New Series)

Amending Chapter X, Article 3, Division 21, of the San Diego Municipal Code, by adding Division 21, entitled, San Ysidro Planned District, and by adding Sections 103.2101, 103.2102, 103.2103, 103.2104 and 103.2105, relating to the San Ysidro Implementing Ordinance.

(Introduced as amended on 9/18/90. Council voted 7-0.
Districts 2 and 7 not present.)

Subitem-B: (O-91-16 Corr. Copy) ADOPTED AS ORDINANCE
(09/06/90) O-17549 (New Series)

Rezoning various properties generally located south of Highway 117, between Hollister Street and the eastern boundary of the San Ysidro Community Plan area, for the purpose of implementing the 1990 update of the San Ysidro Community Plan.

(Introduced as amended on 9/18/90. Council voted 7-0. Districts 2 and 7 not present.)

FILE LOCATION: LAND-San Ysidro Community Plan

COUNCIL ACTION: (Tape location: C248-266.)

MOTION BY FILNER TO ADOPT, AND REFER BACK TO PLANNING DEPARTMENT FOR PROPER NOTICING OTHER AREAS TO BE REZONED. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-91-318) ADOPTED AS RESOLUTION R-276617

Awarding a contract to Westburne Supply for miscellaneous valves, as may be required for a period of six months beginning October 15, 1990 through April 14, 1991, for an estimated cost of \$60,500, with options to renew the contract for three additional six month periods, with option period price increases not to exceed the prices in effect for the previous contract period by more than 12 percent. (BID-E1715/91)

FILE LOCATION: CONT-PURCHASE Westburne Supply CONT
FY91-1

COUNCIL ACTION: (Tape location: C239-276.)

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

* ITEM-101: (R-91-317) ADOPTED AS RESOLUTION R-276618

Awarding a contract to Appropriate Technologies for providing the packing, testing, transportation, storage and

disposal of hazardous materials - police evidence only, as may be required for a period of one year beginning September 1, 1990 through August 31, 1991, with terms of net 30 days, with options to renew the contract for four additional one year periods, with option year price increases not to exceed the prices in effect for the previous contract year by more than 200 percent.
(BID-E1660/91)

FILE LOCATION: CONT-PURCHASE Appropriate Technologies
CONT FY91-1

COUNCIL ACTION: (Tape location: C239-276.)
CONSENT MOTION BY McCARTY TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-91-316) ADOPTED AS RESOLUTION R-276619

Awarding a contract to Eugene Carter Enterprises, Inc. for furnishing complete janitorial maintenance for the Police Department Headquarters Building at 1401 Broadway, as may be required for a period of one year beginning October 1, 1990 through September 30, 1991, for an estimated annual

cost of \$137,761.40, including terms, with options to renew the contract for four additional one year periods, with price escalation not to exceed 12 percent of prices in effect at the end of each prior contract period; declaring that in the event the contract vendor does not perform to specifications, the Purchasing Agent is 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-F1681/91)

FILE LOCATION: CONT-PURCHASE Eugene Carter Enterprises,
Inc. CONT FY91-1

COUNCIL ACTION: (Tape location: C239-276.)
CONSENT MOTION BY McCARTY TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103:

Three actions relative to the Construction of Sewer Pump Station No. 10: (BID-K1784/91)

(Ocean Beach Community Area. District-2.)

Subitem-A: (R-91-324) ADOPTED AS RESOLUTION R-276620

19901001

Inviting bids for the Construction of Sewer Pump Station No. 10 on Work Order No. 171291; authorizing the execution of a contract with the lowest responsible bidder; authorizing the execution of an agreement with Jaykim Engineers, Inc., for additional engineering design and construction services at a cost not to exceed \$69,009, in connection with Sewer Pump Station No. 10, and a portion of Mission Bay Sewage Interceptor System; authorizing the expenditure, not to exceed \$2,028,182 from Sewer Revenue Fund No. 41506, CIP-46-106.), Annual Allocation For Pump Station Restorations for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-91-325) ADOPTED AS RESOLUTION R-276621

Certifying that the information contained in Environmental Negative Declaration END-89-1104, dated August 2, 1990 in connection with Sewer Pump Station No. 10, has been completed in compliance with the California Environmental Quality Act of 1970 and the State guidelines, and that said Declaration has been reviewed and considered by the Council.

Subitem-C: (R-91-326) ADOPTED AS RESOLUTION R-276622

Authorizing the use of City Forces to do all the work to make connections and perform operational checks as required in the above construction; declaring that the cost of said work shall not exceed \$40,000.

CITY MANAGER SUPPORTING INFORMATION: Sewer Pump Station

No. 10 has been slated for replacement under the Annual Allocation for Pump Station Restoration (CIP-46-106.0). Pump Station No. 10 transports sewage from the low-lying coastal areas of Ocean Beach to the Ocean Beach Trunk Sewer. Built in 1917, it has exceeded the anticipated service life of 40 years for pump stations and has been identified as having questionable structural integrity and power pump efficiency. In addition, installation of a secondary power source has been mandated for compliance with Regional Water Quality Control Board Cease and Desist Order No. 87-89.

An Engineering Agreement with Jaykim Engineers, Inc., was approved by the City Council January 30, 1989. The subject agreement is being amended to include plans for receiving and conveying nuisance flows from the Mission Bay Sewage Interceptor System Phase II (MBSIS), obtaining community acceptance, and installing operational and maintenance features not identified in the original scope of services. Modification of the construction documents for incorporating the MBSIS will result in a cost savings to the City by eliminating the need to install a second pump station in this area. The prime consultant of the original agreement and first amendment thereto is an MBE. Aud. Cert. 9100219.
WU-P-91-023.

FILE LOCATION: W.O. 171291 CONT - ENGICON Corporation
CCONT FY91-1

COUNCIL ACTION: (Tape location: C239-276.)

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

* ITEM-104:

Two actions relative to Lusk Mira Mesa Residential Unit
No. 1:

(Located northeasterly of Mira Mesa Boulevard and Camino
Santa Fe. Mira Mesa Community Area. District-5.)

Subitem-A: (R-91-503) ADOPTED AS RESOLUTION R-276623

Authorizing the City Manager to release a portion of the surety issued by Continental Insurance Company in the form of Performance Bond No. SC 709 78 42, so that the same is reduced as follows:

1. For faithful performance, to the sum of \$892,386.
2. For the benefit of the contractor, subcontractor and to persons renting equipment or furnishing labor or materials, to the sum of \$446,193.

Subitem-B: (R-91-504) ADOPTED AS RESOLUTION R-276624

Granting an extension of time to September 8, 1991, to Lusk-Smith/Mira Mesa North, subdivider, to complete the improvements required in Lusk Mira Mesa Residential Unit No. 1.

CITY MANAGER SUPPORTING INFORMATION: On September 8, 1986, the City entered into an agreement with Lusk-Smith/Mira Mesa North for the construction of public improvements for Lusk Mira Mesa Residential Unit No. 1. Performance Bond No. SC 709 78 42 issued by the American Insurance Company in the amount of \$2,704,198 was provided by the subdivider. The agreement expired September 8, 1988. The subdivider has requested a partial release of surety and an extension of time to September 8, 1991 in which to complete the required improvements. Eighty-nine percent of the work has been completed to the satisfaction of the City Engineer. 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. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. In accordance with Council Policy 800-11 and 600-21, respectively, it is recommended that the surety be reduced by an amount which is 75 percent of the value of the work completed. Therefore, 67 percent of the original surety will be released which will reduce the surety to \$892,386.

FILE LOCATION: SUBD-Lusk Mira Mesa Residential Unit No. 1

COUNCIL ACTION: (Tape location: C239-276.)

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

* ITEM-105: (R-91-486) ADOPTED AS RESOLUTION R-276625

Excusing Councilmember Wes Pratt from attending the regularly scheduled Housing Commission meeting of August 6, 1990 and Council meetings of August 6 and 7, 1990, due to personal family business.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C239-276.)

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

* ITEM-106: (R-91-327) ADOPTED AS RESOLUTION R-276626

Awarding a contract to L.R. Hubbard Co., Inc. in the amount of \$520,835.45 for Mid-City Commercial Revitalization

Program Phase 7 (Adams Avenue Alley West/30th Street to Boundary Street); authorizing the expenditure of an amount not to exceed \$100,000 from CDBG Fund No. 18525, Dept. No. 5883, Org. No. 8309, Job Order No. 008309, to supplement funds previously authorized by Resolution R-276281, adopted on August 6, 1990, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K1686/91)
(North Park Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: This contract was advertised on August 9, 1990. Forty bid packages were issued and four bids submitted. The estimated construction costs, prepared by the City's design consultant, was \$427,400. A low bid submitted by L.R. Hubbard Co., Inc. was for \$520,835.45, which is \$93,435 (21.8 percent) over the consultant's estimate. All bids received exceeded the estimate. Based on the range of the four bids received (\$520,835, \$527,256, \$575,772 and \$680,028), it is recommended that the low bid of \$520,835.45 be accepted and the contract be awarded to L.R. Hubbard Co., Inc. The additional funds are available in the Mid-City Commercial Revitalization Program, specifically from Phase 8 which has delayed in design.
Aud. Cert. 9100235.

FILE LOCATION: CONT - L. R. Hubbard Co., Inc. CONT
FY91-1

COUNCIL ACTION: (Tape location: C239-276.)

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

ITEM-107: (R-91-355) ADOPTED AS RESOLUTION R-276627

Approving the Public Facilities and Recreation Committee
recommendations on those City-owned sites previously
designated for sale: Sites 9A, 10A, 11A, 14A, 232, 254,
255, 289, 332, 364, 405, 407, 441, 456, 495-B, 499-B, 501,
502, 503, 504, 505, 506, 507, 508-A, 531, 557, 558, 573,
586, 609, 619, 665, 669-B, 673, 757 and 813; declaring that
the City Council intends to be able to change the
designation at any time or utilize the property for any
purpose determined to be in the best interest of the City
Council; declaring that the designation serves as a
tentative guide to the City staff with regard to potential
use of vacant City-owned land.

(See City Manager Report CMR-90-363. Districts 1, 4, 6
and 8.)

COMMITTEE ACTION: Reviewed by PFR on 6/13/90 and 6/27/90.

Recommendation to approve the land use designations as acted
upon at the June 13 and 27, 1990, PFR meetings for sites: 9A,
10A, 11A, 14A, 232, 254, 255, 289, 332, 364, 405, 407, 441, 456,
495-B, 499-B, 501, 502, 503, 504, 505, 506, 507, 508-A, 531,
557, 558, 573, 586, 609, 619, 665, 669-B, 673, 757 and 813. On
6/13/90 Districts 3, 6, 7 and 8 voted yea; District 1 not
present. On 6/27/90 Districts 1, 3, 6, 7 and 8 voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C-280-355.)

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

* ITEM-108: (R-91-473) ADOPTED AS RESOLUTION R-276628

Authorizing the execution of agreements with the City of Coronado, the Lemon Grove Sanitation District, the City of Escondido, the City of Poway, and the City of Imperial Beach, in connection with implementation of the Industrial Pretreatment Program, with any necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of the program and agreements.

CITY MANAGER SUPPORTING INFORMATION: Under 40 CFR 403.8(f)(1)(iii) (Code of Federal Regulations), the City of San Diego, as owner and operator of the Point Loma Wastewater Treatment Plant and holder of the National Pollution Discharge Elimination System Permit issued to that facility, has the authority and obligation to control the contributions to the plant from each industrial user throughout the service region to ensure compliance by industries with applicable pretreatment standards and requirements.

The City must exercise this authority even when the industry is located in an outlying jurisdiction. As the result of an Environmental Protection Agency audit, the City is required to supplement its existing legal authorities and sewer service agreements by negotiating and executing an interjurisdictional pretreatment agreement with each contributing jurisdiction. Where portions of San Diego are served by a treatment plant owned and operated by another jurisdiction, such as the City of Escondido, an interjurisdictional pretreatment agreement is required to address control of industry discharges and administration of the pretreatment program in that portion of the City.

WU-U-90-179.

FILE LOCATION: WATER - Industrial Pretreatment Program
CONT FY91-5

COUNCIL ACTION: (Tape location: C239-276.)

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

* ITEM-109: (R-91-388) ADOPTED AS RESOLUTION R-276629

Authorizing the execution of an amendment to the agreement

with Camp Dresser and McKee, Inc. for the preparation of an Environmental Impact Report for the North Chollas mitigation project; authorizing the expenditure of an amount not to exceed \$60,000 from Fund 41200, Dept. 30244, Org. 106, Account 4279, Job Order 372500, Refuse Disposal Enterprise Fund CIP-37-250, for the above purpose.
(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: On June 18, 1990 an agreement with Camp Dresser and McKee was approved by City Council (RR-275922) for Environmental/Geotechnical consultant services at the North Chollas Landfill. This agreement includes preparing a Health Risk Assessment identifying appropriate clean-up levels, developing and implementing a sampling and analysis plan and providing on-site engineering services during closure and mitigation activities for a fee not to exceed \$240,000. A public notice of Proposed Mitigated Negative Declaration was prepared and distributed by the City's Planning Department for the North Chollas Landfill Closure and Mitigation Project. Responses to this notice resulted in the Development and Environmental Division's determination that the proposed project may have significant effect on the environment and a draft EIR is required. A June 6, 1990 letter from the Planning Department identified the issues to be addressed and the scope of work required for preparation of the EIR. Several of these areas are duplications of what is defined under the original agreement with Camp Dresser and McKee. Consequently a cost savings, as well as a time savings, will be realized. This addendum will also ensure continuity of the project.
Aud. Cert. 9100236.

FILE LOCATION: MEET CCONT FY91-1

COUNCIL ACTION: (Tape location: C239-276.)

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

* ITEM-110: (R-91-482) ADOPTED AS RESOLUTION R-276630

Authorizing the execution of an agreement with the City of Coronado for the provision of communications and electronic services to the City of Coronado, together with any modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem

necessary to carry out the purposes and intent of this project and agreement.

CITY MANAGER SUPPORTING INFORMATION: The City of Coronado has requested the City of San Diego to provide communications installation and maintenance services. This Request for Council Action provides for an initial formal agreement that these services be provided to the City of Coronado. The proposed agreement establishes an arrangement under which the City will maintain Coronado's communications and electronics equipment, primarily for, although not limited to, their Police Department. This agreement allows that all work is fully reimbursed, including overhead charges. This agreement will be in effect for a period of ten years and may be terminated by either party within 30 days receipt of written notice. Coronado is aware that the City's needs come first. The City's Communications and Electrical Division of the General Services Department, has developed specialized engineering and technical competence in the fields of radio and electronics. It is difficult and expensive to duplicate these specializations in smaller jurisdictions. This arrangement is advantageous to the City as it provides assistance to another municipality, improves relations between the two cities and helps offset fixed City overhead costs.

FILE LOCATION: MEET CONT FY91-1

COUNCIL ACTION: (Tape location: C-239-276.)

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

* ITEM-111: (R-91-479) ADOPTED AS RESOLUTION R-276631

Authorizing the execution of an agreement with Geobase Corporation for as-needed soils engineering consultant services, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$150,000, consisting of \$75,000 from the Water Utilities Operating Fund, No. 41500, Water Operating Engineering Program (70830), and \$75,000 from the Sewer Revenue Fund, No. 41506, Sewer Operating Engineering

Program (70820), for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: The request for As-Needed Soils Engineering Consultant Services for the Water Utilities Department was advertised on November 3, 1989, in the San Diego Daily Transcript. The City's Consultant Nominating Committee reviewed the letters of interest from four qualified consultants, including three MBEs. On December 13, 1989, the Consultant Nominating Committee nominated four firms to participate in the final selection process. In conformance with Council Policy 300-7 three firms were interviewed on January 24, 1990, and Geobase, an MBE firm, was selected as one of two firms best qualified to provide the as-needed consultant services. Requests for Council approval of the agreement with the other firm, Robert Prather and Associates, preceded this agreement and was approved June 11, 1990. The agreement provides for geotechnical engineering services by task orders on an hourly fee basis not to exceed \$15,000 per task. These services would include the soil investigation reports for major pipelines, pumping stations and other miscellaneous projects. The total contract shall not exceed \$150,000 for a period of two years from the date of execution by the City Manager. Due to the limited scope of work and the limit of \$15,000 per task, it is unlikely that services of any subconsultants would be warranted.

Aud. Cert. 9100225.
WU-U-91-014.

FILE LOCATION: MEET CCONT FY91-1

COUNCIL ACTION: (Tape location: C239-276.)

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

* ITEM-112: (R-91-353) ADOPTED AS RESOLUTION R-276632

Authorizing the execution of a Participation Agreement with Pardee Construction Company for the construction of a traffic signal at the intersection of Azuaga Street and Rancho Penasquitos Boulevard; authorizing the expenditure of an amount not to exceed \$53,000 from deposit trust fund 63021, for the purpose of providing funds for the above project.

(Rancho de los Penasquitos Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Pardee is the owner and subdivider of that real property which has been subdivided and is known as Sun Ridge Vistas, Map-11924. As a condition of the final map approval, Pardee deposited with the City \$80,000, representing its share of the cost to construct a traffic signal at the intersection of Azuaga Street and Rancho Penasquitos Boulevard. The traffic signal was not to be installed concurrent with the public improvements of Sun Ridge Vistas Subdivisions. Instead, it was determined that this traffic signal be constructed in the future, concurrent with the construction of State Route 56. In order to provide adequate ingress/egress to the Sun Ridge Vistas Subdivisions, Pardee has requested permission from the City to install the traffic signal at this time; in advance of the future construction of State Route 56. The City has agreed to this request. The City will pay Pardee \$53,000 of the funds collected for the traffic signal; the remainder is for future modifications of the traffic signal.

Aud. Cert. 9100158.

FILE LOCATION: MEET CONT FY91-1

COUNCIL ACTION: (Tape location: C239-276.)

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

* ITEM-113: (R-91-474) ADOPTED AS RESOLUTION R-276633

Approving Change Order No. 1, dated April 11, 1990, issued in connection with the contract with Cal Southwest Construction, Inc., amounting to a net increase in the contract price of \$44,642.57; authorizing the City Auditor and Comptroller to transfer \$44,642.57 within Sewer Revenue Fund 41506, from Annual Allocation - Point Loma Treatment Plant, CIP-46-119.0, to Point Loma Chemical Feed System Upgrade, CIP-46-128; authorizing additional expenditure of an amount not to exceed \$44,642.57 from Sewer Revenue Fund 41506, Point Loma Chemical Feed System Upgrade, CIP-46-128, for the purpose of funding this change order; authorizing the transfer of excess budgeted funds, if any, to the appropriate reserves upon advice of the administering department.

(Harbor Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: On March 28, 1989, the City Manager approved a construction contract with Cal Southwest for \$658,000 to upgrade the Point Loma Wastewater Treatment Plant chemical feed system facilities. Odor removal systems using caustic soda and hydrogen peroxide are located at various places throughout the Point Loma Wastewater Treatment Plant. Due in part to the large amount of underground utilities installed in the roadway of the plant, and lack of precise detail in the as-built plans, the contractor has encountered several conflicts during the construction. These conflicts, which were encountered during trenching operations for a new chemical duct, resulted in additional compensation. The extra work, comprised of the five main elements, is as follows:

1. Pavement changes - breaking, removal, and replacement
2. Concrete tunnel changes
3. Change of the process piping in new chemical duct

4. Miscellaneous changes and materials
5. Extended field overhead

Due to the various field conditions, a change order for the amount of \$44,642.57 is required to accommodate the extra work for this project.

Aud. Cert. 9100204.

WU-U-90-102.

FILE LOCATION: CONT-Cal Southwest Construction, Inc.
CONT FY91-1

COUNCIL ACTION: (Tape location: C-239-276.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Bernhardt.

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

ITEM-150:

Two actions relative to Special Events:

(See City Manager Report CMR-90-367.)

Subitem-A: (O-91-19) INTRODUCED, TO BE ADOPTED
OCTOBER 15, 1990

Introduction of an Ordinance amending Chapter II,
Article 2, Division 2, of the San Diego Municipal Code
by amending Section 22.0207, relating to Special Events.

Subitem-B: (R-91-347) ADOPTED AS RESOLUTION
R-276634

Adoption of a Resolution amending Council Policy 100-6

regarding City Support for Special Events.

COMMITTEE ACTION: Reviewed by PSS on 9/5/90. Recommendation to forward to City Council without recommendation. Districts 1, 3 and 4 voted yea. Districts 2, 5 and 7 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C239-276.)

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

ITEM-200: (R-91-386) CONTINUED TO OCTOBER 30, 1990

Accepting the Water Conservation Advisory Committee's final report; authorizing funding and personnel resources necessary to implement the City Manager's recommended long term Water Conservation Plan; authorizing the expenditure of an amount not to exceed \$4,540,000 from the Water Utilities Operating Fund, (41500), Administrative Services Program (70613), for the purpose of providing funds to implement the Water Conservation Plan.

(See City Manager Report CMR-90-406.)

Aud. Cert. 9100179.

WU-U-91-017.

NOTE: See Item 201 for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C360-E125.)

MOTION BY BERNHARDT TO CONTINUE TO OCTOBER 30, 1990 FOR STAFF TO COME BACK TO COUNCIL WITH ADDITIONAL INFORMATION ON DOLLAR SAVINGS BASED ON WATER CONSERVATION. Second by Mayor O'Connor.

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

ITEM-201: (R-91-411) CONTINUED TO OCTOBER 15, 1990

Authorizing the City Manager to implement a residential interior plumbing retrofit program for 50,000 pre-1981 single family residences; authorizing the execution of an agreement with the Metropolitan Water District (MWD) of

Southern California for receipt of funds from MWD to be used for the implementation of the City's retrofit program, together with any amendments or modifications which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement; authorizing the execution of an agreement with Brown and Caldwell, for retrofit program design and implementation services, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement; authorizing the execution of a letter agreement with the San Diego County Water Authority (CWA) stipulating the manner in which MWD funds will be passed through the City of San Diego, together with any amendments or modifications which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement; authorizing the City Manager to accept the lowest responsible bid of Niagara Conservation Corporation for the provision of water conservation kits as may be required during the City's retrofit program, at an estimated cost of \$397,500 for 50,000 kits at \$7.95 per kit; authorizing the expenditure of an amount not to exceed \$917,729 from the Water Utilities Department Operating Fund (41500), Administrative Services Program (70613), for the purpose of implementing the residential interior plumbing retrofit program.

(See City Manager Report CMR-90-407.)

Aud. Cert. 9100199.

WU-U-91-020.

NOTE: See Item 200 for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C360-E125.)

MOTION BY BERNHARDT TO CONTINUE TO OCTOBER 30, 1990 FOR STAFF TO COME BACK TO COUNCIL WITH ADDITIONAL INFORMATION ON DOLLAR SAVINGS BASED ON WATER CONSERVATION. Second by Mayor O'Connor.

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

ITEM-202: (R-91-105) CONTINUED TO OCTOBER 29, 1990

(Continued from the meetings of July 30, 1990, Item 108,

and September 17, 1990, Item 204; last continued at Jack McGrory's request, for further review with the Housing Commission.)

Authorizing the Building Inspection Department of the City of San Diego to send notice to the State Department of Housing and Community Development cancelling its assumption of responsibility to enforce the Mobilehome Parks Act, Sections 18300 California Health and Safety Code; rescinding Resolution R-167996.

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego acquired the enforcement authority of mobilehomes and mobilehome parks from the State of California on October 13, 1961 by means of Resolution No. R-167996, passed by Council on the same date. The maintenance of the mobilehome park inspection program and the enforcement of State laws has been supported largely by non related revenues. Because the revenues we are allowed to collect are limited by State law, we are unable to make mobilehome inspection cost fully recoverable. The 1990 Fiscal Year budget for the mobilehome program was \$112,991. This did not include non-personnel expenses. The revenues collected from mobilehome permits and annual mobilehome park fees were \$19,656. This amounts to \$93,335 in non recoverable costs. Section 1006 of the California Title 25 code of regulation allows the former enforcement agency to retain the full amount of fees collected (\$19,656) if State assumption of jurisdiction is after July 1st of that year.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A130-145.)

MOTION BY BERNHARDT TO CONTINUE ITEM TO OCTOBER 29, 1990 AT THE REQUEST OF ASSISTANT CITY MANAGER, JACK McGRORY. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-203: (R-91-333) DENIED

(Continued from the meeting of September 10, 1990, Item 158, at Councilmember Wolfsheimer's request, to allow time to the Rancho Bernardo Planning Group to review the lease.) Authorizing the execution of an extension to option agreement with Lake Hodges Performing Arts Association, Inc., for the exclusive right to lease approximately 30 acres of City-owned land for the purpose of constructing, operating and maintaining an outdoor amphitheater and regional performing arts center through July 28, 1991;

authorizing the City Manager to extend the lease option for an additional one year, provided the Planning Department extends the conditional use permit for the same period of time.

(Rancho Bernardo Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: In 1985, the City Council authorized the execution of a three-year option to lease and lease agreement with Lake Hodges Performing Arts Association, Inc. The purpose was for the construction, operation and maintenance of an open air performing arts center in Rancho Bernardo on approximately 30 acres of City-owned (Water Utilities) land. A Conditional Use Permit (CUP) was also issued by the Planning Department. In 1989, the City Council extended the Option Agreement until July 28, 1990. The Planning Department extended the CUP until July 1991.

Presently, a development plan encompassing both the performing arts center and the proposed golf course has been submitted to the Planning Department, as well as a request for an amendment to the current CUP. The Planning Department is requesting the option agreement be in effect concurrently with the CUP.

Although the Association is requesting an extension of its Option Agreement to July 28, 1992, the City Manager recommends an extension to July 28, 1991, when the existing CUP terminates.

If the Planning Department extends the CUP for an additional year, the City Manager also requests the authority to extend the lease option for the same time period.

WU-PR-91-019.

FILE LOCATION: LEAS-Lake Hodges Performing Arts Association, Inc. Leas FY91-1

COUNCIL ACTION: (Tape location: E135-234.)

MOTION BY WOLFSHEIMER TO DENY THE EXTENSION OF THE OPTION AGREEMENT WITH THE LAKE HODGES PERFORMING ARTS ASSOCIATION AS A SPECIFIC PLAN FOR THE AREA IS UNDERWAY, AND TO UNDERCUT THIS PLAN WOULD BE ECONOMICALLY UNSOUND. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-204: NOTED AND FILED

(Continued from the meeting of July 23, 1990, taken on July 24, 1990, Item 204, for full Council; continued from the meetings of July 31, 1990, Item S503 and September 10, 1990, Item 214; last continued at staff's request, to be

heard after the Planning Commission hears these matters on 9/27/90.)

In the matter of a report concerning the economic impact of the City-wide Impact Fees.

(See Coopers and Lybrand report dated 7/16/90, and City Manager Report CMR-90-339.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E240-L562.)

MOTION BY HARTLEY TO NOTE AND FILE AS A RESULT OF ACTIONS TAKEN ON ITEMS 205 AND 207. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-nay, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-205:

(Continued from the meetings of March 20, 1990, Item 337, April 5, 1990, Item 602, April 23, 1990, Item 208, July 23, 1990, taken on July 24, 1990, Item 205, July 31, 1990, Item S504, and September 10, 1990, Item 215; last continued at the request of the staff, in order to be heard and considered after Planning Commission hears these matters on 9/27/90.)

Three actions relative to Citywide Impact Fees:

(See City Manager Reports CMR-90-330, CMR-90-190, CMR-90-189, CMR-90-158 and CMR-90-128.)

Subitem-A: (O-90-95) INTRODUCED, TO BE ADOPTED OCTOBER 15, 1990

Introduction of an Ordinance amending Chapter VI, Article 1, of the San Diego Municipal Code by adding Division 25, Sections 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.

Subitem-B: (R-90-1422 Rev.1) ADOPTED AS RESOLUTION R-276653

Adoption of a Resolution to impose Citywide Impact Fees.

Subitem-C: (R-90-1423) CONTINUED TO OCTOBER 15, 1990

Adoption of a Resolution rescinding Development Impact Fees for branch libraries and fire facilities as currently

charged in the urbanized areas and replacing them with one standard impact fee for libraries and one for fire facilities in all urbanized communities.

FILE LOCATION: SUBITEMS B/C: MEET

COUNCIL ACTION: (Tape location: E240-L562.)

Testimony in favor received by: Richard Carson, Kevin McNamara, Dave Odell, Linda Michael, Fred Schnaubelt, Lisa Caballero, Ruth Duemler, Alan Sakarias, George Stevens, Opal Trueblood, Marguerite Ferrante, Shof Swift.

Testimony in opposition received by: Kathleen Risner, Carol Rocha, R. Allen Smith, John Carter, George Ross, Caryl Iseman, Frank Panarisi, Jim Dawe, Jane Cox, James Lott, Lawrence Woodward, Lance Burris, Edgar Wyrick, Jim Lantry, C.F. Stover, Mel Katz, Tom Carter, Bob Adelizzi, Pam Hamilton, Vernon Sukumu, Tracey Morgan, Stephen Salisbury, Blair Sadler, Bill Scott, Matt Peterson, Paul Peterson.

MOTION BY HARTLEY TO ADOPT THE CITY MANAGER'S RECOMMENDATION ON

IMPACT FEES WITH A PHASE-IN OF THE FEES OVER A THREE YEAR PERIOD WITH A DESCENDING DISCOUNT (I.E., 75%, 50%, 25%), AS INDICATED IN THE LATEST MEMO OF SEPTEMBER 28, 1990. REFER THE QUESTION OF

POTENTIAL EXEMPTIONS AND THE INEQUITIES BASED ON THE SUPER MARKETS, GAS STATIONS, VIDEO STORES, HOSPITALS, ETC. TO THE APPROPRIATE COMMITTEE TO COME BACK WITHIN 30 DAYS SO AS TO HAVE THE FLEXIBILITY TO AMEND THE RESOLUTION IF ANY INEQUITIES ARE APPARENT. Second by Bernhardt.

Motion by Filner to amend Councilmember Hartley's motion that Council refer the Citywide Impact Fee program to the T&LU Committee so as to put the issue before the proper forum where there would be a lot of give and take and analyze the issue to do the best for San Diego. Second by Roberts. Failed. Yeas-2,8; Nays-1,3,5,6,7,M; Not present-4.

Motion by Bernhardt to amend Councilmember Hartley's motion as follows: in addition to the Development Monitoring Program, amend the Interim Period Development Control Ordinance to restrict or phase not only the residential, but also industrial and commercial developments and return it to the Council within two weeks. Also amend the Progress Guide and General Plan to go forward and incorporate the air quality element. Request staff

to move forward with the environmental tier which is part of the Growth Management package. IPDO should be back at this council within two weeks for adoption. Also to incorporate into the motion, staff is directed to come back with a separate ordinance for Fiscal Impact analysis (FIO) which is part of the Transportation Congestion Management Ordinance.

Motion by Henderson to continue to give Councilmembers time to meet with the City Attorney to understand the implications of the rescinding of these fees within each of their districts.

Second by Bernhardt. Passed. Yeas-1,2,3,5,6,7,8,M; Nays-none; Not present-4.

Motion by Henderson to continue this funding issue regarding personnel costs involved in implementing the Growth Management Program to give staff time to clarify it and bring it back to Council as a procedural item. No second.

Vote on the motion, including amendments passed by the following vote: Wolfsheimer-yea, Roberts-nay; Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-206: NOTED AND FILED

(Trailed from the meeting of July 10, 1990, Item 332, due to lack of time; continued from the meetings of July 17, 1990, Item S500, July 24, 1990, Item S502, July 31, 1990, Item S505, and September 10, 1990, Item 216; last continued

at staff's request, to be heard after the Planning Commission considers the matter on 9/27/90.)

Two actions relative to Emergency Transportation Congestion Management and Phasing Ordinance for 1990 and Emergency Capital Facilities Planning Ordinance for 1990:

Subitem-A: (O-90-213)

Introduction and adoption of an Emergency Ordinance relating to land development; providing for the timing and sequencing of land development in accordance with the capacity of transportation facilities to serve new development; providing definitions; providing for development review; providing criteria for development phasing limits based upon preferred levels of service standards for specified transportations facilities; providing for exemptions; providing criteria for relief from phasing requirements; providing for the interpretation and administration of the development phasing system; providing for applicability; providing for the effect of this ordinance on other ordinances and regulations; providing for severability; and providing for an effective

date.

Subitem-B: (O-90-214)

Introduction and adoption of an Emergency Ordinance establishing a Capital Facilities Plan for the City of San Diego; providing standards and criteria for the inclusion of public facilities in the Capital Facilities Plan; providing guidelines for the preparation of the Capital Facilities Plan; relating the Capital Facilities Plan to other regulatory programs and providing an effective date.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E480-485.)

MOTION BY BERNHARDT TO NOTE AND FILE AS A RESULT OF ACTIONS TAKEN ON ITEMS 205 AND 207. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-207:

(Continued from the meeting of September 10, 1990, Item 217, at staff's request, to be heard after the Planning Commission considers these matters on 9/27/90.)

Six actions relative to a proposed Growth Management Program for the City of San Diego:

Subitem-A: (R-91-491) ADOPTED AS RESOLUTION R-276650

Adoption of amendments to the "Guidelines for Future Development" section of the Progress Guide and General Plan which identifies policies on growth, transportation, environmental protection, neighborhood protection, public facilities and services, and economic growth.

Subitem-B: (O-91-) DENIED

Introduction of the Transportation Congestion Management and Development Phasing Ordinance; providing for the timing and sequencing of land development in accordance with the capacity of transportation to serve new development; providing for development review; providing for criteria for development phasing limits based upon preferred level of service standards for specified transportation facilities; providing for exemptions; providing criteria for relief from phasing requirements; providing for the

interpretation and administration of the development phasing system; providing for the effect of this Ordinance on other Ordinances and regulations.

Subitem-C: (O-91-) INTRODUCED, TO BE ADOPTED OCTOBER 15, 1990

Introduction of an Ordinance establishing a Capital Facilities Plan for the City of San Diego; providing standards and criteria for the inclusion of public facilities in the Capital Facilities Plan; providing guidelines for the preparation of the Capital Facilities Plan; relating the Capital Facilities Plan to other regulatory programs.

Subitem-D: (R-91-) DENIED

Adoption of a Council Policy entitled "City Wide Phasing Limit."

Subitem-E: (O-91-) CONTINUED TO OCTOBER 15, 1990

First public hearing in the matter of amending Ordinance 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 the personnel authorization of the Planning Department, Engineering and Development Department, and Financial Management Department for costs involved in implementing the Growth Management Program.

Subitem-F: (R-91-514) ADOPTED AS RESOLUTION R-276651

Certifying that the information contained in Environmental Impact Report EIR-90-0526, dated July 25, 1990, in connection with the Growth Management Program, 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.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E240-L562.)

Testimony in favor received by: Richard Carson, Kevin McNamara, Dave Odell, Linda Michael, Fred Schnaubelt, Lisa Caballero, Ruth Duemler, Alan Sakarias, George Stevens, Opal Trueblood, Marguerite Ferrante, Shof Swift.

Testimony in opposition received by: Kathleen Risner, Carol Rocha, R. Allen Smith, John Carter, George Ross, Caryl Iseman, Frank Panarisi, Jim Dawe, Jane Cox, James Lott, Lawrence Woodward, Lance Burris, Edgar Wyrick, Jim Lantry, C.F. Stover, Mel Katz, Tom Carter, Bob Adelizzi, Pam Hamilton, Vernon Sukumu, Tracey Morgan, Stephen Salisbury, Blair Sadler, Bill Scott, Matt Peterson, Paul Peterson.

MOTION BY HARTLEY TO ADOPT THE CITY MANAGER'S RECOMMENDATION ON

IMPACT FEES WITH A PHASE-IN OF THE FEES OVER A THREE YEAR PERIOD WITH A DESCENDING DISCOUNT (I.E., 75%, 50%, 25%), AS INDICATED IN THE LATEST MEMO OF SEPTEMBER 28, 1990. REFER THE QUESTION OF POTENTIAL EXEMPTIONS AND THE INEQUITIES BASED ON THE SUPER MARKETS, GAS STATIONS, VIDEO STORES, HOSPITALS, ETC. TO THE APPROPRIATE COMMITTEE TO COME BACK WITHIN 30 DAYS SO AS TO HAVE THE FLEXIBILITY TO AMEND THE RESOLUTION IF ANY INEQUITIES ARE APPARENT. Second by Bernhardt.

Motion by Filner to amend Councilmember Hartley's motion that Council refer the Citywide Impact Fee program to the T&LU Committee so as to put the issue before the proper forum where there would be a lot of give and take and analyze the issue to do the best for San Diego. Second by Roberts. Failed.

Yeas-2,8; Nays-1,3,5,6,7,M; Not present-4.

Motion by Bernhardt to amend Councilmember Hartley's motion as follows: in addition to the Development Monitoring Program, amend the Interim Period Development Control Ordinance to restrict or phase not only the residential, but also industrial and commejrcial developments and return it to the Council within two weeks. Also amend the Progress Guide and General Plan to go forward and incorporate the air quality element. Request staff to move forward with the environmental tier which is part of the Growth Management package. IPDO should be back at this council within two weeks for adoption. Also to incorporate into the motion, staff is directed to come back with a separate ordinance for Fiscal Impact analysis (FIO) which is part of the Transportation Congestion Management Ordinance.

Motion by Henderson to continue to give Councilmembers time to meet with the City Attorney to understand the implications of the rescinding of these fees within each of their districts.

Second by Bernhardt. Passed. Yeas-1,2,3,5,6,7,8,M; Nays-none;
Not present-4.

Motion by Henderson to continue funding issue regarding
personnel costs involved in implementing the Growth Management
Program to give staff time to clarify it and bring it back to
Council as a procedural item. No second.

Vote on the motion, including amendments was as follows:
Wolfsheimer-yea, Roberts-nay, Hartley-yea; Pratt-not present,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor
O'Connor-yea.

- * ITEM-S400: (R-91-587) ADOPTED AS RESOLUTION R-276652
Proclaiming October 1, 1990 to be "World Habitat Day" in
San Diego; urging housing officials, representatives from
the community and the housing industry to join together in
the search for solutions to provide decent, safe and
affordable housing for all San Diegans.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C239-276.)
CONSENT MOTION BY McCARTY TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not
present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

- * ITEM-S401: (R-91-581) ADOPTED AS RESOLUTION R-276635

Proclaiming October 7, 1990 to be "Hands Across Our Beaches
Day" in San Diego and encouraging all the people of San
Diego to join in the celebration of this special event.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C239-276.)
CONSENT MOTION BY McCARTY TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not
present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S402:

Two actions relative to Parcel Map W.O. 870103:
(Mira Mesa Community Area. District-5.)

Subitem-A: (R-91-578) ADOPTED AS RESOLUTION R-276636

Authorizing the execution of a Subdivision Offsite Easement
Acquisition Agreement with Chevron U.S.A. Inc. in
connection with Parcel Map W.O. 870103.

Subitem-B: (R-91-466) ADOPTED AS RESOLUTION R-276637

Approving Parcel Map W.O. 870103, a 2-parcel Parcel Map,
located northwesterly of Camino Santa Fe and Miramar Road.

CITY MANAGER SUPPORTING INFORMATION: Item 5 Resolution No.

5344 approving the tentative map requires the subdivider to
dedicate additional right-of-way on Miramar Road to provide for
driveway access to parcel 1. Item 8 of this Resolution requires
the subdivider to provide this right-of-way "free and clear of
all encumbrances and prior easements." This means that the
subdivider must get the San Diego Gas & Electric Company(SDGE)
to subordinate or quitclaim their interest in the property to be
dedicated for street right-of-way. SDG&E's position on this
matter is that SDG&E has prior rights to this property and they
do not wish to give it up to the City. SDG&E realizes that once
they give up their prior rights, their facilities would be in
the right-of-way under their franchise in the same way as most
of their other facilities, and the City would have the power to
have SDG&E relocate their existing lines at their expense
whenever they interfere with the City's use of the right-of-way.
This agreement will allow the map to record without the
subordination agreement signed by SDG&E, and if the subdivider
is unable to obtain the subordination agreement by negotiation
or purchase, it commits the City to use its power of
condemnation if necessary to obtain the agreement from SDG&E.

FILE LOCATION: SUBD - Oliver McMillan Miramar Industrial
Lot 4, Div. CONT FY91-1

COUNCIL ACTION: (Tape location: C239-276.)

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

19901001

* ITEM-S403:

Four actions relative to Building Restricted Easement Exchanges and Water Easement Exchange:
(Located northwesterly of Carmel Creek Road and Carmel Country Road. North City West Community Area. District-1.)

Subitem-A: (R-91-567) ADOPTED AS RESOLUTION R-276638

Approving the acceptance by the City Manager of those deeds of RGC-M Associates L.P., conveying to the City building restricted easements in Lots 4, 5 and 6 of Halcyon West, Map-11841; authorizing the execution of a quitclaim deed, quitclaiming to RGC-M Associates L.P., all of the City's right, title and interest in the building restricted easements in Lots 4, 5 and 6 of Halcyon West, Map-11841.

Subitem-B: (R-91-568) ADOPTED AS RESOLUTION R-276639

Vacating the City's interest in an unneeded building restricted easement affecting Lot 17 of Halcyon West, Map-11841, pursuant to Section 8300 et seq. of the Streets and Highways Code.

Subitem-C: (R-91-569) ADOPTED AS RESOLUTION R-276640

Authorizing the execution of a quitclaim deed, quitclaiming to RGC-M Associates L.P. all of the City's right, title and interest in the building restricted easement in Lots 1 and 2 of Halcyon West, Map-11841, in exchange for a building restricted easement to be granted to the City on proposed Parcel Map W.O. 900074.

Subitem-D: (R-91-570 Cor.Copy) ADOPTED AS RESOLUTION R-276641

Authorizing the execution of a quitclaim deed, quitclaiming to RGC-M Associates L.P., all of the City's right, title and interest in the water easement in Lots 1, 2, 5, 8, 9, 10, 11, 14, 16 and 17 of Halcyon West, Map-11841, in exchange for water easements to be granted to the City in Lots 1, 2, and 4 through 17 inclusive of Halcyon West,

Map-11841.

FILE LOCATION: DEED F-5389, F-5390, F-5391, F-5392
DEED FY91-4

COUNCIL ACTION: (Tape location: C239-276.)
CONSENT MOTION BY McCARTY TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not
present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S404: (R-91-492) ADOPTED AS RESOLUTION R-276642

Approving Change Order No. 19, dated September 10, 1990,
issued in connection with the contract with Chilcote
Construction Company, Inc., amounting to a net increase in
the contract price of \$376,215.49; authorizing the City
Auditor and Comptroller to accept a contribution of
\$233,952.49 from the First San Diego River Improvement
Project Assessment District Owners into the City of San
Diego's Assessment District Fund 79364 for the execution of
Change Order No. 19 and settlement of the Lawsuit,
Chilcote, Inc. vs. City of San Diego, et al; authorizing
the expenditure of an amount not to exceed \$301,215.49 from
Assessment District Fund 79364 and \$75,000 from Sewer
Revenue Fund 41506, for the purpose of providing funds for
the above project.

CITY MANAGER SUPPORTING INFORMATION: This settlement and
payment represents complete and final settlement of this
litigation.

Aud. Cert. 9100271.

WU-CA-91-037.

FILE LOCATION: STRT D-2256 CONT FY 91-1

COUNCIL ACTION: (Tape location: C239-276.)
CONSENT MOTION BY McCARTY TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not
present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: (R-91-421) ADOPTED AS RESOLUTION R-276643

19901001

(Continued from the meetings of September 10, 1990, Item S407, and September 24, 1990, Item 201; last continued at Mayor O'Connor's request, to allow her to be present.)
Council confirmation of the appointment by the Mayor of Frederick H. Thompson, to serve as a member of the San Diego County Water Authority, for a term ending October 27, 1994, to replace Paul A. Peterson, who has resigned.
(See memorandum from Mayor O'Connor dated 8/30/90 with resume attached.)

NOTE: On 9/10/90 the motion to adopt failed due to lack of 5 affirmative votes.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H230-244.)

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

ITEM-S406: (R-91-465) TRAILED TO OCTOBER 2, 1990 3

(Continued from the meeting of September 24, 1990, Item 110, at Councilmember Filner's request, to add to the item the appointment of the Board of Directors.)

Approving the amended Articles of Incorporation of the San Ysidro Revitalization Project; authorizing the City Attorney to file the amended Articles of Incorporation with the appropriate state and federal agencies.

(San Ysidro Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The original Articles of Incorporation (Articles) were adopted by Council on May 1, 1989, R-273354. Recently, the Internal Revenue Service (IRS) advised SYRP Director that there was a concern that the Articles were vague for 501(c)(3) non-profit status consideration. The

revised articles have been reviewed by IRS and are acceptable for 501(c)(3) non-profit status. The City of San Diego is the sole member of SYRP and therefore revisions must be approved by Council prior to formal consideration by IRS.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C239-276.)

MOTION BY FILNER TO TRAIL TO OCTOBER 2, 1990 DUE TO LACK OF TIME. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S407: (R-91-495) TRAILED TO OCTOBER 2, 1990

Authorizing the execution of an agreement with the International Boundary and Water Commission, the Environmental Protection Agency and the State Water Resources Control Board, for the design of the South Bay Land Outfall Extension and Ocean Outfall, together with any reasonably necessary modifications or amendments which do not increase the project's scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$4,461,600 from the Sewerage Utility Revenue Fund No. 41509, CIP-40-910.1, South Bay Outfall Extension, for the purpose of providing funds for the City's share of design work on the above project; authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances so warrant.

(See City Manager Report CMR-90-415. San Ysidro and Tijuana River Valley Community Areas. District-8.)

Aud. Cert. 9100270.

WU-CWP-91-036.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C236-276.)

MOTION BY FILNER TO TRAIL TO OCTOBER 2, 1990 DUE TO LACK OF TIME. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S408: (R-91-515) TRAILED TO OCTOBER 2, 1990

Appointing the following persons to the Board of Directors of the San Ysidro Revitalization Project, for terms to expire as indicated, and in categories specified:

NAME	CATEGORY	TERM EXPIRES
Sister Nora Murphy	Community Resident	September 1, 1991
Tony Gomez	Business	September 1, 1991
Irene Stallard	Business	September 1, 1991
Alberto Perez	Community Resident	September 1, 1992
Victor M. Estrada	Community Resident	September 1, 1992
Robert Colvin	Business	September 1, 1992
Michael Freedman	Community Resident	September 1, 1993
Manuel Paul	Community Resident	September 1, 1993
Bruce Tabb	Business	September 1, 1993

NOTE: This item is to be taken with Item S406.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C236-279.)

MOTION BY FILNER TO TRAIL TO OCTOBER 2, 1990 DUE TO LACK OF TIME. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENTS:

None

PUBLIC COMMENT: REFERRED TO CITY MANAGER
Made by Mr. Ted McNeal, representing the Committee to rename Imperial Avenue to Dr. Martin Luther King, Jr. Way was referred to the City Manager.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape Location: L608.)

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor O'Connor at 10:25 p.m. in memory of Dr. Charles Thomas.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: L562.)