

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 9, 1991
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:03 p.m. with no quorum present. A quorum was present at 2:05 p.m. with Council Members Roberts, Behr and Filner not present. The City Manager introduced two new employees: Gonzalo Lopez who will act as the Council Liaison, and Glorya Cabrera an intern in the City's Fellowship Program. The meeting was adjourned at 5:28 p.m. into Closed Session on Tuesday, September 10, 1991 at 9:15 a.m. in the twelfth floor conference room to discuss pending and potential litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member Hartley-present
 - (4) Council Member Pratt-present
 - (5) Council Member Behr-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-not present
- Clerk-Abdelnour (11)

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-presen
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Behr-not present
- (6) Council Member Henderson-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

ITEM-10: INVOCATION

Invocation was given by Father James Sassone of the Ascension Roman Catholic Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Pratt.

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

- 7/22/91
- 7/23/91
- 7/29/91
- 7/30/91
- 7/30/91 Special
- 8/05/91
- 8/06/91

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape Location: A047-051.)

MOTION BY PRATT TO APPROVE. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-not present, Henderson-yea,

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

ITEM-31: (R-92-301) ADOPTED AS RESOLUTION R-278533

Authorizing a Suggestion Award and making a presentation to the following employee:

Jerry Czajkowski - Water Utilities - \$2,149.39.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape Location: A051-075.)

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

ITEM-32: CONTINUED INDEFINITELY

Matter of the request of Thomas Jensen for a hearing of an appeal from the decision of the Planning Commission in denying Coastal Development Permit CDP-89-0867 for the construction of three, attached, two-story units behind an existing single-family residence. The subject property is located at 1956 Pacific Beach Drive and is more particularly described as Lots 27 and 28, Block 307, Pacific Beach Map 922 in the R-1500 Zone in the Pacific Beach Community Plan area.

(CDP-89-0867. District-6.)

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

FILE LOCATION: PERM CDP-89-0867

COUNCIL ACTION: (Tape Location: A081-114.)

Motion by Henderson to deny the request for hearing. No second.

MOTION BY McCARTY TO CONTINUE INDEFINITELY AT THE REQUEST OF

STAFF AS THERE ARE INSUFFICIENT FUNDS IN THE PROJECT ACCOUNT TO CONTINUE PROCESSING. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-33: DENY THE HEARING

Matter of the requests of (1) Christina Buxton (applicant) by Stephen Borow, AIA, (2) Norah B. DeSilva, (3) M.R. and M.F. Smith, and (4) Jack Klausen for a hearing of appeals for denial of Coastal Development Permit CDP-90-0711 to demolish an existing single-family home and construct a new single-family home. Due to the lack of affirmative votes by the Planning Commission, the decision of the Planning Director to deny the permit remains. The subject property is located at 5555 Beaumont Avenue and is more particularly described as Lot 4, Block 13, Bird Rock Addition, Map-1083 in Zone R1-5000 in the La Jolla Community Plan area. (CDP-90-0711. District-1.)

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

FILE LOCATION: PERM CDP-90-0711

COUNCIL ACTION: (Tape Location: A116-145.)

MOTION BY WOLFSHEIMER TO DENY THE REQUEST FOR THE HEARING IN CONCURRENCE WITH THE PLANNING DEPARTMENT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

* ITEM-50: (O-92-8) ADOPTED AS ORDINANCE O-17673 (New Series)

Amending Chapter II, Article 3, of the San Diego Municipal Code by amending Section 23.1103 (Rule X, Section 3 of the Rules of the Civil Service Commission) relating to Annual Leave, to allow an increase in the

maximum accrual limit from 600 hours to 700 hours for employees who have completed 15 years of service, or are eligible for the Management Benefits Plan.

(Introduced on 8/5/91. Council voted 8-0. District 7 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-280.)

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

ITEM-51: (O-92-1b Rev.2) ADOPTED AS AMENDED AS ORDINANCE O-17674 (NEW SERIES)

Amending Chapter II, Article 6, of the San Diego Municipal Code by adding a new Division 10, Section 26.1001 and 26.1002, establishing a Wetlands Advisory Board to advise the Mayor, City Council and City Manager on public policy matters relating to wetlands in the City of San Diego, and establishing membership criteria for members of the Board.

(Introduced as amended on 8/6/91. Council voted 7-0. Districts 7 and 8 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B280-532.)

MOTION BY McCARTY TO ADOPT WITH THE FOLLOWING AMENDMENTS: TO REAFFIRM THAT THIS TASK FORCE'S DECISIONS COME DIRECTLY TO THE CITY COUNCIL, AND THAT THIS GROUP IS AN ADVISORY GROUP UNDER THE CITY CHARTER. THOSE ISSUES THAT GO DIRECTLY TO THE CITY COUNCIL WOULD CONTINUE TO DO SO AND NOT THROUGH COMMITTEES. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-not present, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

* ITEM-52: (O-91-198) ADOPTED AS ORDINANCE O-17675 (New Series)

Amending Chapter III, Article 3 of the San Diego Municipal Code by amending Section 33.3302, relating to Peep Show Establishments. (Introduced on 7/29/91. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-280.)

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

* ITEM-53: (O-92-23) ADOPTED AS ORDINANCE O-17676 (New Series)

Amending Chapter V, Article 9.5, Division 5, of the San Diego Municipal Code, by amending Section 59.5.0502, by adding a Subsection G relating to Leaf Blowers.

(Introduced on 8/5/91. Council voted 7-0. District 7 and Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-280.)

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

* ITEM-54: (O-92-27) ADOPTED AS ORDINANCE O-17677 (New Series)

Amending Chapter V, Article 6, of the San Diego Municipal Code by repealing Section 56.29.1 and

amending Section 56.54 relating to the Consumption or possession of Alcoholic Beverages in Certain City Areas. (Mid-City, Mission Trails Regional Park, San Ysidro, and Southeast San Diego Community Areas. Districts-7 and 8. Introduced on 8/6/91. Council voted 8-0. District 7 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-280.)

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

ITEM-55: (0-91-148) CONTINUED TO OCTOBER 7, 1991

Amending Chapter VI, Article 4, Division 4, of the San Diego Municipal Code, by amending Section 64.0411, and amending Chapter VI, Article 7 of the San Diego Municipal Code, by amending Section 67.59.1, relating to Sewer and Water Rate Adjustment.

(Introduced on 7/30/91. Council voted 7-0. Districts 2 and 8 not present.)

FILE LOCATION: WATER-Sewer and Water Rate Adjustment

COUNCIL ACTION: (Tape Location: A175-359.)

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 7, 1991 AT THE REQUEST OF MAYOR O'CONNOR IN ORDER FOR THE CITY MANAGER TO PROVIDE A RATE STRUCTURE REPORT ON THOSE WHO ARE IMPACTED BY THE RATE INCREASES, PARTICULARLY COMMERCIAL, INDUSTRIAL AND MULTI AND SINGLE FAMILY UNITS. MANAGER ALSO TO PROVIDE A REPORT ON THE STATE WATER SUPPLY, IN LIGHT OF THE RECENT RAINS AND TREMENDOUS WATER CONSERVATION EFFORT ON THE PART OF THE CITIZENS OF SAN DIEGO. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

* ITEM-56: (O-89-232) ADOPTED AS ORDINANCE O-17678 (New Series)

Incorporating 0.91 acres located on the west side of Mercury Street between Clairemont Mesa Boulevard and Raytheon Road (Lot No. 2, Empire Development Unit No. 6, Map-8813), into the M-1A Zone.

(Introduced on 7/30/91. Council voted 7-0. Districts 2 and 4 not present. Case-88-1122. Serra Mesa Community Area. District-5.)

FILE LOCATION: ZONE-O-17678

COUNCIL ACTION: (Tape location: B275-280.)

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

* ITEM-57: (O-92-18) ADOPTED AS ORDINANCE O-17679 (New Series)

Incorporating Lots 8 through 18 of Wateridge I, Final Map-10602, APN No. 341-352-2 through 12, located on Wateridge Vista Drive and Wateridge Circle, into CA Zone. (Case-90-1123. Mira Mesa Community Area. District-5.

Introduced on 8/6/91. Council voted 7-0. Districts 7 and 8 not present.)

FILE LOCATION: ZONE-O-17679

COUNCIL ACTION: (Tape location: B275-280.)

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

* ITEM-58: (O-91-194) ADOPTED AS ORDINANCE O-17680 (New Series)

Incorporating 4424 56th Street into the R1-5000 Zone. (Mid-City Community Area. District-7. Introduced on 8/6/91. Council voted 7-0. Districts 7 and 8 not present.)

FILE LOCATION: LAND-Mid City Community Plan

COUNCIL ACTION: (Tape location: B275-280.)

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

* ITEM-59: (O-91-186) INTRODUCED, TO BE ADOPTED SEPTEMBER 23, 1991

Introduction of an Ordinance establishing a two-hour parking meter zone on the north side of "J" Street between Seventh Avenue and Eighth Avenue.

(Centre City Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Currently the north side of "J" Street between Seventh Avenue and Eighth Avenue is an existing one-hour parking meter zone. Recently the area has undergone a major revitalization program, and a large three story antique mall has opened along with other shops. The property owners request that the existing one-hour parking meter zone be changed to a two-hour parking meter zone, to allow their customers ample time to shop at the antique mall. The current one-hour zone does not provide sufficient time for shopping. Most of the other time limit parking in the area is currently two-hour parking. The current one-hour time limit parking meter zone receives a high level of enforcement. This meets the requirements of Council Policy 200-4. This parking restriction is recommended for implementation.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B564-576.)

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

* ITEM-60: (O-91-187) INTRODUCED, TO BE ADOPTED SEPTEMBER 23, 1991

Introduction of an Ordinance establishing a two-hour parking meter zone on Eighth Avenue between Island Avenue and "J" Street.

(Centre City Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Currently the west side of Eighth Avenue between Island Avenue and "J" Street is an existing one-hour parking meter zone. Recently the area has undergone a major revitalization program, and a large three store antique mall has opened along with other planned shops. The property owners request that the existing one hour parking meter zone be changed to a two-hour parking meter zone, to allow their customers ample time to shop the antique mall and other shops. The current one-hour zone does not provide sufficient time for shopping. Most of the other time limit parking in the area is currently two-hour parking. The current one-hour time limit parking meter zone receives a high level of enforcement. This meets the requirements of Council Policy 200-4. This parking restriction is recommended for implementation.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B564-576.)

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

* ITEM-61:

Two actions relative to Mission Trails Regional Park:

(Del Cerro Community Area. District-7.)

Subitem-A: (O-92-11) INTRODUCED, TO BE ADOPTED SEPTEMBER
23, 1991

Introduction of an Ordinance setting aside and
dedicating a portion of Lot 67 of Rancho Mission of San
Diego, for a public park.

Subitem-B: (O-92-12) INTRODUCED, TO BE ADOPTED SEPTEMBER
23, 1991

Introduction of an Ordinance setting aside and
dedicating Lot 83 of Del Cerro Shores Unit No. 1, Map-
9704, for a public park.

CITY MANAGER SUPPORTING INFORMATION: This action is part of an
ongoing project to dedicate various City-owned parcels by
ordinance, in accordance with Charter Section 55 and Council
Policy 700-17. Each of these parcels meets the open space
dedication requirements of Council Policy 700-17, and has been
approved for dedication by the Park and Recreation Board, and
further, as recommended by the Mission Trails Regional Task
Force.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B564-576.)

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

* ITEM-62: (O-92-17) INTRODUCED, TO BE ADOPTED SEPTEMBER 23,
1991

Introduction of an Ordinance authorizing a Fifty-five
Year Joint Use Agreement with Del Mar Union School
District for a portion of Carmel Del Mar Neighborhood
Park.

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

CITY MANAGER SUPPORTING INFORMATION: The North City West Elementary School/Carmel Del Mar Neighborhood Park is located at 12300 Carmel Park Drive, San Diego, California 92130. The Park is currently developed, maintained and operated by the Park and Recreation Department. The term of this Joint Use Agreement will be for 55 years. The Del Mar Union School District is planning completion of Phase I of the school site in August of 1992. The District will then have exclusive use of the joint-use site and facilities, in Area 1 only, Monday through Friday, from 30 minutes before the beginning of the school day until 30 minutes after the close of the school day on each day that school is in session. The City will have use after school hours, weekends and school holiday periods.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B564-576.)

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

* ITEM-100: (R-92-75) ADOPTED AS RESOLUTION R-278534

Awarding a contract to W. Boson Trucking for the purchase of office relocation services, as may be required for a period of one year beginning September 1, 1991 through August 31, 1992, for an estimated cost of \$50,513.70, including tax and terms, with options to renew the contract for four additional one year periods, with option period price increases not to exceed the prices in effect for the previous contract period by more than 5 percent; declaring that in the event the Contractor is unable to provide the service, the Purchasing Agent is authorized to award contracts to subsequent low responsible and responsive bidders until a bidder is found who can perform the service.

FILE LOCATION: CONT-Purchase-W. Boson Trucking CONFY92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

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

* ITEM-101: (R-92-71) ADOPTED AS RESOLUTION R-278535

Awarding a contract to Mueller Company, Marketing Division for the Hersey Product Line for the purchase of compound meters, as may be required for a period of one year beginning July 1, 1991 through June 30, 1992, for an estimated cost of \$44,000, including tax and terms, with options to renew the contract for four additional one year periods, with option period price increase not to exceed the prices in effect for the previous contract period by more than 6 percent. (BID-M2415/91)

FILE LOCATION: CONT-Purchase-Mueller Company CONT-FY-92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-102: (R-92-70) ADOPTED AS RESOLUTION R-278536

Awarding contracts for the purchase of tires and tubes, as may be required for a period of one year beginning September 1, 1991 through August 31, 1992, for an estimated cost of \$587,238, including tax and terms, as follows: 1) George F. Kennedy Inc. for Group I radial/tubeless, passenger car/compact truck; and Group IV - radial/bias tube and tubeless, medium/heavy-duty truck; 2) Talin Tires Inc. for Group II - Radial Police High Speed; Group III - radial/bias tube and tubeless, light trucks; Group V -bias/tube, off-road tires; and Group VI - miscellaneous Fire Department truck tires; 3) Macho Tire Co. for Group VII - inner tubes. (BID-I2472/91)

FILE LOCATION: CONT-Purchase-George F. Kennedy, Inc.; Talin Tires Inc.; Macho Tire Co. CONFY92-3

COUNCIL ACTION: (Tape location: B578-589.)

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

ITEM-103: (R-92-76) TRAILED TO SEPTEMBER 10, 1991 AS
UNFINISHED BUSINESS

Awarding contracts to Quintex Mobile Communications,
Pac Tel Cellular, and U.S. West Cellular for the
purchase of Cellular Radio Telephone Equipment and
Service, as may be required for a period of one year
beginning September 1, 1991 through August 31, 1992 for
a total estimated cost of \$71,400.69, including tax and
terms, with options to renew the contracts with Pac Tel
Cellular and U.S. West Cellular for four additional one
year periods, with no price escalations.
(BID-B2420/91)

FILE LOCATION: --

COUNCIL ACTION: (Tape Location: A369-411.)

Motion by Henderson to continue to September 16, 1991.
Second by Pratt. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-
not present, Henderson-yea, McCarty-yea, Filner-not present,
Mayor O'Connor-yea.

Mayor O'Connor and Council Members Wolfsheimer and Henderson
withdrew their votes due to ineligibility. Therefore the
item was trailed to Tuesday, September 10, 1991 as
unfinished business.

* ITEM-104: (R-92-72) ADOPTED AS RESOLUTION R-278537

Awarding a contract to I Tre Corp. for furnishing
hauling service for removing and disposing of wet scum,
as may be required for a period of one year beginning
September 1, 1991 through August 31, 1992, for an

estimated cost of \$91,000, including terms, with options to renew the contract for four additional contract periods; declaring that in the event the Contractor does not perform to specifications, the Purchasing Agent is to terminate the contract and award to the next low responsive and responsible bidder or to obtain this service on the open market until the requirement can be rebid. (BID-B2474/91)

FILE LOCATION: CONT-Purchase-I Tre Corp. CONTFY92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-105: (R-92-283) ADOPTED AS RESOLUTION R-278538

Inviting bids for the Underground Storage Tanks Replacement - Phase VI on Work Order No. 119644;

authorizing the expenditure of an amount not to exceed \$235,971.84 from Fund 302453, CIP-330840, Underground Storage Tank Management Program, 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-K2592/92)

CITY MANAGER SUPPORTING INFORMATION: This project provides for the replacement of underground storage tanks and ancillary equipment at Fire Stations Nos. 5, 15, 25, 28, 30, and 34. At each station, a new 1000-gallon, double-wall underground tank will be installed, as per the current regulations. Current County, State, and Federal regulations required the replacement of all single-wall underground tanks with double-wall tanks and modified ancillary leak detection equipment. Phase VI is part of the City-wide Underground Hazardous Materials Storage Tank Management Program and is the sixth of a series of tank replacement projects.

Aud. Cert. 9100962.

FILE LOCATION: W.O. 119644 CONT - TOXGUARD Systems, Inc.
CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-106: (R-92-284) ADOPTED AS RESOLUTION R-278539

Inviting bids for the Underground Storage Tanks
Replacement - Phase VII, on Work Order No. 119643;

authorizing the execution of a contract with the lowest
responsible bidder; authorizing the expenditure of
funds not to exceed \$235,490.01 from Fund 302453, CIP-
33-0840, Underground Storage Tank Management Program,
for said project and related costs; authorizing the
Auditor and Comptroller, upon advice from the
administering department, to transfer excess budgeted
funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION: This project provides for
the replacement of underground storage tanks and ancillary
equipment at Fire Stations Nos. 20, 23, 26, 31, 32 and 33. At
each station, a new 1000-gallon, double-wall underground tank
will be installed, as per the current regulations. Current
County, State and Federal regulations require the replacement of
all single-wall underground tanks with double-wall tanks and
modified ancillary leak detection equipment. Phase VII is part
of the City-wide Underground Hazardous Materials Storage Tank
Management Program and is the seventh of a series of tank
replacement projects.

Aud. Cert. 9100959.

FILE LOCATION: W.O. 119643 CONT - TOXGUARD Systems, Inc.
CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Behr.

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

* ITEM-107: (R-92-59) ADOPTED AS RESOLUTION R-278540

Inviting bids for the Construction of Traffic Signal and Street Lighting Systems at Seventh Avenue and Robinson Avenue on Work Order No. 119639; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$77,850, from CIP-62-292.0 DIF Funded, Fund No. 79512, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller upon advice from the administering department, to retain excess monies, if any, in Fund 79512.
(BID-K2582/92)

(Uptown Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: The subject Capital Improvement Program Project to install a traffic signal system provides for the safe passage of emergency equipment, pedestrians and vehicles through the intersection. Traffic signal features include emergency vehicle preemption equipment on Robinson Avenue.

Aud. Cert. 9200101.

FILE LOCATION: W.O. 119639 CONT - LEKOS Electric, Inc.
CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-108: (R-92-58) ADOPTED AS RESOLUTION R-278541

Inviting bids for the Construction of Briarwood Road

Median on Work Order No. 119486; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$40,000 from CIP-52-327.0, Annual Allocation, All Weather Walkways, Prop. A Fund 30300; and \$60,000 from CIP-58-004.0, Annual Allocation - Miscellaneous Requirements - City Streets, TransNet Fund 30300, to CIP-62-272.0, Briarwood Road -- Median; authorizing the expenditure of an amount not to exceed \$217,000 from CIP-62-272.0, 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 CIP-62-72.0. (BID-K2570/92)

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

CITY MANAGER SUPPORTING INFORMATION: To promote efficient traffic flow on Briarwood Road between Zest Street and Alsacia Street, near Bell Junior High, this project will provide for the construction of a raised center median utilizing stamped concrete. It will also construct guardrail, sidewalk, chain link fence, storm drain, and pedestrian ramps.

Aud. Cert. 9200093.

FILE LOCATION: W.O. 119486 CONT - O & B MATTHEWS
CONSTRUCTION, INC. CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-109: (R-92-281) ADOPTED AS RESOLUTION R-278542

Inviting bids for the Construction of Fire Department Apparatus Storage Facility on Work Order No. 119121;

authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$385,578 from CIP-33-070.0, (\$349,544 DIF Fund 79526 and \$36,034 CAPOTH Fund

302453), 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;

certifying that the information contained in Environmental Negative Declaration DEP-91-0317, is in compliance with the California Environmental Quality Act of 1970 and State CEQA Guidelines, and that said Negative Declaration has been reviewed and considered by the Council. (BID-K2580/92)
(Serra Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Capital Improvement Project CIP-33-070.0 provides for the design and construction of a 9,300 square foot building to house ten fire apparatus at 3868 Kearny Villa Road. Fire apparatus are currently parked outside because indoor parking is not available.

Therefore, they are subjected to year-round weather conditions which prematurely age the equipment, lead to more frequent maintenance, and ultimately shorten the equipment's anticipated useful life.

Aud. Cert. 9200118.

FILE LOCATION: W.O. 119121 CONT - PARRY CONSTRUCTION CONT
FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-110: (R-92-285) ADOPTED AS RESOLUTION R-278543

Inviting bids for the Construction of University Avenue Storm Drain between Albatross Street and Front Street on Work Order No. 119590; authorizing the execution of a contract with the lowest responsible bidder;

authorizing the City Auditor and Comptroller to establish CIP-11-297.0, Construction of University Avenue Storm Drain between Albatross Street and Front Street;

authorizing the City Auditor and Comptroller to transfer \$100,000 from CIP-58-004.0, Annual Allocation - Miscellaneous Requirements - City Streets, TransNet Fund (PROP A) 30300, to CIP-11-297.0, University Avenue Storm Drain between Albatross Street and Front Street;

authorizing the expenditure of an amount not to exceed \$100,000 from CIP-11-297.0, University Avenue Storm Drain between Albatross Street and Front Street, for the purpose of executing this contract and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to retain excess monies, if any, in CIP-11-297.0. (BID-K2596/92)

(Hillcrest Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: During the heavy rains in March 1991, the existing storm drain system located at University Avenue between Front and Albatross Streets failed.

The failure caused extensive erosion to a 30-foot slope which was supporting the sidewalk and street. Street Division temporarily repaired the drain and slope. This project provides for the permanent repair by constructing 110 linear feet of 18-inch RCP and slope stabilization.

Aud. Cert. 9200109.

FILE LOCATION: W.O. 119590 CONT - RTB General Engineering Contractors, Inc. CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-111: (R-92-286) ADOPTED AS RESOLUTION R-278544

Inviting bids for the Point Loma Wastewater Treatment Plant Digester S2 Repairs on Work Order No. 170961;

authorizing the execution of a contract with the lowest responsible bidder; authorizing the execution of a third amendment to the agreement with Nolte and Associates, consulting engineers, for construction support service required for the Point Loma Wastewater Treatment Plant Digester S2 Repair project at a cost not to exceed \$55,000; authorizing the expenditure of \$665,028 from Sewer Revenue Fund No. 41508, 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-K2601/92)

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This project provides for repairs and recoating of the interior walls and roof structure of the S2 Digester located at the Point Loma Wastewater Treatment Plant. In addition to re-coating interior walls and ceiling, structural repairs will include: replacing and extending the roof skirt and annular seal; welding the ceiling plates to the truss members from below; and providing lateral supports at the bottom of the gas mixing guns.

The consulting engineering firm of Nolte and Associates will provide the construction inspection services for this project. Nolte and Associates have already been selected to provide inspection services for three other construction projects located at the Point Loma Wastewater Treatment Plant, one of which is the ongoing Point Loma Wastewater Treatment Plant Expansion Project. Because of the number and complexity of the projects, it was felt that having one firm provide construction inspection for all four projects would ensure continuity and coordination between the projects, which would help to assure the continued smooth and uninterrupted operation of the plant.

Aud. Cert. 9200132.

WU-P-91-163.

FILE LOCATION: W.O. 170961 CONT FY 92-1; CCONT FY92-1 CONT

- Landex Construction Corporation

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-112: (R-92-287) ADOPTED AS RESOLUTION R-278545

Inviting bids for the Construction of Santa Clara Point
Small Children's Play Area on Work Order No. 119328;

authorizing the execution of a contract with the lowest
responsible bidder; authorizing the expenditure of
\$80,000 from CIP-29-452.0, Santa Clara Point Recreation
Center - Requirements, Mission Beach - Urban Community
Fund No. 79522, 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-K2613/92)

(Mission Bay Park Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This project will provide
an additional tot lot at the Santa Clara Point Recreation Center.
Santa Clara Point is a 19-acre site located on the northwest side
of Mission Bay, accessible from Mission Boulevard and Santa Clara
Place. The improvements will be contained within a 10,000 square
foot area located northwest of the Recreation Center Building.

FILE LOCATION: W.O. 119328 CONT - P&P Enterprises, Inc.
CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-113: (R-92-282) ADOPTED AS RESOLUTION R-278546

Inviting bids for the Construction of Carmel Valley Branch Library on Work Order No. 119387; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to establish a fund entitled "Carmel Valley Library Development Fund"; authorizing the transfer of \$2,695,000 from the "Carmel Valley Development Fund" to CIP-35-070.0; authorizing the expenditure of \$2,695,000 from CIP-35-070.0, "North City West Branch Library," for the purpose of executing this contract and related costs;

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

certifying that the information contained in Addendum, DEP-91-0337, in connection with the construction of North City West Town Center, has been completed in compliance with the California Environmental Quality Act of 1970, and State Guidelines, and that the Addendum has been reviewed and considered by Council; amending Resolution R-276913, adopted November 26, 1990, to reduce the amount for books from \$750,000 to \$250,000 with the additional funds to be requested for authorization at a later time. (BID-K2579/92)

(Carmel Valley Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This project will provide a 13,200 square foot library complete with books, furnishings, landscaping, and parking for 64 cars and will be serving the Carmel Valley Communities (formerly designated North City West). It will be located on a 1.5 acre site at the corner of Townsgate Drive and Kelsford Place just east of the existing Town Center Shopping Plaza. The site was acquired in FY 1988 and the construction is being accelerated from the FY 1993 CIP schedule to provide much needed library services to this growing community.

The building is designed to comply with the established Branch Library Program. The architectural style will provide a distinctive appearance but yet will be in harmony with its existing and proposed surroundings. The Community Planning Group and City Architect have reviewed and endorsed this design

product. This project is consistent with the Carmel Valley (North City West) Community Plan and the City's General Plan guidelines.

Aud. Cert. 9200120.

FILE LOCATION: W.O. 119387 CONT - Landex Construction Corp.
CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-114: (R-92-60) ADOPTED AS RESOLUTION R-278547

Inviting bids for the Construction of Mission Bay Park De Anza Boat Launching Ramp on Work Order No. 119766;

authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to add CIP-22-091.0, De Anza Cove Boat Launching Ramp, to the FY 1991 Capital Improvement Program; authorizing the City Auditor and Comptroller to transfer \$383,650 from CIP-22-072.0, Mission Bay Boat Docks and Boat Ramp, California Department of Boating and Waterways Grant Fund No. 38030, to CIP-22-091.0, De Anza Cove Boat Launching Ramp; authorizing the expenditure of an amount not to exceed \$383,650 from CIP-22-091.0, De Anza Cove Boat Launching Ramp, California Department of Boating and Waterways Grant Fund No. 38030, contingent upon receipt of funds, 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 reserve; certifying that the information contained in DEP-90-0696, is in compliance with the California Environmental Quality Act of 1970 and State CEQA Guidelines, and that said Declaration has been reviewed and considered by the Council. (BID-K2581/92)

(Mission Bay Park Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The De Anza Cove Boat Launching Ramp project was originally included in CIP-22-072.0, Mission Bay Docks and Boat Ramp. Due to differing permitting requirements for the boat docks and the boat launching ramp the project was split into two separate projects.

The proposed boat launching ramp project will remove and replace the existing boat launching ramp in De Anza Cove located in Mission Bay Park. The existing ramp is a four lane ramp and is badly deteriorated and in need of replacement.

The proposed boat launching ramp is a six lane reinforced concrete ramp. Construction of the project will be coordinated with the upcoming America's Cup activities.

Aud. Cert. 9100967.

FILE LOCATION: W. O. 119766 CONT - SUPERIOR CRANE &
RIGGING, INC. CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-115:

Two actions relative to Mesa Summit Unit No. 7:

(Located northwesterly of Mira Mesa Boulevard and I-15.
Mira Mesa Community Area. District-6.)

Subitem-A: (R-92-255) ADOPTED AS RESOLUTION R-278548

Authorizing the release of a portion of the surety
issued by St. Paul Fire & Marine Insurance Company in
the form of Performance Bond No. 400 HV 0031 for Mesa
Summit Unit No. 7, as follows:

1. For faithful performance, to the sum of \$208,094.
2. For the benefit of the contractor, subcontractor

and to persons renting equipment or furnishing labor or materials, to the sum of \$104,047.

Subitem-B: (R-92-256) ADOPTED AS RESOLUTION R-278549

Granting an extension of time to July 3, 1992 to Pardee Construction Company, subdivider, to complete the improvements required in Mesa Summit Unit No. 7.

CITY MANAGER SUPPORTING INFORMATION: On September 19, 1988, the City entered into an agreement with Pardee Construction Company for the construction of public improvements for Mesa Summit Unit No. 7. Performance Bond No. 400 HV 0031 issued by St. Paul Fire & Marine Insurance Company in the amount of \$612,042 was provided by the subdivider.

The agreement expired September 19, 1990. On July 9, 1990, a time extension was granted to September 19, 1991 by Resolution R-276081. The subdivider has requested a partial release of surety and a second extension of time to July 3, 1992 in which to complete the required improvements.

Eighty-eight percent of the work has been completed to the satisfaction of the City Engineer, and the subdivider has requested a partial release of surety. The job order account has sufficient funds to cover anticipated future costs to the City. There are no mechanic's liens filed against the surety and there has not been a previous partial release. 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, 66 percent of the original surety will be released which will reduce the surety to \$208,094.

FILE LOCATION: SUBD-Mesa Summit Unit No. 7

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-116: (R-92-225) ADOPTED AS RESOLUTION R-278550

Granting an extension of time to May 6, 1992 to Pardee Construction Company, subdivider, to complete the improvements required in N.C.W. Neighborhood 7, Units 1 and 13.

(Located northeasterly of Del Mar Heights Road and El Camino Real. North City West Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On January 4, 1988, the City entered into an agreement with Pardee Construction Company for the construction of public improvements for N.C.W. Neighborhood 7, Units 1 and 13. The agreement expired on January 4, 1990. The subdivider has requested an extension of time to May 6, 1992 in which to complete the required improvements. The improvements are approximately 85 percent complete. 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. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-N.C.W. Neighborhood 7, Units 1 and 13

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-117:

Two actions relative to Otay International Center Lot No. 7:

(Located southwesterly of Airway Road and Enrico Fermi Drive. Otay Mesa Community Area. District-8.)

Subitem-A: (R-92-230) ADOPTED AS RESOLUTION R-278551

Releasing a portion of the surety issued by Pacific States Casualty Company in the form of Performance Bond Nos. 3236, 3237, 3238, 3239, 3240 and 3241, as follows:

1. For faithful performance, to \$219,090, \$219,090, \$219,090, \$72,881, \$220,647 and \$204,587, respectively, for a total sum of \$1,155,385.

2. For the benefit of the contractor, subcontractor and to persons renting equipment or furnishing labor or materials, to \$109,545, \$109,545, \$109,545, \$36,440.50, \$110,323.50 and \$102,293.50, respectively, for a total sum of \$577,692.50.

Subitem-B: (R-92-231) ADOPTED AS RESOLUTION R-278552

Granting an extension of time to November 1, 1992 to Otay International Center, subdivider, to complete the improvements required in Otay International Center Lot No. 7.

CITY MANAGER SUPPORTING INFORMATION: On August 7, 1989, the City entered into an agreement with Otay International Center, a general partnership, for the construction of public improvements for Otay International Center Lot No. 7.

Performance Bond Nos. 3236, 3237, 3238, 3239, 3240 and 3241 issued by Pacific States Casualty Company in the amounts of \$674,122, \$674,122, \$674,123, \$224,249, \$678,915 and \$629,500, respectively, were provided by the subdivider.

The agreement expired August 7, 1991. The subdivider has requested a partial release of surety and an extension of time to November 1, 1992 in which to complete the required improvements. Ninety percent of the work has been completed to the satisfaction of the City Engineer, and the subdivider has requested a partial release of surety. The job order account has sufficient funds to cover anticipated future costs to the City. There are no mechanic's liens filed against the surety and there has not been a previous partial release. 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, 67.5 percent of the original surety will be released which will reduce the surety to \$1,155,385.

FILE LOCATION: SUBD-Otay International Center Lot No. 7

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-118: (R-92-271) ADOPTED AS RESOLUTION R-278553

Granting an extension of time to September 30, 1993, to
American Newland Associates, subdivider, to complete
the improvements required in Sorrento Hills Corporate
Center Phase I Unit 1.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On February 12, 1990, the
City entered into an agreement with American Newland Associates
for the construction of public improvements for Sorrento Hills
Corporate Center Phase I Unit 1. The agreement expires on
February 12, 1992. The subdivider has requested an extension of
time to September 30, 1993 in which to complete the required
improvements. The improvements are approximately 5 percent
complete. 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. The time extension
is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Sorrento Hills Corporate Center Phase I
Unit I

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-119: (R-92-272) ADOPTED AS RESOLUTION R-278554

Granting an extension of time to September 30, 1993, to
American Newland Associates, subdivider, to complete

the improvements required in Sorrento Hills Corporate Center Phase I Unit 2.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On April 24, 1990, the City entered into an agreement with American Newland Associates for the construction of public improvements for Sorrento Hills Corporate Center Phase I Unit 2. The agreement expires on April 24, 1992. The subdivider has requested an extension of time to September 30, 1993 in which to complete the required improvements. The improvements are approximately 2 percent complete. 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. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Sorrento Hills Corporate Center Phase I Unit 2

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-120: (R-92-273) ADOPTED AS RESOLUTION R-278555

Granting an extension of time to September 30, 1993, to American Newland Associates, subdivider, to complete the improvements required in Sorrento Hills Corporate Center Phase II Unit 1.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On April 24, 1990, the City entered into an agreement with American Newland Associates for the construction of public improvements for Sorrento Hills Corporate Center Phase II Unit 1. The agreement expires on April 24, 1992. The subdivider has requested an extension of time to September 30, 1993 in which to complete the required improvements. The improvements are approximately 5 percent complete. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve

adjacent development or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Sorrento Hills Corporate Center Phase II
Unit I

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-121: (R-92-274) ADOPTED AS RESOLUTION R-278556

Granting an extension of time to September 30, 1993, to
American Newland Associates, subdivider, to complete
the improvements required in Sorrento Hills Corporate
Center Phase II Unit 2.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On April 24, 1990, the City entered into an agreement with American Newland Associates for the construction of public improvements for Sorrento Hills Corporate Center Phase II Unit 2. The agreement expires on April 24, 1992. The subdivider has requested an extension of time to September 30, 1993 in which to complete the required improvements. The improvements are approximately 2 percent complete. 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. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Sorrento Hills Corporate Center Phase II
Unit 2

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-122: (R-92-275) ADOPTED AS RESOLUTION R-278557

Granting an extension of time to September 30, 1993, to American Newland Associates, subdivider, to complete the improvements required for Sorrento Hills Corporate Center Phase II Unit 3.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On April 24, 1990, the City entered into an agreement with American Newland Associates for the construction of public improvements for Sorrento Hills Corporate Center Phase II Unit 3. The agreement expires on April 24, 1992. The subdivider has requested an extension of time to September 30, 1993, in which to complete the required improvements. The improvements are approximately 5 percent complete. 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. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Sorrento Hills Corporate Center Phase II

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-123: (R-92-276) ADOPTED AS RESOLUTION R-278558

Granting an extension of time to September 30, 1993, to American Newland Associates, subdivider, to complete the improvements required for Sorrento Hills Corporate Center Phase II Unit 6.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On April 24, 1990, the City entered into an agreement with American Newland Associates for the construction of public improvements for Sorrento Hills Corporate Center Phase II Unit 6. The agreement expires on April

24, 1992. The subdivider has requested an extension of time to September 30, 1993 in which to complete the required improvements. The improvements are approximately 5 percent complete.

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. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Sorrento Hills Corporate Center Phase II
Unit 6

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-124: (R-92-277) ADOPTED AS RESOLUTION R-278559

Granting an extension of time to September 30, 1993, to American Newland Associates, subdivider, to complete the improvements required for Sorrento Hills Corporate Center Phase II Unit 7.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On April 24, 1990, the City entered into an agreement with American Newland Associates for the construction of public improvements for Sorrento Hills Corporate Center Phase II Unit 7. The agreement expires on April 24, 1992. The subdivider has requested an extension of time to September 30, 1993 in which to complete the required improvements. The improvements are approximately 5 percent complete. 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. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Sorrento Hills Corporate Center Phase II
Unit 7

COUNCIL ACTION: (Tape location: B578-589.)

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

ITEM-125: CONTINUED TO SEPTEMBER 23, 1991

Five actions relative to the improvement of Black Mountain Road including the Pedestrian Overpass at Galvin Street:

(Mira Mesa Community Area. District-5.)

Subitem-A: (R-92-319)

Authorizing the City Manager to abandon the Feasibility Study - Black Mountain Road Assessment District Fund No. 79410 and return any surplus funds to the property owners in proportion to their contributions.

Subitem-B: (R-92-320)

Accepting the petition for the Black Mountain Road Assessment District under the provisions of the Municipal Improvement Act of 1913.

Subitem-C: (R-92-321)

Authorizing the execution of a Reimbursement Agreement with Pardee Construction Company for the Black Mountain Road Assessment District.

Subitem-D: (R-92-322)

Authorizing the City Auditor and Comptroller to establish the Black Mountain Road Assessment District Fund (Fund No. 79650); accepting the initial cash advance of \$25,000 from Pardee Construction Company for the purpose of paying the preliminary costs for staff administration.

Subitem-E: (R-92-323)

Authorizing the City Manager to enter into a

Reimbursement Agreement with Pardee Construction for the payment of cash reimbursements in exchange for construction of a pedestrian bridge at Galvin Street across Black Mountain Road.

CITY MANAGER SUPPORTING INFORMATION: On November 16, 1987, Council authorized the City Manager to conduct a feasibility study for construction of Black Mountain Road through assessment district proceedings between the Mira Mesa and Rancho Penasquitos communities. This section of Black Mountain Road is substantially complete with the exception of that portion within Pardee Construction Company's Westview Subdivision boundary. Pardee is required to construct the roadway in conjunction with development of their subdivision property. Pardee has approached the City requesting that the public improvements be constructed and acquired through assessment district proceedings. A petition was submitted to the City and signed by Pardee, thereby representing 100 percent of the land owners proposed to be assessed. Upon completion of the roadway construction, the City would acquire the improvements through the assessment district public hearing process. Associated with the above project is the construction of a pedestrian bridge across Black Mountain Road at Galvin Street identified in the Council approved Mira Mesa Public Facilities Financing Plan. The community desires that the bridge be constructed prior to opening the remaining portion of Black Mountain Road. Pardee has agreed to coordinate construction of the roadway and bridge such that both projects are completed concurrently. Pardee is willing to accept cash reimbursement from the FBA district as compensation for expenditures on their cost of constructing the pedestrian bridge.

Aud. Cert. 9200153.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A570-583.)

MOTION BY WOLFSHEIMER TO CONTINUE TO SEPTEMBER 23, 1991 AT THE REQUEST OF DAVID POOLE OF PARDEE CONSTRUCTION CO.
Second by Hartley. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

* ITEM-126: (R-91-1256) ADOPTED AS RESOLUTION R-278560

Vacating the easterly portion of Cowley Way north of Caminito Villamar in connection with the reversionary map for Villamar Unit 1 (TM-88-0057) pursuant to Section 8330 et seq. of the California Streets and Highways Code;

declaring that the resolution shall not become effective unless and until the reversionary map for Villamar Unit 1 (TM-88-0057) has been approved by Council action; in the event that the final map is not approved within three years after the adoption of this resolution, this resolution shall become void and be of no further force or effect; the City Engineer shall advise the City Clerk of the approval of the reversionary map.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation is being requested in conjunction with the reversionary map for Villamar Unit 1 (TM-88-0057). The area-of-vacation was granted to the City to provide additional right-of-way for transition purposes until Cowley Way was realigned under the Villamar subdivision, which proposed preparation of seven final maps. Now that the Villamar project is no longer contemplated, the owners are requesting a reversion to acreage of Villamar Unit 1, which eliminates the retention of the area proposed for vacation. The subject vacation is located in the Clairemont Mesa Community Plan area and is within an R-1,000 Zone. The area-of-vacation totals 740 square feet and will not affect density or development, since this action is to accommodate the proposed reversion to acreage. Under the proposed map and vacation, the properties will revert to acreage and realign Cowley Way back to its original alignment, as it was prior to the recordation of Villamar Unit 1.

The Planning Department and the Clairemont Mesa Planning Group have no objections to the proposed vacation. The present travel-way for Cowley Way is fully improved. The area to be vacated may be considered excess right-of-way beyond the standard ten-foot curb-to-property-line distance. The vacation area does not support public utilities or franchise facilities; therefore, easement reservations are not required.

FINDINGS: Staff review has indicated that the proposed vacation is consistent with Council Policy 600-15. The right-of-way will no longer be required for present or prospective public use, nor

detrimentally affect the facility for which it was acquired, upon recordation of the reversionary map.

The public will benefit through improved utilization of the property, relieving the City of maintenance responsibility and returning the property to the tax rolls. The vacation is consistent with the General Plan and the community plan.

FILE LOCATION: DEED F-5655; STRT J-2766 DEED FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-127: (R-92-259) ADOPTED AS RESOLUTION R-278561

Authorizing the execution of a deed conveying to San Diego Gas and Electric Company an easement to clear span improvements to Highway 78 and Cloverdale Road for street improvements required for the Eagle Crest project in Escondido.

(San Pasqual Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Signal Landmark, developer of Eagle Crest in Escondido, is required as part of their development permit to realign Cloverdale Road and the intersection at Highway 78. In doing so, the power line which serves one of the City's lessees must be moved to clear the new right-of-way of Cloverdale Road. This easement provides for relocating two poles, re-routing the power line within the new right-of-way by providing a 25 foot anchor on City property. WU-PR-92-017.

FILE LOCATION: DEED F-5656 DEED FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-128: (R-92-221) ADOPTED AS RESOLUTION R-278562

Approving the acceptance by the City Manager of a grant deed of Henry A. Greene and Terri Greene, granting to the City an easement for public street purposes in Lot 64 of Del Sur Unit No. 1, Map-1259; dedicating said land as and for a public street, and naming the same 65th Street.

(Southeast San Diego Community Area. District-4.)

FILE LOCATION: DEED F-5657 DEED FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-129: (R-92-197) ADOPTED AS RESOLUTION R-278563

Approving the acceptance by the City Manager of a grant deed of Richard C. Richley and Gloria C. Richley and Eugene A. Shales and Patricia Therese Shales, granting to the City an easement for public street purposes in a portion of Pueblo Lot 240 of the Pueblo Lands of San Diego; dedicating the land as and for a public street and naming the same Midway Drive.

(Midway Community Area. District-2.)

FILE LOCATION: DEED F-5658 DEED FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-130:

Two actions relative to Harvest Road:

(Otay Mesa Community Area. District-8.)

Subitem-A: (R-92-315) ADOPTED AS RESOLUTION R-278564

Approving the acceptance by the City Manager of a grant deed of San Diego Gas and Electric Company, granting to the City an easement for public street purposes in a portion of the Northwest Quarter of the Northwest Quarter of Section 36, Township 18 South, Range 1 West, San Bernardino Meridian;

dedicating said land as and for a public street.

Subitem-B: (R-92-316) ADOPTED AS RESOLUTION R-278565

Authorizing the execution of a bonded six year deferred agreement with San Diego Gas and Electric Company, for the construction of Harvest Road between Otay Mesa Road and Airway Road.

FILE LOCATION: DEED F-5659 DEED FY 92-1; CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-131: (R-92-219) ADOPTED AS RESOLUTION R-278566

Vacating the City's interest in an unneeded drainage easement affecting Parcels 24, 25, 27 and 28 of Parcel Map PM-16379, and in an electrical easement in Parcels 14 and 22 of Parcel Map PM-16379, pursuant to Section 8300 et seq. of the Streets and Highways Code.

(Carmel Valley Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Application has been

received by the Engineering and Development Department for the vacation of a drainage easement and an electrical easement that encumbers property located on the east side of El Camino Real, between Del Mar Heights Road and Townsgate Drive in the Carmel Valley area. The drainage and electrical easements were acquired by the City through the filing of Map-15494 at no cost. The applicant is processing a lot line adjustment and wishes to abandon these two easements for better utilization of the land. The subject easements have never been used. All concerned City Departments and the local planning committee have reviewed the request for abandonment and all have concluded there is no present or prospective need for the easements, therefore abandonment is recommended.

FILE LOCATION: DEED F-5660 DEED FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-132: (R-92-258) ADOPTED AS RESOLUTION R-278567

Vacating the City's interest in an unneeded sewer easement affecting Parcel 2 of Parcel Map PM-12860, pursuant to Section 8300 et seq. of the Streets and Highways Code.

(Uptown Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Application has been received by the Engineering and Development Department for the vacation of a sewer easement affecting property north of Arbor Drive between First and Third Avenues in the Uptown area. The easement was acquired at no cost to the City in 1938 and has never been used. The subject easement has been reviewed by all affected City departments and the local planning committee. All have concluded there is no prospective public need for the easement, therefore abandonment is recommended.
WU-PR-92-018.

FILE LOCATION: DEED F-5661 DEED FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-133: (R-92-257) ADOPTED AS RESOLUTION R-278568

Vacating the City's interest in an unneeded general utility easement affecting Lots 76 and 77 of Collwood Park, Map-2403, pursuant to Section 8300 et seq. of the Streets and Highways Code.

(State University Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: Application has been received by the Engineering and Development Department for the vacation of a general utility easement affecting property east of College Avenue, south of Montezuma Road, north of El Cajon Boulevard on the southeast corner of the Rockford Drive and Pontiac Street intersection in the State University area. The easement was acquired at no cost to the City in 1947 by the filing of the subdivision map and has never been used. The subject easement has been reviewed by all affected City departments and the local planning committee. All have concluded there is no present or prospective public need for the easement, therefore abandonment is recommended.

WU-PR-91-021.

FILE LOCATION: DEED F-5662 DEED FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-134: (R-92-222) ADOPTED AS RESOLUTION R-278569

Sale by negotiation, for the processing fee, of a sewer easement in Lot 10, Block 4 of Drucker's Subdivision,

Map-1584, to William F. Hardy, Jr.; authorizing the execution of a quitclaim deed, quitclaiming to William F. Hardy, Jr., the above easement; declaring that no broker's commission shall be paid on the negotiated sale.

(Midway Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Application has been received by the Engineering & Development Department for the vacation of a sewer easement affecting property south of I-8, easterly of Sports Arena Boulevard, northerly of Channel Way and westerly of Jupiter Street in the Midway area. The easement was acquired at no cost to the City in 1952. Since then, Sewer Pump Station 40 has been restored making the subject easement unnecessary. The subject easement has been reviewed by all affected City departments and the local Community Planning Committee. All have concluded that there is no prospective public need for the easement, therefore, it is recommended for abandonment.

WU-PR-92-008.

FILE LOCATION: DEED F-5663 DEED FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-135: (R-92-311) ADOPTED AS RESOLUTION R-278570

Authorizing the sale by negotiation of Site 258, described as a portion of Lot 12, Block 10, Frary Heights, to Diane L. Edge (250 square feet) and to San Diego Youth and Community Services, Inc. (1,020 square feet) for the amount of \$1,900; authorizing the execution of two grant deeds, granting to Diane L. Edge and San Diego Youth and Community Services, Inc. all that portion of Lot 12, Block 10, Frary Heights; declaring that no broker's commission shall be paid on the sale.

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

CITY MANAGER SUPPORTING INFORMATION: On March 18, 1991 Council authorized the sale of this site via a restricted auction between two adjacent property owners, both of whom were interested in its purchase. Since then, the two owners have worked out an agreement to divide the subject 10-foot by 127-foot strip among themselves. Each owner actually only desired a portion of the property. Division of the parcel in this manner will satisfy both of their respective needs.

Diane L. Edge, the owner to the west only wants a 5' x 50' (250 sq. ft.) section of the parcel. San Diego Youth and Community Services will take the remainder (1,020 sq. ft.).

The PF&R Committee had recommended that the Property Department suggest a division of this sort to the prospective buyers as an alternative to the auction. This was done resulting in the aforementioned agreement.

FILE LOCATION: DEED F-5664 DEED FY 92-2

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-136: (R-92-309) ADOPTED AS RESOLUTION R-278571

Honoring INTERFACE UCSD for its selection as the 1991 "Nice Guy of the Year," for outstanding contributions to the community, by San Diego's NICE GUYS; proclaiming Saturday, September 28, 1991, as "INTERFACE UCSD Day" in San Diego, and commending individuals and organizations who have played key roles in the establishment and on-going success of INTERFACE for their unselfish effort in making a difference in children's lives by providing needed medical care.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-137:

Eight actions relative to authorizing Suggestion Awards
to the following City employees:

Subitem-A: (R-92-302) ADOPTED AS RESOLUTION R-278572

David L. Gerber - General Services Department,
Buildings Division - \$470.79.

Subitem-B: (R-92-303) ADOPTED AS RESOLUTION R-278573

Edward Ketchem - Fire Department - \$200. David L.
Gerber - General Services Department, Buildings
Division - \$197.03.

Subitem-C: (R-92-304) ADOPTED AS RESOLUTION R-278574

Michael Dunn - City Clerk's Office - \$166.06. Gerald E.
White - Fire Department - \$160.

Subitem-D: (R-92-305) ADOPTED AS RESOLUTION R-278575

Danny Lenz - General Services Department - \$160.
James Trosper - Fire Department - \$160.

Subitem-E: (R-92-306) ADOPTED AS RESOLUTION R-278576

Craig R. Tennesen - Engineering and Development
Department - \$132.10.
Philip Scheer - General Services Department - \$50.

Subitem-F: (R-92-307) ADOPTED AS RESOLUTION R-278577

Gloria Salley - Police Department - \$45.
Deborah Huff - Water Utilities Department - \$36.

Subitem-G: (R-92-308) ADOPTED AS RESOLUTION R-278578

John R. Beck - Property Department - \$25.
Dolores Enama - Treasurer's Office - \$25.

Subitem-H: (R-92-332) ADOPTED AS RESOLUTION R-278579

Alfredo E. Gallardo, Jr. - Personnel - \$41.26.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-138: (R-92-116) ADOPTED AS RESOLUTION R-278580

Excusing Councilmember John Hartley from attending the
regularly scheduled Council meetings of July 1 and 2,
1991, and the regularly scheduled Public Service and
Safety Committee meeting of July 3, 1991, due to his
attendance to out of town City business in Chicago.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-139: (R-92-213) ADOPTED AS RESOLUTION R-278581

Supporting the goals of the Immigration Funding Project
and calling upon the United States Congress to
immediately honor its commitment, and its
responsibility, to provide adequate federal funding to
assist communities in providing services to immigrants;
directing the City's Washington lobbyists to provide
assistance to local representatives during the planned

Washington visit on September 24 and 25, 1991. 1991.
(See Department of Legislative Services Report DLS-91-42.)

COMMITTEE ACTION: Reviewed by RULES on 8/7/91. Recommendation to approve the Department of Legislative Services recommendation. Districts 1, 4, 8 and Mayor voted yea. District 7 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

ITEM-140: (R-92-216) CONTINUED TO OCTOBER 7, 1991

Encouraging the Metropolitan Transit Development Board to implement the recommendation outlined in Assembly Resolution No. 19 to allow off duty police officers, sheriffs, undersheriffs, and deputy sheriffs of a county in which the public transportation systems operates to use the public transportation system without charge.

FILE LOCATION: --

COUNCIL ACTION: (Tape Location: A416-458.)

Motion by Wolfsheimer to note and file at the request of the City Manager. Second by McCarty. No vote.

MOTION BY WOLFSHEIMER TO CONTINUE TO OCTOBER 7, 1991. STAFF WAS REQUESTED TO RETURN WITH A REPORT AS TO WHAT THE CURRENT POLICY IS ON THIS ISSUE AND THE RATIONALE AS TO WHY AND HOW THE POLICY WAS DEVELOPED. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

* ITEM-141: (R-92-190) ADOPTED AS RESOLUTION R-278582

Approving the City Manager's Third Quarter Equal Opportunity Report for Fiscal Year 1991 on the status of the City's Equal Opportunity Program.

(See City Manager Report CMR-91-364.)

COMMITTEE ACTION: Reviewed by RULES on 8/7/91. Recommendation to accept the City Manager's Report. Districts 1, 4 and 8 voted yea. District 7 and Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-142: (R-92-214) ADOPTED AS RESOLUTION R-278583

Authorizing the City Council to approve the Workforce and MBE/WBE Participation Status Reports of the Council-directed Independent Corporations for the Third Quarter FY 91 (January 1, 1991 through March 31, 1991).

(See City Manager Report CMR-91-370.)

COMMITTEE ACTION: Reviewed by RULES on 8/7/91. Recommendation to accept the Report, and direct the City Manager to work with the City's Independent Corporations in developing a standard approach to their equal opportunity obligations. Districts 1, 4, 8, and Mayor voted yea. District 7 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-143: (R-92-134) ADOPTED AS RESOLUTION R-278584

Approving the concept of MBE/WBE goals for design and construction contracts by category of project as set forth in the City Manager's report; directing the City Manager to develop the goal setting procedures.

(See City Manager Report CMR-91-363.)

COMMITTEE ACTION: Reviewed by RULES on 8/7/91. Recommendation to approve the City Manager's recommendation. Districts 1, 4 and 8 voted yea. District 7 and Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-144: (R-92-254) ADOPTED AS RESOLUTION R-278585

Authorizing the City Manager to submit the Grant Application Proposal to the California Department of Boating and Waterways for the purchase of a patrol boat for the San Diego Harbor Unit; authorizing the execution of the grant proposal program, including any extensions or amendments.

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego Police Department, in response to a Request for Proposal from the California Department of Boating and Waterways, has developed a request for a grant in the amount of \$55,000, for the purchase of a Patrol Boat for the Mission Bay Harbor Patrol Unit. The funds will be used to purchase the equivalent of a 27' enclosed Boston Whaler Challenger equipped with radar, compass, depth finder, marine radio, twin 300HP outboards, and a trailer. This vessel will be used for nighttime and winter patrols, which are dangerous or impossible in open patrol craft. The City has allocated \$46,000 for the replacement of an existing 1977 Barrett 20' boat in the upcoming fiscal year. This amount will be added

to the award in order to comply with the required 25 percent match, and to establish a total amount (\$101,000) sufficient to purchase a suitable vessel. This award does not fund any other expenses.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-145: (R-92-92) ADOPTED AS RESOLUTION R-278586

Authorizing the City Manager to submit the Grant Application Proposal to the Bureau of Justice Assistance for a Foreign Nationals Trafficking in Drugs Project.

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego Police Department, in response to a Request for Proposal from the Office of Justice Programs, Bureau of Justice Assistance, has developed a program entitled Foreign Nationals Trafficking in Drugs. The proposal requests \$150,000 to develop, implement, and evaluate a system for the rapid and accurate identification of Foreign Nationals operating drug enterprises in the U.S. The program targets the residential houses which are rented, supplied, and run by absentee middle and upper level drug traffickers, and staffed by illegal aliens. Due to their absence and/or transitory lifestyles, these criminals have been extremely difficult to identify, track, arrest and prosecute, or deport. This grant would fund officer overtime, investigative expenses, portable identification equipment (finger customized van for transportation of personnel and equipment.

This program will be implemented by existing department personnel, except for a half-time grant funded Investigative Aide for record keeping and systems management, and will represent an expansion and enhancement of present enforcement activity.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-146: (R-92-91) ADOPTED AS RESOLUTION R-278587

Authorizing the acceptance of a donation of 20 video cameras valued at \$25,700 from Aetna Casualty and Life for installation in police vehicles assigned to the San Diego Police Department's Traffic Division; expressing the gratitude of the citizens of San Diego for this act of civic generosity.

CITY MANAGER SUPPORTING INFORMATION: Since June 1989, Aetna Life and Casualty's "Eye on DUI" program has donated over 850 video cameras to over 83 law enforcement agencies nationwide.

These cameras provide an effective tool for law enforcement agencies in the fight against driving under the influence of alcohol or drugs. Videotaping a DUI suspect at the scene provides strong evidence that is difficult to refute in court. Aetna reports that initial results from a number of agencies demonstrate that most videotaped defendants plead guilty without going to court. As a result of fewer court cases, these departments are not only saving considerable overtime costs associated with court appearances by off-duty officers, but on-duty officers have more time to spend on enforcement activities. The Police Department will install the twenty video cameras in police vehicles assigned to the Traffic Division, which was responsible for over 2700 DUI arrests in 1990. In return for the donation, the Police Department will agree to provide Aetna with statistics on both videotaped and non-videotaped DUI arrests and the judicial dispositions of these cases for a twelve month period. This donation is valued at \$25,700.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-147: (R-92-220) ADOPTED AS RESOLUTION R-278588

Authorizing the expenditure of an amount not to exceed \$9,000 from CIP-68-001.1, Annual Allocation, Cooperative Signal Projects Fund 30245, for the purpose of administering the construction of traffic signal and street lighting systems at Balboa Avenue (Route 274) and Mount Abernathy/Mount Alifan Drive.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On March 12, 1990 City Council, by Resolution, authorized modification of the intersection of Balboa Avenue (Route 274) and Mount Abernathy/Mount Alifan Drive. The work included modification of a traffic signal and the creation of dual turn lanes on Mount Abernathy Drive. Unsuitable, saturated soil was encountered during construction of the dual turn lanes. Corrective measures necessary to stabilize the soil beneath the planned turn lanes caused additional costs that were not budgeted for in the project.

Aud. Cert. 9200074.

FILE LOCATION: W.O. 119138-CONT-Perry Electric

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-148: (R-92-65) ADOPTED AS RESOLUTION R-278589

Authorizing the additional expenditure of \$2,103.40 for the incorporation of safety-related design changes in a custom-built work barge for Mission Bay Park, in accordance with the terms and conditions of BID-H1295/90, previously authorized by Resolution R-275592; authorizing the total cost of an additional expenditure of not to exceed \$2,103.40, from Department No. 442, Fund No. 100, Organization No. 750, Object Account No.

4222, and Job Order No. 044237, for providing funds for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(Mission Bay Community Area. District-2.)

Aud. Cert. 9200058.

FILE LOCATION: CONT-Purchase-Sea Tree Enterprises

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-149: (R-92-43) ADOPTED AS RESOLUTION R-278590

Authorizing the additional expenditure of \$11,000 from CIP-17-001.0, Fund 30300, Prop A, to supplement Resolution R-274910 for a total of \$96,500, for the purpose of providing funds for the construction of Vallecitos Seepage Line.

(La Jolla Shores Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This project provided for the installation of a seepage line in the beach area of La Jolla Shores and connected it to the Avenida de la Playa outfall. The flow of water on the beach was then intercepted, greatly reducing the drainage that was contributing to the sand erosion, creating an unsightly condition, and rendering a portion of the beach unusable to the public. This project has also corrected some minor ponding problems in the Avenida de la Playa area. To complete this project, \$11,000 is required for the closing change order which adjusted the final quantities and related engineering changes.

Aud. Cert. 9100955.

FILE LOCATION: W.O. 119381 CONT-MAJAK-Corporation dba
Horizons Constructions

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-150:

Two actions relative to the Normal Heights Park
Acquisition:

(Mid-City (Normal Heights) Community Area. District-
3.)

Subitem-A: (R-92-251) ADOPTED AS RESOLUTION R-278591

Authorizing the transfer of \$190,000 from Mid-City Park
Development Fund No. 39094 to CIP-29-705.0, Normal
Heights Community Park Acquisition; authorizing the
expenditure of an amount not to exceed \$190,000 from
CIP-29-705.0, Normal Heights Community Park
Acquisition, Mid-City Park Development Fund No. 39094,
for the acquisition of real property from Joseph T. and
Lucille K. Heidmiller.

Subitem-B: (R-92-252) ADOPTED AS RESOLUTION R-278592

Certifying that the information contained in
Environmental Negative Declaration DEP-91-0511, in
connection with Normal Heights Park acquisition, has
been completed in compliance with the California
Environmental Quality Act of 1970, as amended, and
State guidelines, and that said Report has been
reviewed and considered by the Council; adopting
findings that the project will not have a significant
effect on the environment.

CITY MANAGER SUPPORTING INFORMATION: Acquisition of the subject
single-family residence, located at 3931 Adams Avenue, will
provide approximately 5,000 square feet of additional land for
the proposed Normal Heights Park. The City and CalTrans
currently own about 3.5 acres and, by acquiring additional
properties in the area, the City hopes to eventually assemble a
6-acre site with about four usable acres. The surrounding area

in the Mid-City Community is deficient in parks. The proposed park site offers one of the few opportunities in the area where the City already owns land and will be able to acquire additional land from CalTrans after completion of I-15 improvements. Aud. Cert. 9200131.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-151: (R-91-2199) ADOPTED AS RESOLUTION R-278593

Modifying the provisions of City Council Resolution R-275093, adopted February 5, 1990, to provide that the Storm Drain Revenue Fund may be expended for the general purposes, operations, maintenance, capital projects and management of the storm drain system, including monitoring the system for silt, toxic material and related pollutants, with such other expenditures as may, from time to time, be authorized pursuant to the General Appropriations ordinance of the City of San Diego.

(See City Manager Report CMR-90-08.)

CITY MANAGER SUPPORTING INFORMATION: In February 1990 the City Council amended Section 64.0404 through 64.0406 of the Municipal Code to provide for a new storm drain fee. (See R-275093.) It would allow for maintenance of the City's storm drains. It was anticipated that the fee, as it was established, would be utilized for all purposes traditional to storm drains including maintaining existing storm drains, monitoring the drainage for silt, toxins and other foreign material and construction of new facilities when existing ones fail. The resolution previously prepared and approved only provides that the fee be utilized for "costs associated with storm drain main maintenance," which effectively limited the fee to maintenance only. This subject change to the resolution would amend the previous resolution to include operations, capital projects, and general related purposes. This change is only administrative and will not necessitate an increase in the fee.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-152: (R-92-346) ADOPTED AS RESOLUTION R-278594

A Resolution approved by the City Council in Closed
Session on Tuesday, August 6, 1991 by the following
vote:

Wolfsheimer-yea; Roberts-yea; Hartley-yea; Pratt-not
present; Behr-yea; Henderson-yea; McCarty-not present;
Filner-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of
\$50,000 in the settlement of each and every claim
against the City, its agents and employees, resulting
from the personal injuries to Marsha Selzer (Superior
Court Case No. 630882, Marsha Selzer v. City of San
Diego, et al.); authorizing the City Auditor and
Comptroller to issue one check in the amount of \$50,000
made payable to Marsha Selzer and Peter R. Thompson,
her attorney, in full settlement of the lawsuit and all
claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the
complete and final settlement of the personal injury claim of
Marsha Selzer against the City of San Diego as a result of the
incident of June 13, 1990.

Aud. Cert. 9200167.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

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

* ITEM-153: (R-92-253) ADOPTED AS RESOLUTION R-278595

Authorizing the execution of a fifth amendment to the Penasquitos Canyon land exchange agreement with American Newland Associates, as follows: 1) Which extends the close of escrow to September 30, 1993; 2) Recomputes the interest owed by Newland on the "cash difference" to the new close of escrow date; and 3) Is contingent upon the City Council also extending until September 30, 1993, certain subdivision improvement agreements referred to in the amendment, and which request for extension is to be a companion item on the Council docket.

(Sorrento Hills/Penasquitos East Community Area.
District-1.)

CITY MANAGER SUPPORTING INFORMATION: Council by Resolution R-263850 adopted August 12, 1985, authorized the City Manager to enter into a land exchange agreement with Genstar Development, Inc. (American Newland Associate's predecessor in interest). The agreement calls for Newland to trade the City approximately 287 acres of its land for inclusion in the Los Penasquitos Canyon Preserve together with \$958,250 in cash plus interest, for 155 acres of City owned land adjacent to Interstate 5. Resolution R-266376, adopted August 11, 1986, designated that if the transaction is consummated all funds received as part of the exchange will be used for the maintenance and enhancement of the Los Penasquitos Canyon Preserve.

This fifth amendment to the agreement: 1) Extends the close of escrow to September 30, 1993, in order for Newland to complete the processing of actions required under the agreement; 2) Recomputes the interest on the "cash difference" owned by Newland due to the extension of the escrow adding approximately \$199,987 in interest to the City for the term of the extension if the transaction is consummated; and 3) Makes this request, for the extension of the escrow, subject to Council also extending until September 30, 1993, certain subdivision improvement agreements mentioned in the amendment, the request for which is a companion item to this action.

FILE LOCATION: MEET CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

ITEM-154: (R-92-226) ADOPTED AS RESOLUTION R-278596

Authorizing the execution of an agreement with Pardee
Construction Company for reimbursement from the Carmel
Valley FBA for completed work on FBA projects 21-13 and
21-14, half-width improvements to Del Mar Heights Road.

(District-1.)

CITY MANAGER SUPPORTING INFORMATION: Pardee Construction Company
has completed improvements to Del Mar Heights Road in the
vicinity of the future Fire Station and the existing Torrey Pines
High School. These projects are funded by the Carmel Valley
(formerly North City West) Facilities Benefit Assessment (FBA)
and identified in the Carmel Valley Public Facilities Financing
Plan as projects 21-13 and 21-14. The proposed agreement will
authorize reimbursement to Pardee Construction in FBA credits, or
cash only if available, for the cost for design and construction
of the projects.

FILE LOCATION: STRT FB-8 CONT FY 92-1

COUNCIL ACTION: (Tape Location: B590-C125.)

MOTION BY WOLFSHEIMER TO ADOPT AND TO REQUEST THE CITY
MANAGER NOTIFY ALL COUNCIL MEMBERS WHEN THE CITY PLANS TO
GIVE CASH RATHER THAN CREDIT REIMBURSEMENTS FROM FACILITIES
BENEFIT ASSESSMENTS. Second by Behr. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not
present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea,
Filner-not present, Mayor O'Connor-yea.

* ITEM-155:

Two actions relative to the Reimbursement Agreement for Gold Coast Drive:

(Mira Mesa Community Area. District-5.)

Subitem-A: (R-92-227) ADOPTED AS RESOLUTION R-278597

Authorizing the execution of a Reimbursement Agreement with Pardee Construction Company for the design and construction of Gold Coast Drive; authorizing the expenditure of an amount not to exceed \$63,000 from CIP-58-001.0, Annual Allocation - New Developments, Capital Outlay Fund No. 30245, for the purpose of providing funds for the above project; authorizing the expenditure of an amount not to exceed \$87,000 from CIP-17-001.0, Annual Allocation - Minor Drain Requirements, Proposition "A" Fund No. 30300, for the purpose of providing funds for the above project.

Subitem-B: (R-92-228) ADOPTED AS RESOLUTION R-278598

Certifying that the information contained in Environmental Negative Declaration END-87-0546 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: The subject Reimbursement Agreement provides for reimbursing the Pardee Construction Company (Pardee) for the construction of Gold Coast Drive which serves the Mira Mesa Third Community Park.

The City Council, on August 7, 1989, approved a previous Reimbursement Agreement with Pardee for the design and construction of the Mira Mesa Third Community Park. That agreement provides \$2,300,000 in FBA credits or cash as reimbursement to Pardee. Pardee is obligated to cause the design and construction of the park now and to receive compensation over an extended period of time, defined in the Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment. An amendment to this earlier Reimbursement Agreement increased the reimbursement to \$4,262,850. The estimated project cost of \$4,262,850 did not include funding for the Gold Coast Drive street improvements. This separate Reimbursement Agreement will provide for a \$150,000 reimbursement for Pardee's construction of Gold Coast Drive.

Aud. Cert. 9200099.

FILE LOCATION: MEET CCONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-156: (R-91-1752) ADOPTED AS RESOLUTION R-278599

Authorizing the execution of an automatic aid agreement
with the United States Naval Base, San Diego, for
mutual fire protection services.

CITY MANAGER SUPPORTING INFORMATION: It is the policy of the
City of San Diego to render fire protection mutual aid to its
neighbors whenever such aid is needed. Automatic Aid carries the
concept of mutual aid one step further by dropping political
boundaries so the nearest fire units would respond, regardless of
jurisdiction, thus facilitating even faster responses to
emergencies. The City has entered into Automatic Aid Agreements
with all other municipalities or governmental agencies adjoining
the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-157: (R-91-2176) ADOPTED AS RESOLUTION R-278600

Authorizing the President of the Board of
Administration for the City Employees Retirement System
to execute an agreement with Secure Horizons, Pacific
Care of California, to provide health care for eligible

retirees.

CITY MANAGER SUPPORTING INFORMATION: Secure Horizons/Pacific Care Health Plan was approved by the City Employees' Retirement System Board of Administration on October 19, 1990 as an additional health plan option for those retirees who are Medicare eligible. Secure Horizons is a federally qualified health maintenance organization. The term of the contract is from February 1, 1991 through July 31, 1992. The monthly premium rates applicable during the contract term are:

Retiree Only, with Medicare	\$ 34.48
Retiree & Spouse, two Medicare	68.96
Retiree & Spouse, one Medicare	242.68
Retiree, Spouse & Dependents, one Medicare	326.18
Retiree, Spouse & Dependents, two Medicare	152.46

There is a \$3 per visit copayment for office visits; consultation, diagnosis, and treatment by a specialist; annual physical examination, including pap smear; eye examination; ear examination; and visits for immunizations (includes flu examinations and all Medicare approved immunizations). In addition, prescriptions drugs are \$3 per prescription drug unit when prescribed by a Secure Horizons plan physician and when purchased at participating drug stores.

Aud. Cert. 9200139.

FILE LOCATION: MEET CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

ITEM-158: (R-92-314) CONTINUED TO SEPTEMBER 30, 1991

Authorizing the execution of a Memorandum of Understanding with Caltrans, for Stage/Unit I of State Route 15/40th Street "Visions Project"; authorizing the City Manager to work with Caltrans and the Consultant to implement the actions contained in the State Route 15/40th Street "Visions Project" Report.

(See City Manager Report CMR-91-377. Mid-City
Community Area. District-3.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape Location: B078-120.)

MOTION BY HARTLEY TO CONTINUE TO SEPTEMBER 30, 1991 AND TO
REQUEST STAFF HELP FORM A SUB-COMMITTEE WITH CITY FINANCIAL
STAFF FOR BRAINSTORMING TO DETERMINE WHERE ADDITIONAL MONEY
IS COMING FROM TO FUND THE PROJECT. COMMITTEE TO INCLUDE
STAFF FROM STATE, CITY AND PRIVATE COMMUNITY GROUPS SO
FINANCIAL ISSUE CAN BE RESOLVED. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-not present, Henderson-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-yea.

* ITEM-159: (R-92-21) ADOPTED AS RESOLUTION R-278601

Authorizing the execution of an agreement with San
Diego Consortium and Private Industry Council for the
Consortium to provide a job referral service to operate
in the Southeast/Barrio Logan Enterprise Zone
commencing on July 1, 1991 and on a year-to-year basis
thereafter;

authorizing the expenditure of an amount not to exceed
\$37,000 for such services from Fund 18527, Dept. 4015,
Org. 1501, Object Account 4222.

(Southeast San Diego, Webster, City Heights, Barrio
Logan and Centre City East Community Areas. Districts-
2, 3, 4 and 8.)

CITY MANAGER SUPPORTING INFORMATION: The Enterprise Zone allows
businesses to claim a State income tax credit on the wages of
qualifying new employees. Qualifying employees must be enrolled
in various governmental job training programs.

Zone administration includes a job referral service, provided
under contract by the San Diego Consortium and Private Industry
Council, which coordinates job placements in the Zone by
accessing eligible unemployed persons from appropriate agencies.
The contract for the job referral service has worked well. To

date, over 1500 persons have been placed in new jobs. This resolution would authorize the execution of a contract for the Consortium to operate the job referral service on a continuing, year-to-year basis, rather than requiring a yearly contract renewal. The resolution would also authorize a base contract expenditure of \$37,000 per year, with an allowance for adjustment up to 5 percent per year. The contract would be subject to a yearly appropriation by the City Council for Enterprise Zone funding, and may be terminated by either party without cause.

Aud. Cert. 9200050.

FILE LOCATION: MEET CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-160: (R-92-260) ADOPTED AS RESOLUTION R-278602

Authorizing the execution of an agreement with the San Diego Unified Port District, for maintenance of electronic and communications equipment owned by the Port District.

CITY MANAGER SUPPORTING INFORMATION: The Unified Port District has requested the City of San Diego to provide communications installations and maintenance services. Although the City has provided this service on an informal basis, this Request for Council Action provides for an initial formal agreement that these services be provided to the Unified Port District. The proposed agreement establishes an arrangement under which the City will maintain UPD's communications and electronic equipment. This agreement allows that all work will be fully reimbursed, including overhead charges. This agreement will be in effect for a period of 10 years and may be terminated by either party within 180 days receipt of written notice. UPD 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 unique and cost-effective assistance to the Port District, continues good relations and helps offset fixed City overhead costs.

FILE LOCATION: MEET CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-161: (R-92-329) ADOPTED AS RESOLUTION R-278603

Authorizing the execution of a 5-year lease agreement with Mascot Realty, Inc. for 2,440 square feet of office space at 720 Gateway Drive, Suite D, for use by the Police Department's Professional Standards Unit, at a monthly rent of \$2,196; authorizing the expenditure of an amount not to exceed \$19,764 from the General Fund for lease costs from October 1, 1991 to June 30, 1992.

(Southeast San Diego Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: The Police Department requires office space for its new Professional Standards Unit. The formation of this unit is part of an on-going effort to prevent the problems being experienced by other police departments. The new unit will be composed of five Sergeant/Detectives, one Police Officer II/Detective and a word processing operator. It will be tasked with providing corruption resistance training and pro-actively assuring ethical conduct among all police employees. An off-site location, away from routine police activities, is required in order to maintain the confidentiality of the unit's work. It is proposed to enter into a lease agreement with Mascot Realty Inc., the property owner, for approximately 2,440 square feet of office space. The rental agreement would be for a term of 5 years. The space will rent for \$2,196 per month (.90 per sq. ft.) and is subject to an annual increase of 5 percent. This office provides an excellent location at a reasonable rate.

Aud. Cert. 9200156.

FILE LOCATION: LEAS-Mascot Realty, Inc. LEASFY92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-162: (R-92-163) ADOPTED AS RESOLUTION R-278604

Authorizing the execution of a lease agreement with
Cal-Pacific Management Company for 5,706 square feet of
landscaping and parking space adjacent to Cal-Pacific's
1.15-acre commercial property at 1022 Morena Boulevard,
on a month-to-month tenancy, at a rental of \$600 per
month.

(Linda Vista Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This site is a 5,706 square
foot (0.131-acre) wedge-shaped parcel of land owned by the City
and currently leased to Cal-Pacific Management Company for
\$301.49 on a month-to-month holdover from an expired 10 year
lease pending execution of a new agreement.

The lessee owns the adjacent 1.15-acre commercial (C-1) property
and is using the City-owned parcel for additional parking and
perimeter landscaping. This parcel is excess right-of-way from
the construction of West Morena Boulevard. The proposed new
lease will commence upon execution by the City Manager at a rent
of \$600 per month on a month-to-month basis. This would allow
rental increases at anytime and termination upon 30 days notice.
The lease will continue on a month-to-month term, but the rent is
being increased, thus requiring Council approval. Due to size,
configuration and access problems, Cal-Pacific, the only adjacent
owner, would be the only possible user of this parcel. Its lease
assures proper appearance and maintenance at the cost of the
lessee.

FILE LOCATION: LEAS-Cal-Pacific Management Company LEAS FY
92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-163: (R-92-212) ADOPTED AS RESOLUTION R-278605

Authorizing the execution of a five year lease agreement with the U.S. Department of Justice, Immigration and Naturalization Service, for office space, temporary holding facility and patrol vehicle parking for the U.S. Border Patrol at Brown Field, at an annual rent of \$35,638.56.

(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The U.S. Border Patrol has been a responsible tenant at Brown Field Airport since 1980. The current lease including Building 1220 plus 1.67 acres of land is used as the Brown Field Patrol Station, including offices, temporary holding facility and patrol vehicle parking area. The 10-year lease expired September 30, 1990 and has been on a holdover status awaiting notification from the Border Patrol of their space requirements. The rent is currently \$2,969.88 per month (\$35,638.56 per year). The Border Patrol has requested a five-year lease renewal of its existing facilities. The effective date will be retroactive to October 1, 1990 to correspond with the date of expiration of the existing lease. The present rent equates to a building rate of 47.4 cents per sq. ft. per month and a land rate of 6.8 cents per year. This is currently a fair market rent for this property and we are recommending no increase at this time. The renewal lease does provide a CPI adjustment halfway through the term. The proposed lease provides for cancellation by the City upon 180 days notice for future airport expansion. Also, the lessee has the right to cancel upon 60 days notice in accordance with U.S. Government requirements. All other terms and conditions of the new lease have been updated to current standards.

FILE LOCATION: LEAS-U.S. Dept. of Justice, Immigration and
Naturalization Service LEAS FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Behr.

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

* ITEM-164: (R-92-264) ADOPTED AS RESOLUTION R-278606

Approving Change Order No. 1, dated June 20, 1991, issued in connection with the contract with Roca Construction, Inc. regarding Hoffman Canyon sewer/landscaping restoration; authorizing the expenditure of an amount not to exceed \$56,291.70 from Sewer Revenue Fund No. 41506, CIP-44-001, for the purpose of funding this Change Order.

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

CITY MANAGER SUPPORTING INFORMATION: On December 10, 1990, the City Council adopted a resolution authorizing the City Manager to award a contract for the construction of sewer/landscaping restoration at Hoffman Canyon. The project replaced 600 feet of 6-inch sewer main, 150 feet of storm drain and restored the natural setting of the canyon. The restoration was accomplished through extensive planting of native plants in the same proportional density as the existing vegetation. One week before the start of construction, it was discovered that the steep slope adjacent to Hoffman Street had slipped creating a crack along the top face of the slope. In order to stabilize the steep slope, the contractor, Roca Construction, Inc., removed all the loose backfill material down to firm formational soils, benched the exposed slope, provided a shear key at the bottom of the slope, backfilled and re-compacted the soil material previously removed, and provided import material as required to complete the slope.

Aud. Cert. 9200121.

WU-U-92-001.

FILE LOCATION: W.O. 171881 CONT-Roca Construction, Inc.
CONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

* ITEM-165: (R-92-310) ADOPTED AS RESOLUTION R-278607

Approving Change Order No. 16, dated May 13, 1991, issued in connection with the contract with Western Summit Constructors, Inc., amounting to a net increase in the contract price of \$676,223; authorizing the execution of Amendment No. 4 to the agreement for Construction Support Services with Nolte and Associates, for additional construction inspection services, at a cost not to exceed \$134,000; authorizing the City Auditor to transfer \$510,223 from the Sewer Revenue Fund 41506, CIP-46-165.0, Point Loma Hillside Protection Project;

and \$300,000 from Sewer Revenue Fund 41506, CIP-46-131.0, Point Loma Ocean Outfall Intake Structure Restoration Project, to CIP-46-088.0, Point Loma Sedimentation Basins 9 and 10, for the purpose of funding the above project; authorizing the expenditure of an amount not to exceed \$810,223 from Sewer Revenue Fund 41506, CIP-46-088.0, Point Loma Sedimentation Basins 9 and 10, (being \$676,223 for Construction Change Order No. 16, supplementing the financing authorized by Resolution R-272430, dated November 28, 1988, and \$134,000 to fund Amendment No. 4 to the agreement with Nolte and Associates).

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The construction contract for the addition of Sedimentation Basins 9 and 10 to the Point Loma Treatment Plant (PLWTP) was awarded to Western Summit Constructors, Inc. in December 1989 for the amount of \$12,210,000. Previous change orders totalled \$800,228 or 6.5 percent of the construction cost. This request is for construction Change Order No. 16 for the agreed amount of \$676,223; \$183,705 for labor, material, equipment, and incidentals necessary to revise the construction progress schedule to achieve beneficial occupancy of the project by December 18, 1991, with final completion to follow in 55 days, and \$492,518 for final resolution of Change Order No. 3 authorized by Resolution R-276325 on August 6, 1990, for the site differing and drilling obstruction encountered during the construction of the influent channel/tunnel.

The later work was monitored by the construction manager for tracking exact delays and costs incurred. Change Order No. 16 supersedes any and all extensions of contract time for delays granted or requested by previous change orders and provides solely for the beneficial occupancy milestone cited above which has been committed to the Regional Water Quality Control Board by the City. This request is also for authorization to amend the existing agreement with Nolte and Associates to provide additional construction inspection and coordination services requested by the City for the additional work and improvements necessary to the ocean outfall structure, throttling valve, and hydroelectric generator at a cost not to exceed \$134,000; with \$80,280 for special as-needed services of which an estimated amount of \$60,280 is for unforeseen inspection services for Change Order No. 3, described above. This claim is currently under investigation and is in dispute. Total MBE/WBE participation for the total contract is 9 percent and 7 percent, respectively.

Aud. Certs. 9200128 and 9200129.

WU-U-91-201.

FILE LOCATION: CONT-Western Summit Constructors, Inc. CONT
FY 92-1; CCONT FY 92-1

COUNCIL ACTION: (Tape location: B578-589.)

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

ITEM-170: (O-92-28) INTRODUCED, TO BE ADOPTED SEPTEMBER
23, 1991

Introduction of an Ordinance amending Chapter II,
Article 6, of the San Diego Municipal Code by adding
Division 11, concerning the formation of a City Public
Utilities Advisory Commission.

COMMITTEE ACTION: Initiated by RULES on 8/7/91. Recommendation
to refer the Ordinance to the full City Council without a
recommendation. Districts 1, 4, 8 and Mayor voted yea. District

7 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D014-114.)

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

ITEM-200:

Alternate actions relative to the Planned Growth and Tax Payer Relief Initiative:

(See City Clerk Report dated 8/27/91.)

Subitem-A: (R-92-327) FILED

Approving the legislation in the petition and directing the City Attorney to prepare a Resolution amending the Progress Guide and General Plan of the City of San Diego for adoption by the City Council.

Subitem-B: (R-92-341) ADOPTED AS RESOLUTION R-278608

Rejecting the legislation contained in the petition and directing the City Attorney to prepare an Ordinance calling a Special Election to be consolidated with the regularly scheduled election of June 2, 1992.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape Location: C056-578.)

MOTION BY McCARTY TO ADOPT AND TO REQUEST THE CITY MANAGER BRING BACK TO COUNCIL IN THREE WEEKS AN INDEPENDENT ANALYSIS AS TO WHAT EXISTING LAWS, RULES OR REGULATIONS WOULD BE CHANGED BY THE PLAN INITIATIVE WITH RESPECT TO THE CITY AS A GOVERNMENT. OF PARTICULAR CONCERN IS TO LOOK AT SPECIFIC CONTRACTS WHERE THE CITY HAD APPLIED PREVAILING WAGES AND OTHERS SIMILAR TO THOSE WHERE PREVAILING WAGES WERE NOT APPLIED AND EXTRAPOLATE THIS DATA FOR INCLUSION IN THE REPORT. Second by Behr. Passed by the following vote:

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

ITEM-201: (R-92-342) ADOPTED AS RESOLUTION R-278609

Authorizing the President of the City Employees Retirement System Board of Administration to execute an agreement with Midland Advisory Services, for services in connection with compiling, categorizing and indexing minutes of meetings of the Board of Administration, for the period covering January 1, 1970 through December 31, 1990, at a cost of \$21,000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape Location: B578-589.)

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

ITEM-202: (R-92-210) ADOPTED AS RESOLUTION R-278610

(Continued from the meeting of August 5, 1991, Item S416, at Councilmember Roberts' request, for information from the City Manager and from the Governance Advisory Group.)

Directing the City Manager, in conjunction with the Director of the Department of Legislative Services, to pursue a means of preserving the Point Loma Wastewater Treatment Plant at the advanced primary treatment stage in accordance with the following options:

1. That the City, working with participating agencies, the Governor's Office and the congressional delegation, work to allow an exclusion for San Diego, based upon its unique circumstances.
2. That the Clean Water act be amended to allow new applications to be submitted under 301(h).
3. That the Clean Water Act be amended to provide for

"marine secondary treatment" for coastal discharges, retaining the suspended solids removal requirements, but eliminating the BOD standard as not applicable to coastal waters.

CITY MANAGER SUPPORTING INFORMATION: Recent rulings in federal court have raised the issue of whether or not the City should seek a partial waiver from the secondary sewage requirements mandated by the Clean Water Act (the "Act"). On June 25, 1991, Council requested staff to seek a recommendation from the Governance Advisory Group (GAG) as to whether or not the City should pursue legislative changes that would preserve the Point Loma Wastewater Treatment Plant at advanced primary. On July 12, 1991, the GAG representatives considered the issue and committed to bring back formal positions from their respective Councils and Boards to the August 30 meeting. There are several options for pursuing a legislative change. The Act is undergoing re-authorization in Congress, with the Senate considering S.1081 and the House expected to begin drafting a bill this summer. Since legislation is still being formulated, the City could pursue the following options: 1) The City, working with participating agencies, the Governor's Office, and the congressional delegation could work to allow an exclusion for San Diego based on its uniqueness; 2) The Act could be amended to allow new applications to be submitted under Section 301(h). This amendment would allow the City to submit a new waiver application; and 3) The Act could be amended to provide for "marine secondary treatment" for coastal discharges, retaining the suspended solids removal requirements, but eliminating the BOD standard as not applicable to coastal waters. Legislative efforts could be based on some or all of the following conditions: 1) Extension of the outfall at Point Loma; 2) Improved suspended solids and BOD removal at Point Loma; 3) Improved pre-treatment program, system-wide; 4) Operation of five water reclamation facilities (Poway, North City, Mission Valley, Mission Gorge and Otay); 5) Installation of water conserving hardware to reduce raw sewage flows; and, 6) Continuation of parallel planning. It is recommended that the City Manager, in conjunction with the Director of the Department of Legislative Services, investigate and pursue all legislative options available for preserving the Point Loma Treatment Plant at advanced primary treatment. This preliminary effort should include work with other municipalities to form an alliance of deep-ocean dischargers.

FILE LOCATION: WATER-Point Loma Wastewater Treatment Plant

COUNCIL ACTION: (Tape Location: E016-061.)

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

ITEM-203: RETURNED TO THE CITY MANAGER

In the matter of waiving Development Impact Fees for the First Christian Fellowship Church and for non-profit organizations in general.

(See City Manager Report CMR-91-376.)

FILE LOCATION: --

COUNCIL ACTION: (Tape Location: D114-629.)

MOTION BY McCARTY TO RETURN TO THE CITY TO RE-EVALUATE THE SPECIFIC METHODOLOGY USED FOR THIS PARTICULAR FACILITY AS THE CONCERN EXISTS FOR ADOPTING A BLANKET EXEMPTION FOR NON-PROFIT ORGANIZATIONS. TO BE BROUGHT BACK TO COUNCIL ON SEPTEMBER 23, 1991 IF IT CAN'T BE RESOLVED AT STAFF LEVEL. ALSO TO BE REVIEWED IS THE POSSIBILITY THAT SHOULD IT BE DETERMINED A PARTICULAR INSTITUTION IS GOING TO PROVIDE SOME BENEFIT TO THAT COMMUNITY THEN THE FEE COULD BE WAIVED. THE DRAFT ORDINANCE REFERRED TO BY PAUL PETERSON, REPRESENTING SHARP AND CHILDREN'S HEALTH CARE FACILITIES WAS REFERRED TO PS&S FOR REVIEW. (THE PARTICULAR PARAGRAPH MENTIONED IS UNDER SECTION 61.2517 - EXCEPTIONS, PARAGRAPH B, PAGE 17 OF 21; THIS ORDINANCE WAS DEFEATED BY COUNCIL ON OCTOBER 1, 1990.) Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-204: (O-92-24) ADOPTED AS ORDINANCE O-17681 (New

