

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 16, 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. Mayor O'Connor recommended that items previously scheduled for September 30, 1991 and October 1, 1991, be rescheduled to the following week due to an anticipated lack of quorum. Motion by Henderson to direct the City Clerk to reschedule all items scheduled for the Council Meeting of September 30, 1991 and October 1, 1991, to October 7 and 8, 1991. Second by Behr. Passed. Yeas-1,4,5,6,7,M. Nays-None. Not Present-2,3,8. Mayor O'Connor adjourned the meeting at 3:02 p.m. to convene again on Monday, September 23, 1991.

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-excused by R-278915
(personal business)
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Fishkin (rb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Paul T. Slack,
Assistant Pastor, Bethel Baptist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Behr.

FILE LOCATION: MINUTES

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

7/15/91
7/16/91
8/12/91 Adjourned
8/13/91 Adjourned
8/19/91 Adjourned
8/20/91 Adjourned
8/26/91 Adjourned
8/27/91 Adjourned
9/02/91 Adjourned
9/03/91 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A031-035.)

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

ITEM-31: (R-92-328) ADOPTED AS RESOLUTION R-278625

Proclaiming September 1991 to be "Constitutional Observance Month" in San Diego and encouraging all San Diego residents to attend the festivities in Balboa Park this year, and in all years to come; commending the Constitution Observance Day Committee for its efforts in creating a day of public awareness about the Constitution of the United States and the Bill of Rights.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A036-043.)

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

ITEM-32: (R-92-373) ADOPTED AS RESOLUTION R-278626

Proclaiming September 15 through October 15, 1991 to be "Hispanic Heritage Month" in San Diego, and encouraging all residents to share and enjoy the festivities and cultural significance of this celebration.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A084-102.)

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

ITEM-33: GRANTED HEARING

Matter of the request of William M. Nelson, et al, for a hearing of an appeal from the decision of the Planning Commission in granting Coastal Development Permit CDP-90-0695, Markus Residence, proposing the demolition of an existing home and the construction of a new two-story single-family home with a floor area of 3,916 square-feet. (The Plans have been corrected to clarify intended measurements and scale.) The subject property is a 6,557 square-foot lot located at 7257 Dunemere Drive on the east side of Dunemere Drive, south of Sea Lane, west of Monte Vista Avenue, and north of Vista de la Playa and is described as a portion of Playa de Las Arenas, First Addition of South La Jolla, Map No. 891. The R1-5000 zoned site is within the La Jolla community planning area.

(CDP-90-0695. District-1.)

A motion granting or denying the request for a hearing of the app

FILE LOCATION: PERM CDP-90-0695

COUNCIL ACTION: (Tape location: A140-170.)

MOTION BY WOLFSHEIMER TO GRANT THE HEARING BASED ON FINDINGS THAT THE DEVELOPMENT PRESENTS A CITY-WIDE PLANNING ISSUE ON WHICH GUIDANCE OF THE CITY COUNCIL IS REQUIRED, AND THE MATTER IS OF CITY-WIDE SIGNIFICANCE. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

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

ITEM-34: GRANTED HEARING

Matter of the request of Randolph, Louise and Parviainen Groon, by Leon E. Campbell, Attorney in Fact, for a hearing of an appeal from the decision of the Planning Commission in granting La Jolla Shores, Coastal Development and Sensitive Coastal Resource Permits LJS, CDP and SCR-89-1235 (Simms Residence), proposing to construct a two-story, 10,450 square-foot, single-family home, including a subterranean level. The subject property, a 15,965 square-foot gross site area is located at 8406 El Paseo Grande, in a single-zoned site, in the La Jolla Shores Community Plan area. The subject property is more particularly described as a portion of Pueblo Lot 1281, Miscellaneous Map-36 and Map-2615.

(LJS, CDP & SCR-89-1235. District-1.)

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

FILE LOCATION: PERM LJS, CDP 7 SCR-89-1235

COUNCIL ACTION: (Tape location: A174-230.)

MOTION BY WOLFSHEIMER TO GRANT THE HEARING BASED ON CITY-WIDE SIGNIFICANCE. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

ITEM-35: CONTINUED TO OCTOBER 21, 1991

Matter of the request of Village and Country Properties, by Donald R. Worley, of Worley, Schwartz, Garfield & Rice, for a hearing of an appeal from the decision of the Planning Commission in denying Vesting Tentative Map and Planned Residential Development Permit VTM & PRD-88-0767 (Rancho La Cresta), proposing

to subdivide the 162.8-acre site into 382 lots for the construction of 367 detached single-family residential units. The subject property is located west of Pomerado Road, approximately 0.9 miles south of Poway Road in Zones A-1-10, R-1-6000, R-3000 and HR, in the Scripps Miramar Ranch Community Plan area, and is more particularly described as the northeast quarter of Section 27, Township 14 South, Range 2 West, S.B.B.M.

(VTM & PRD-88-0767. District-5.)

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

FILE LOCATION: PERM - PRD 88-0767 SUB-RANCHO LA CRESTA

COUNCIL ACTION: (Tape location: A234-287.)

MOTION BY BEHR TO CONTINUE THE ITEM TO OCTOBER 21, 1991, FOR FURTHER REVIEW OF THE MATTER. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-50: (O-92-36) INTRODUCED, TO BE ADOPTED OCTOBER 7, 1991

Introduction of an Ordinance amending Chapter I, Article 3 of the San Diego Municipal Code by adding Division 4 entitled Cost Recovery; and adding Sections 13.0401, 13.0402, 13.0403, 13.0404, 13.0405 and 13.0406, relating to the Establishment of Reinspection Fees by City Departments.

CITY MANAGER SUPPORTING INFORMATION: Most violations of the San Diego Municipal Code are corrected after notification of the violation(s) is issued. However, a significant amount of effort is spent on the minority of cases where compliance efforts are nonexistent or unduly slow. In keeping with the City's policy of recovering costs to the greatest extent possible, it is proposed that a fee be authorized for each reinspection visit, after the initial visit and one follow-up, if compliance is not achieved by the initial deadline. This will allow recovery of additional costs from those who are creating extra work for code enforcement personnel by not complying in a timely manner. In addition to the recovery of costs, the imposition of a fee for inspections

would be an incentive to quicker compliance.

The Building Inspection Director is currently authorized to charge reinspection fees for violations of the Housing Code; the proposed amendment would authorize all departments with code enforcement responsibilities to charge such fees. This ordinance authorizes the City Manager and Planning Director to charge such fees and to revise the fee schedule of such charges as necessary. A companion Resolution on today's docket establishes the fees to be charged by each department. The fee schedule will be filed in the City Clerk's Office in the Ratebook of City Fees and Charges.

ENFORCEMENT IMPACT: This action does not create or affect regulations or codes. Proper procedures will need to be developed in each department related to implementation, billing and collection.

WU-M-91-220.

NOTE: See Item 115 for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A455-488.)

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

* ITEM-51: (O-92-37) INTRODUCED, TO BE ADOPTED OCTOBER 7, 1991

Introduction of an Ordinance amending Chapter I, Article 3, Division 4, by adding Sections 13.0420, 13.0421, 13.0422, 13.0423, 13.0424 and 13.0425 relating to the Recordation of Code Enforcement Liens; and amending Chapter I, Article 3, Division 3 of the San Diego Municipal Code by amending Sections 13.0335, 13.0336, 13.0337 and 13.0347.

CITY MANAGER SUPPORTING INFORMATION: As a means of facilitating the collection of penalties that are imposed in relation to code enforcement violations, the Manager is recommending that a "Code Enforcement Lien" be authorized. Such a lien will assist in our code enforcement efforts in several ways. The lien could be

recorded with the County Recorder and would therefore affect transfer or refinancing of the property. In addition, it would be an additional tool that the City Treasurer could use in collecting the authorized penalties. This proposed Ordinance authorizes the creation and use of such a lien and provides the legal basis for such action.

ENFORCEMENT IMPACT: This proposed Ordinance does not create or affect existing regulations or codes. It provides an additional means of collecting money owed to the City as a result of code enforcement penalties.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A455-488.)

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

* ITEM-52: (O-92-43) INTRODUCED, TO BE ADOPTED OCTOBER 7, 1991

Introduction of an Ordinance amending Chapter I, Article 3, Division 2, of the San Diego Municipal Code by amending Section 13.0202, relating to the Imposition of Civil Penalties Imposed by Judicial Actions, establishing a maximum of \$2,500 civil penalty per violation per day. (See City Manager Report CMR-91-172; Committee Consultant Analysis TLU-91-21; and memo from City Attorney dated 4/2/91.)

COMMITTEE ACTION: Initiated and reviewed by TLU on 4/8/91. Recommendation to approve the City Attorney's ordinance amendment and refer it to the City Council for adoption with a recommendation for approval. Districts 1, 2 and 4 voted yea. Districts 5 and 8 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A455-488.)

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

ITEM-53: (O-92-35) INTRODUCED, TO BE ADOPTED OCTOBER 7,
1991

Introduction of an Ordinance setting aside and dedicating various portions of Los Penasquitos Canyon Preserve and Lopez Canyon for a public park. (Los Penasquitos Canyon Preserve. Districts-1 and 5.)

CITY MANAGER SUPPORTING INFORMATION: This action is part of an on-going project to dedicate various City-owned open space lands by ordinance in accordance with Charter Section 55 and Council Policy 700-17. Proposed for park dedication are 36 parcels totalling approximately 1,000 acres, which are part of the Los Penasquitos Canyon Preserve, located between the communities of Mira Mesa and Penasquitos. The ordinance also provides for the conveyance of necessary public easements without a vote of the people. This action has been endorsed by the Los Penasquitos Canyon Preserve Task Force and requested by the Park and Recreation Director.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A490-513.)

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

* ITEM-54: (O-92-33) INTRODUCED, TO BE ADOPTED OCTOBER 7,
1991

Introduction of an Ordinance authorizing the execution of a 25-year agreement with the San Diego Unified School District for maintenance and operation of tennis courts at the Mission Bay Senior High School site, effective September 2, 1991.
(Pacific Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The City has Joint Use Agreements with the San Diego Unified School District for use of tennis courts at the following sites: Mira Mesa High School,

Serra Junior/Senior High School, Hoover High School, and La Jolla High School. These agreements have been in effect since July 1977. This action will establish a joint use agreement for a period of 25 years for use of tennis courts at Mission Bay High School. The City and the San Diego Unified School District have been cooperating in the joint use of numerous recreational facilities in an agreement going back to September 1948. The District will use courts during hours of school operation. The City will have use of courts after school hours and on weekends. The District will provide daily maintenance of courts and be responsible for litter collection and removal during those days when school is in session. The City will assume responsibility for resurfacing the courts and provide nets and wind screens. This maintenance will be done by the newly formed Mission Beach Tennis Club who will operate and maintain the courts at no cost to the City. The club is non-profit and operates under the supervision of the Park and Recreation Department as 13 other tennis clubs have done since 1983. The Mission Bay Tennis Club will have open membership and will provide programs for both youth and adults in all phases of tennis including tournaments and lessons. There is a general need for more tennis facilities in the beach and Clairemont areas as general interest in tennis is increasing and these communities are growing in population.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A455-488.)

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

* ITEM-100: (R-92-74) ADOPTED AS RESOLUTION R-278627

Awarding contracts to Nelson and Sloan and Custom-Crete Inc. for the purchase of ready-mix concrete, as may be required for a period of one year beginning July 1, 1991 through June 30, 1992, for an estimated cost of \$485,000, including tax and terms, with options to renew the contracts for two additional one year periods. (BID-G2434/91)

FILE LOCATION: CONT-PURCHASE-Nelson and Sloan and Custom-crete Inc. CONT FY92-2

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-101: (R-92-79) ADOPTED AS RESOLUTION R-278628

Awarding a contract to Enseco-California Analytical Laboratory for the purchase of analysis of sewage and ocean sediment samples from the Pt. Loma Wastewater Treatment Plant for dioxin, as may be required for a period of one year beginning September 1, 1991 through August 31, 1992, for an estimated cost of \$182,700, including terms, with options to renew the contract for four additional one year periods with increases not to exceed ten percent of prices in effect at the end of each prior year. (BID-B2527/92)

FILE LOCATION: CONT-PURCHASE-Enseco-California Analytical Laboratory CONT FY92-1

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-102: (R-92-77) ADOPTED AS RESOLUTION R-278629

Awarding a contract to Pacific Treatment Analytical Services for the purchase of laboratory analysis for well water and soil samples, as may be required for a period of one year beginning October 1, 1991 through September 30, 1992, for an estimated cost of \$60,000, with options to renew the contract for four additional one year periods, with price escalations not to exceed five percent of prices in effect at the end of the prior year. (BID-B2504/91)

FILE LOCATION: CONT-PURCHASE-Pacific Treatment Analytical Services CONT FY92-1

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-103: (R-92-78) ADOPTED AS RESOLUTION R-278630

Awarding a contract to Helena Chemical Co. for the
purchase of herbicide, as may be required for a period
of one year beginning October 1, 1991 through September
30, 1992, for an estimated cost of \$59,164, including
terms. (BID-P2501/91)

FILE LOCATION: CONT-PURCHASE-Helena Chemical Co. CONT FY92-
1

COUNCIL ACTION: (Tape location: A489-540.)

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

ITEM-104: (R-92-288) RETURNED TO CITY MANAGER

Accepting the bid of MCR Electrical Contractors and
awarding a contract in the amount of \$42,653.62 for the
Construction of Traffic Signal and Street Lighting
Systems at Fay Avenue and Genter Street; authorizing
the expenditure of \$7,473.25 from CIP-62-292.0, DIF
Funded Fund 79514, for the project and related costs.
(BID-K2241/91)

(La Jolla Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The subject Capital
Improvement Program Project to install a traffic signal system at
Fay Avenue and Genter Street provides for the safe passage of
emergency equipment, pedestrians and vehicles through the
intersection. Traffic signal features include emergency vehicle
preemption equipment on Fay Avenue. On April 22, 1991 the

Council authorized the City Manager to award a contract to the lowest responsible bidder in an amount not to exceed \$70,900 (Resolution R-277732). The amount needed to execute this contract is \$78,373.25 which is an increase of \$7,473.25. The expenditure change is due to the added expenses in Preliminary Engineering. The increase is due to the project needing to be re-designed to conform to new design standards, thereby significantly exceeding the anticipated design costs.

Aud. Cert. 9200111.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A289-300.)

MOTION BY WOLFSHEIMER TO RETURN THE ITEM TO THE CITY MANAGER AS RECOMMENDED BY THE CITY MANAGER. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-105: (R-92-290) ADOPTED AS RESOLUTION R-278631

Awarding a contract to East County Pipeline for the Construction of Broadway Storm Drain at 28th Street, for a total cost of \$47,259, which is 15.27 percent over the City's estimate of \$41,000; authorizing the expenditure of \$15,000 from CIP-17-001.0, Annual Allocation - Minor Drain Requirements, TransNet Fund 30300, to supplement Resolution R-277667 for \$67,000, for a total of \$82,000, for said project and related costs. (BID-K2222/91)

(Greater Golden Hill Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The existing drain inlets on Broadway, west of 28th Street, readily plug up with debris due to being undersized. This causes potential water ponding and street flooding. The existing connecting storm drain shows signs of structural failure. This project will replace and upgrade the drain inlets and pipe on Broadway, and sleeve the existing drain to the north. Bids were opened on May 15, 1991, with the low bid of \$47,259 from east County Pipeline. This bid was the lowest of seven bids received from 51 bid packages issued and was 15.27 percent over the engineer's estimate of \$41,000. The next "low"

bid was from Dietrich Corporation for \$54,213. After review of these bids, it is believed that re-advertising would not produce lower bids. It is recommended that this contract be awarded to East County Pipeline.

Aud. Cert. 9200108.

FILE LOCATION: W.O. 119346; CONT-East County Pipeline CONT

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-106: (R-92-73) ADOPTED AS RESOLUTION R-278632

Awarding a contract to Westrux International for the purchase of two beach refuse packers, for a total cost of \$229,632.89, including tax; authorizing the expenditure of an amount not to exceed \$229,632.89 from Fund No. 50031, Department No. 8201, Object Account No. 6013, and Job Order No. 88092, 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-C2404/91)

Aud. Cert. 9200149.

FILE LOCATION: CONT-PURCHASE-Westrux International CONT
FY92-1

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-107:

Two actions relative to the South Chollas Landfill Gas Collection System:

(Mid-City Community Area. District-4.)

Subitem-A: (R-92-292) ADOPTED AS RESOLUTION R-278633

Inviting bids for the Construction of South Chollas Landfill Gas Collection System on Work Order No. 119788; authorizing the execution of a contract with the lowest responsible bidder;

authorizing the expenditure from Refuse Disposal Enterprise Fund 41200, CIP-37-250, not to exceed \$2,000,000, 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.

(BID-K2631/92)

Subitem-B: (R-92-293) ADOPTED AS RESOLUTION R-278634

Certifying that the information contained in Environmental Negative Declaration, END-88-1093 and addendum DEP-90-0968, in connection with the Construction of South Chollas Landfill Gas Collection System, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: The South Chollas Landfill was operated as a City Landfill from 1951 through 1981. Approximately 4,700,000 tons of municipal solid wastes are buried at the site. As this refuse decomposes, methane gas is generated. Elevated levels of methane have been identified on the site and have prompted the Air Pollution Control District (APCD), under APCD Rule 59, to require the City of San Diego to construct a landfill gas collection system. This project involves the construction of a landfill gas monitoring, emission and migration control system, and shakedown, testing and calibration of this system. The gas will be withdrawn from the

landfill by a series of extraction wells, collected in pipes, and flared (incinerated at high temperature) to the atmosphere. Provisions for future gas utilization will be included. An aesthetically pleasing enclosure, designed with community input, will be incorporated around the flare station.

Aud. Cert. 9200097.

FILE LOCATION: W.O. 119788 CONT - TRESIZE COMPANY, THE
CONT FY92-1

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-108:

Two actions relative to the Hollywood Neighborhood Park
Improvements - Phase IV:

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

Subitem-A: (R-92-289) ADOPTED AS RESOLUTION
R-278635

Inviting bids for the Hollywood Neighborhood Park
Improvements - Phase IV on Work Order No. 118738;
authorizing the execution of a contract with the lowest
responsible bidder; authorizing the City Auditor and
Comptroller to transfer \$63,362 from the Mid-City Park
Development Fund No. 39094 to CIP-23-147.4, Hollywood
Neighborhood Park Development Phase IV; authorizing the
expenditure of an amount not to exceed \$369,612 from
CIP-23-147.4, Hollywood Neighborhood Park Development
Phase IV, (\$15,000 from PSD Fund No. 15630, \$291,250
from Capital Outlay-Other Fund No. 30245.3 and \$63,362
from Mid-City Park Development Fund No. 39094), 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; and authorizing the Auditor to reimburse Mid-

City Park Development Fund No. 39094 with funds from Land and Water Conservation Fund Grant monies as received. (BID-K2623/92)

Subitem-B: (R-92-291) ADOPTED AS RESOLUTION
R-278636

Certifying that the information contained in Environmental Negative Declaration DEP-87-1144, in connection with Hollywood Neighborhood Park Development Phase IV, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: Hollywood Neighborhood Park is located west of Laurel Street between Maple Street and Sumac Drive in the Mid-City community. The proposed improvements are in accordance with the approved General Development Plan (GDP) for this park and include a play lot area, access stairs at Sycamore Drive, canyon bridges, chain link fence, ornamental pipe fence, Violet Street Path and Tuberosa Lane Path, a soccer field, practice field area, existing canyon trail stabilization, miscellaneous improvements, furnishings, landscape and irrigation. In April 1988, the City Council heard community opposition to the proposed improvements and directed the Park and Recreation Department to work with the Recreation Council to develop a project acceptable to the community. During the last three years the Park and Recreation Department has worked extensively with the Recreation Council to develop a General Development Plan (GDP) for the park. The new GDP was approved by the Park and Recreation Board, its subcommittees and the Recreation Council. This contract will implement a portion of this new GDP.

Aud. Cert. 9200154.

FILE LOCATION: W.O. 118738 CONT - Castello, Inc. CONT FY92-
1

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-109: (R-92-334) ADOPTED AS RESOLUTION R-278637

Authorizing the acceptance by the City Manager of a grant deed of Jack A. Cipra, granting to the City an open space easement over a portion of Lot 13 of Rancho Con Vistas, Map-6623; declaring that this authorization is contingent upon the executed deed being delivered to the City Manager on or before January 15, 1992; expressing thanks to Jack A. Cipra and Laoretta W. Cipra for their generous gift toward the preservation of natural open space adjoining Pottery Canyon Park. (La Jolla Shores Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The property owner, Jack A. Cipra, is in the process of marketing a residence on a large flag shaped lot at 8109 La Jolla Scenic Drive. Upon the sale of the property, Mr. Cipra proposes to donate to the City an open space easement covering approximately 1.7 acres of the rear portion of the lot adjoining Pottery Canyon Park. A current deed restriction limits construction on the lot to one dwelling; however, it does not protect against other intrusions such as manufactured slopes which have already been constructed on a portion of the proposed easement area. Acceptance of the open space easement covering this sloping portion of land south of Pottery Canyon Park between La Jolla Scenic and Gilman Drive will protect the open space nature of the area and the natural habitat, while at the same time limiting the City's liability.

FILE LOCATION: DEED F-5667 DEED FY92-1

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-110: (R-92-355) ADOPTED AS RESOLUTION R-278638

Approving the acceptance by the City Manager of a grant deed of M. Virginia Harrisburg, conveying to the City Lots 9 and 10, Block 6, Hartley's North Park Map-1428;

authorizing the Auditor and Comptroller to add CIP-35-081.0, North Park Library - Property Acquisition to the FY 92 Capital Improvements Program; authorizing the transfer of \$250,000 from Park North-East Development Fund 39095, to CIP-35-081.0, North Park Library - Property Acquisition; authorizing the expenditure of an amount not to exceed \$250,000 from CIP-35-081.0, North Park Library - Property Acquisition, for the acquisition of real property and related costs.
(Greater North Park Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: Authorization of this "opportunity acquisition" of property at 3759 31st Street, will provide land critical for possible future expansion of the North Park Library. In recent years, the majority of the block surrounding the library has been redeveloped with apartment and condominium projects. The acquisition of this property immediately adjacent to the south side of the existing library may be the last opportunity to acquire reasonably priced land on a voluntary basis for the possible future expansion of the library. Upon completion of the acquisition the older structures on the property, which are in need of major repairs, will be demolished and the site used possibly as a tot lot or senior rest area until needed for the expansion of the library.

Aud. Cert. 9200182.

FILE LOCATION: DEED F-5668 DEED FY92-1

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-111:

Two actions relative to the grant of Pipeline 4B Phase I - Scripps Ranch easement:

(Scripps Ranch Community Area. District-5.)

Subitem-A: (R-92-336) ADOPTED AS RESOLUTION
R-278639

Authorizing the execution of a deed conveying to the San Diego County Water Authority an easement for right-of-way within the 80-foot easement described in DSWA Drawing SR-233, dated December 5, 1990.

Subitem-B: (R-92-337) ADOPTED AS RESOLUTION R-278640

Certifying that the information contained in Environmental Impact Report SCH No. 87112505, dated August 10, 1989, 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 SDCWA is proposing to construct a 7.5-mile segment of a new water line which extends from Mira Mesa to Tierrasanta. The water line is to supplement the existing aqueduct between San Bernardino and Otay Lakes. The line will cross a portion of City-owned open space within the Scripps Ranch subdivision, a distance of about 1,300 feet. The easement has been reviewed and approved by the Open Space Division of the Park & Recreation Department and by the Planning Department, Division of Environmental Planning.

FILE LOCATION: DEED F-5669 DEED FY92-1

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-112: (R-92-317) ADOPTED AS RESOLUTION R-278641

Approving the Conflict of Interest Code for the Clean Water Program Governance Advisory Group.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act, Government Code Section 81, et Seq., requires state and local government agencies to adopt a conflict of interest code. The Fair Political Practices Commission has adopted a regulation 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices

Commission after public notice and hearings to conform to amendments in the Political Reform Act. On May 21, 1990 Council adopted Resolution R-273742 whereby all City advisory boards are required to adopt a conflict of interest code subject to approval by the Council. On December 11, 1990 per Resolution R-277078, Council confirmed appointment of the Clean Water Program Governance Advisory Group pending the formation of the Board of Directors of the Special Act District or until further direction from the Council. This resolution will formally adopt a Conflict of Interest Code for the Clean Water Program Governance Advisory Group. Incorporating by reference the terms of 2 Cal. Code of Regulations Section 18730, any amendments to it duly adopted by the Fair Political Practices Commission and Appendix A listing the designated positions and disclosure categories. Pursuant to Section 4 and 5 (A) of the standard code, designated employees shall file Initial Statements of Economic Interests (SEI's) with the City Clerk within 30 days upon adoption of the City Council.

FILE LOCATION: WATER-Clean Water Program Governance Advisory Group DEED FY92-1

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-113: (R-92-362) ADOPTED AS RESOLUTION R-278642

Recognizing the accomplishments and contributions of Dusty Rhodes and thanking his friends and family for their kind gift to the people of San Diego; designating Saturday, August 24, 1991, as "Dusty Rhodes Community Park Day" in San Diego.
(District-2.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A489-540.)

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

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-114: (R-92-223) ADOPTED AS RESOLUTION R-278643

Excusing Councilmember Ron Roberts from attending the Council meeting of Tuesday, July 30, 1991, due to illness.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-115: (R-92-344) ADOPTED AS RESOLUTION R-278644

Establishing the following Code Enforcement Reinspection Fees:

Building Inspection - \$52 per reinspection visit

Waste Management - \$44 per reinspection visit

Water Utilities (Consumer Services) - \$50 per reinspection visit for one person response; \$82 per reinspection visit for two person crew response
Planning - \$50 per reinspection visit

Fire Department - \$40 per reinspection visit

General Services - \$40 per reinspection visit

Authorizing a 10% late fee to be charged to any person who fails to pay a reinspection fee by the required deadline for payment; declaring that the fees may be revised by the Manager and Planning Director, as necessary, to reflect current costs of re-inspections in accordance with Council Policy.

CITY MANAGER SUPPORTING INFORMATION: Most violations of the Municipal Code are corrected after notification of the violation(s) is issued. However, a significant amount of effort is spent on the minority of cases where compliance efforts are nonexistent or unduly slow. In keeping with the City's policy of recovering costs to the greatest extent possible, it is proposed that a fee be authorized for each reinspection visit, after the initial visit and one follow-up, if compliance is not achieved by the initial deadline. This will allow recovery of additional costs from those who are creating extra work for code enforcement personnel by not complying in a timely manner. In addition to the recovery of costs, the imposition of a fee for inspections would be an incentive to quicker compliance. The Building Inspection Director is currently authorized to charge reinspection fees for violations of the Housing Code; the proposed amendment would authorize all departments with code enforcement responsibilities to charge such fees. A companion ordinance on today's docket authorizes the City Manager and Planning Director to charge such fees and to revise the fee schedule of such charges as necessary. This Resolution establishes the fees to be charged by each department. The fee schedule will be filed in the City Clerk's Office in the Ratebook of City Fees and Charges.

WU-M-91-220.

NOTE: See Item 50 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-116: (R-92-343) ADOPTED AS RESOLUTION R-278645

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$130,071.76 from CIP-64-004.0, Annual Allocation - Railroad Warning Devices, Fund 30244, to CIP-53-032.0; authorizing the expenditure of an amount not to exceed \$130,071.76 from CIP-53-032.0, (Proposition A Fund 30300), for the

Sorrento Valley Boulevard Bridge over Soledad Creek and Roselle Street project.

(Torrey Pines Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On November 7, 1988, the City entered into an agreement with The Atchison, Topeka and Santa Fe Railway Company (AT&SF) to furnish and install railroad warning devices and install rubber crossing material at crossing No. 2-249.1. The agreement specified that the City would pay for the actual final costs associated with this work. The work was constructed in conjunction with the subject project and completed on August 8, 1990. Subsequently, AT&SF has submitted an itemized billing of the actual costs for their portion of work which exceeded AT&SF's estimate of \$213,466 by \$130,071.76. This request for \$130,071.76 would provide supplemental funds required to make final payment to AT&SF as stipulated in the agreement.

Aud. Cert. 9200141.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-117: (R-92-313) ADOPTED AS RESOLUTION R-278646

Authorizing the expenditure of an amount not to exceed \$245,000 from the Point Loma Sludge Disposal Facilities Fund 41509 (CIP-46-055.0) for the acquisition of a 2< mile line sewer easement across U.S. Navy property at Point Loma.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Funds in the amount of \$245,000 are needed to acquire a 20-foot wide sewer easement, 2 miles long, across the Naval Ocean Systems Center and Fleet Training Command at Point Loma. The easement will accommodate a new 12-inch sludge force main that will tie into the Point Loma Waste Water Treatment Plant.

Aud. Cert. 9200172.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-118: (R-92-270) ADOPTED AS RESOLUTION R-278647

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$50,000 from CIP-20-010.0, Annual Allocation Resource-Based Open Space Parks, Environmental Growth Fund 10505, to CIP-20-010.7, San Pasqual BLM Land Improvements; authorizing the expenditure of an amount not to exceed \$50,000 from CIP-20-010.7, San Pasqual BLM Land Improvements, Environmental Growth Fund 10505, to supplement the financing authorized by Resolution R-276224, adopted July 30, 1990, for the construction of San Pasqual staging areas. (San Dieguito River Basin Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This project will provide for improvements to the San Pasqual Open Space Hiking Trail Area that are necessary to satisfy conditions of a lease agreement between the City of San Diego and the Federal Bureau of Land Management (BLM). The leased area is approximately 2,017 acres, located two miles east of Bandy Canyon Road on State Route 78 in the San Pasqual Valley. Two separate contracts were required for the development of this open space recreation park. One contract provides for the construction of approximately 14 miles of hiking trails and the other contract provides for the construction of 2 staging areas off of State Route 78. The hiking trails and the staging areas are under construction. After the contract for construction of the staging areas was awarded, CalTrans requested, as a condition to granting the City an encroachment permit, the construction of an additional 185 lineal feet of guard rail and a 500 foot long by 8 foot wide paved shoulder on Route 78. The estimated construction cost of these improvements is \$30,000. In addition, staff involvement in this project has

been greater than expected due to increased scope of work and difficult terrain conditions encountered during the trail layout. Consequently, construction engineering costs have exceeded the original estimate by \$20,000. Therefore, an additional \$50,000 is required to complete the project. This request will pay for the additional improvements, staff costs and provide \$16,400 to cover remaining engineering costs.

Aud. Cert. 9200107.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-119: (R-92-361) ADOPTED AS RESOLUTION R-278648

Declaring the intent of the City to use proceeds of taxable or tax-exempt indebtedness issued by the Public Facilities Financing Authority of the City of San Diego to reimburse project expenditures made by the City in compliance with proposed Treasury Regulations 1.103-17 for the Clean Water Program.

CITY MANAGER SUPPORTING INFORMATION: The Public Facilities Financing Authority of the City of San Diego (the "Authority") is empowered to issue and sell bonded indebtedness on behalf of the City to finance the Clean Water Program Capital Improvements Projects consisting of a secondary treatment system; a water reclamation system; sludge pipelines and pump station. This resolution is adopted by the City solely for purposes of complying with Section 1.103-17 of the proposed Treasury Regulations which require the issuing agency to expressly state its intent to reimburse itself from bond proceeds for expenditures incurred on behalf of the bond financed project. The reimbursement of project expenditures from bond proceeds is limited to one year after the date of a payment for the facilities or the "in service" date of the entire facility. WU-U-92-031.

FILE LOCATION: WATER-Clean Water Program-Treasury

Regulations 1.103-17

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-120: (R-92-330) ADOPTED AS RESOLUTION R-278649

Authorizing the execution of an agreement with Newland California Associates, Pardee Construction Company and Carmel Mountain Ranch, for the reimbursement of amounts expended in connection with construction of the Pomerado Extension Trunk Sewer - Phase I.

(Sabre Springs Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This agreement will allow Newland California Associates, a California General Partnership (Newland), Pardee Construction Company, a California Corporation (Pardee), and Carmel Mountain Ranch, a General Partnership (Carmel), collectively known as the "Developers" to recover the cost exceeding their proportionate share for the construction of the subject off-site sewer. The Pomerado Extension Trunk Sewer - Phase I was necessitated by insufficient and only temporary capacity rights in the City of Poway's existing Outfall No. 1, which initially served the Developers' properties. The City of San Diego agreed to process and approve this sewer reimbursement agreement in an earlier agreement with the same Developers. This earlier agreement was approved by the Council on January 9, 1990 as Resolution R-274943. The actual cost for the subject facility, which has been built, is \$4,697,922, of which \$1,804,810 is the share benefitting the existing Developers; \$1,847,535 has been contributed by the City of Poway. This agreement establishes the remaining charges which the City will collect from future developers, and from which the existing Developers will be reimbursed up to the reimbursable total of \$1,045,577, plus interest. This agreement is limited to a twenty-year period, and conforms with Council Policy 400-7. There is no City of San Diego contribution.
WU-U-91-217.

FILE LOCATION: MEET CONT FY92-3

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-121: (R-92-331) ADOPTED AS RESOLUTION R-278650

Authorizing the execution of interjurisdictional pretreatment agreements with the Alpine Sanitation District, the Lakeside Sanitation District, the Spring Valley Sanitation District, and the Wintergardens Sewer Maintenance District, all pertaining to implementation of the industrial pretreatment program.

CITY MANAGER SUPPORTING INFORMATION: Under 40 CFR 403.8(f)(1)(iii) (Code of Federal Regulations), the City of San Diego, as owner and operator of the Point Loma Wastewater Treatment Plant and holder of the National Pollution Discharge Elimination System Permit issued to that Facility, has the authority and obligation to control the contributions to the plant from each industrial user throughout the service region to ensure compliance by industries with authority even when the industry is located in an outlying jurisdiction. As the result of an Environmental Protection Agency audit, the City is required to supplement its existing legal authorities and sewer service agreements by negotiating and executing an interjurisdictional pretreatment agreement with each contributing jurisdiction.

WU-U-92-019.

FILE LOCATION: WATER-Industrial Pretreatment Program CONT
FY92-4

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-122: (R-92-357) ADOPTED AS RESOLUTION R-278651

Authorizing the execution of a first amendment to the agreement with Project Design Consultants, Inc. to provide engineering design services for the Eastgate Technology Park, Unit No. 3 construction documents; authorizing the expenditure of an amount not to exceed \$25,000 from Industrial Development Fund No. 32048, CIP-39-202.0, Eastgate Technology Park, Unit No. 3, for the purpose of providing funds for the above project.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Unit No. 3 of Eastgate Technology Park is the last unit of a three-unit development to be constructed. This development is part of the approximate 400 acres of Pueblo Lands approved by the Electorate by way of Proposition B on September 18, 1979, which authorizes the sale or lease of these lands, and the use of proceeds to finance police substations. This project is consistent with the Mira Mesa, Torrey Pines, and University Community Plans and the City's General Guidelines. The first amendment to agreement requests \$25,000 be added for additional engineering design services. The primary purpose of this amendment is to provide for the design of additional landscaping and irrigation improvements within lots 8 and 9, adjacent to Judicial Drive, of Eastgate Technology Park Unit No. 1. These improvements were not constructed with Unit No. 1 because the alignment of Judicial Drive had not been finalized. It is recommended these improvements be constructed concurrently with Judicial Drive as part of Unit No. 3. It is believed that this could increase the demand for the sale or lease of these lands by providing a more aesthetic appearance. In addition, it is within the Planning Department's guidelines of the Eastgate Technology Industrial Park to provide these improvements.

Aud. Cert. 9200162.

FILE LOCATION: SUBD-Eastgate Technology Park, Unit No. 3
CCONT FY92-1

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-123:

Two actions relative to investments of the Cemetery Perpetuity Fund and Benjamin Memorial Fund: (See City Manager Report CMR-91-391.)

Subitem-A: (R-92-352) ADOPTED AS RESOLUTION R-278652

Authorizing the execution of an agreement with Security Pacific Bank to provide custodial services for investments of the Cemetery Perpetuity Fund and Benjamin Memorial Fund.

Subitem-B: (R-92-353) ADOPTED AS RESOLUTION R-278653

Authorizing the execution of an agreement with Rice, Hall, James and Associates for investment counseling services for the Cemetery Perpetuity Fund and the Edwin A. Benjamin Memorial Fund.

Aud. Cert. 9200086.

FILE LOCATION: MEET CONT FY92-2

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-124: (R-92-354) ADOPTED AS RESOLUTION R-278654

Authorizing the execution of a five-year lease agreement (with a five-year option extension to include a 180-day cancellation clause in the option period only) with Bill Bearden, d.b.a. Bearden Flight Training, for the lease of all of Building 2044 (608 square feet), the ground floor of Building 1221 (5,400 square feet), and 4,000 square feet of aircraft ramp area, all at Brown Field Airport, at a minimum annual rent of \$23,580 versus the percentage schedule, whichever is greater, for use as offices, flight school

and aircraft maintenance facilities.

(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: Bill Bearden has been a good tenant at Brown Field since 1988. He is a well respected FAA approved flight instructor, holds the applicable licenses and has continued to improve and enlarge his business and leasehold. Mr. Bearden currently leases 774 sq. ft. in Building 2002, all of Building 2044 (608 sq. ft.) and 4,000 sq. ft. of ramp area. Current rent is based on various percentages of gross income or a yearly minimum rent of \$5,265, whichever is greater. Actual rents have averaged approximately \$13,000 per year over the last three years. Mr. Bearden has requested renewal of his lease for five years beginning July 1, 1991; with an option for a second five-year period, containing a 180-day cancellation for future airport expansion. He proposes to move his flight school from Building 2002 to the ground floor of Building 1221 (5,400 sq. ft.). The balance of his leasehold will remain the same. The new rent is based on various percentages of gross income or the new minimum annual rent of \$23,580, whichever is greater. Mr. Bearden will be improving Building 1221 by replacing or repairing the plumbing, electrical, windows, screens and doors. A rent credit for actual cost of repairs, not to exceed \$9,720, will be applied at the rate of 5 cents per sq. ft. per month (\$270) for the first 36 months of the new lease. All of the renewal terms are in accordance with the Short-Term Plan for the Brown Field Aviation Tenants approved by the PF&R Committee on April 10, 1991 and are updated to current standards.

FILE LOCATION: LEAS-Bill Bearden, d.b.a. bearden Flight
Training LEAS FY92-1

COUNCIL ACTION: (Tape location: A489-540.)

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

ITEM-200: CONTINUED TO OCTOBER 7, 1991

In the matter of the selection process of the Planning
Director.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A300-340.)

MOTION BY HENDERSON TO CONTINUE THE ITEM TO OCTOBER 7, 1991, AS REQUESTED BY THE CITY MANAGER, TO BE DISCUSSED IN CONJUNCTION WITH THE MANAGEMENT AUDIT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-201: (R-92-359) ADOPTED AS RESOLUTION R-278655

Council confirmation of the following reappointments by the Mayor to serve as members of the Small Business Advisory Board, for terms ending July 1, 1993:

(See memorandum from Mayor O'Connor dated 8/26/91.)

George P. Chandler, Jr.
(Small Business Administration Director.)

Patricia Burns
(Greater San Diego Chamber of Commerce.)

Leo March
(United Federation of Small Business.)

James A. Hill
(National Federation of Independent Business.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A489-540.)

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

ITEM-202: (R-92-356) ADOPTED AS RESOLUTION R-278656

Authorizing and directing the City Manager to file documents with the California Department of Commerce to expand the Southeast/Barrio Logan Enterprise Zone pursuant to State law (AB 251 of 1989); finding the Southeast/Barrio Logan Enterprise Zone, as expanded, to be a depressed and blighted area; declaring that designation as an enterprise zone is necessary to reverse the depressed and blighted conditions; authorizing and directing the City Manager and the Planning Director to expedite the necessary development plan processing and building permit issuance for commercial and industrial projects within the Southeast/Barrio Logan Enterprise Zone, as expanded, when the expansion is approved by the California Department of Commerce.

(See City Manager Report CMR-91-390. Southeast San Diego, Webster, City Heights, and Centre City Community Areas. Districts-2, 3, 4 and 8.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A548-B049.)

MOTION BY FILNER TO ADOPT WITH COUNCIL MEMBER McCARTY'S DIRECTION TO THE ECONOMIC DEVELOPMENT DIVISION TO COMMENT ON THE NEIGHBORHOOD TOXIC-FREE ORDINANCE EFFECTING THIS AND OTHER ECONOMIC AREAS. STAFF IS ALSO DIRECTED TO PREPARE A FACT SHEET ON COMMENTS RAISED DURING PUBLIC TESTIMONY BY REYNALDO PISANO, REPRESENTING THE SOUTHEAST ECONOMIC DEVELOPMENT COMMITTEE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-203: (R-92-384) ADOPTED AS RESOLUTION R-278657

Amending Capital Improvement Program CIP-39-106 for the Neil Good Day Center for the Homeless by reducing the budget by up to \$15,000 and authorizing disbursement of up to \$25,000 of excess funds to the Regional Task Force on the Homeless.

(See memorandum from CCDC Executive Vice President dated 8/29/91. Centre City Community Area. District-

2.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A489-540.)

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

ITEM-S400: (R-92-83) RETURNED TO CITY MANAGER

Declaring the Edwards Development Corporation, d.b.a the Edwards Group, to be a non-responsible bidder in regard to the Canyonside Community Park Recreation Building and Additional Ballfields construction project, and rejecting their bid on that basis.

(BID-K1382/90B)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A343-353.)

MOTION BY ROBERTS TO RETURN THE ITEM TO THE CITY MANAGER AS RECOMMENDED BY THE CITY MANAGER DUE TO WITHDRAWAL OF BID. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Behr-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S401: (R-92-375) ADOPTED AS RESOLUTION R-278658

Accepting the report entitled "Developer Fees" which documents the status of various developer fee funds as of June 30, 1991.

(See City Manager Report CMR-91-383.)

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A489-540.)

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

* ITEM-S402: (R-92-392) ADOPTED AS RESOLUTION R-278659

Authorizing the Auditor and Comptroller to pay the sum
of \$122,793.03 to the firm of Arent, Fox, Kintner,
Plotkin & Kahn as payment in full for expert outside
counsel services in the San Diego Gas &
Electric/Southern California Edison proposed merger
case.

Aud. Cert. 9200194.

FILE LOCATION: MEET CCONT FY92-1

COUNCIL ACTION: (Tape location: A489-540.)

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

ITEM-S403: (R-92-76) ADOPTED AS RESOLUTION R-278615

(Continued from the meeting of September 10, 1991, Item
103, at the City Manager's request, for a report from
the City Manager after further review.)

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: CONT-PURCHASE-Quintex Mobil Communications,
Pac Tel Cellular, U.S.West Cellular CONT
FY92-3

COUNCIL ACTION: (Tape location: A489-540.)

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

ITEM-S404: (R-92-360) CONTINUED TO OCTOBER 7, 1991

Approving the City Manager's recommendation regarding marketing of the Eastgate Technology Park; approving in concept, and authorizing the City Manager to negotiate, the sale of a 3 to 4-acre parcel within either Lots 3, 4 or 5, Eastgate Technology Park, to Tanabe Research Laboratories U.S.A., Inc.

(See City Manager Report CMR-91-400 and Legislative Specialist Analysis PFR-91-16. University City Community Area. District-1.)

COMMITTEE ACTION: Reviewed by PFR on 9/11/91. Recommendation to forward to Council without recommendation to be heard at the September 16, 1991 Council meeting. Districts 3, 6 and 7 voted yea. District 1 voted nay. District 8 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A353-375.)

MOTION BY WOLFSHEIMER TO CONTINUE TO OCTOBER 7, 1991, AS RECOMMENDED BY THE CITY MANAGER FOR FURTHER REVIEW BY TENABE RESEARCH LABORATORIES. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: (R-92-387) CONTINUED TO SEPTEMBER 23, 1991

Acknowledging the formation of a subcommittee of the City Heights Project Area Committee for the purpose of making recommendations to the City Council in the matter of the proposed incorporation of a City Heights Development Corporation.

(District-3.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A376-450.)

MOTION BY HARTLEY TO CONTINUE ONE WEEK FOR FURTHER DISCUSSION WITH THE CITY MANAGER. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S406:

Two actions relative to the implementation of the Citizens Budget Committee Recommendations:

(See City Manager Report CMR-91-405.)

Subitem-A: (O-92-46) INTRODUCED, TO BE ADOPTED
OCTOBER 7, 1991

Introduction of an Ordinance amending Chapter II, Article 2, Division 1 of the San Diego Municipal Code by amending Section 22.0101, Rule 23, to provide for implementation of a two-year budget process based on a five-year plan.

Subitem-B: (R-92-391) ADOPTED AS RESOLUTION R-278661

Adoption of a Resolution establishing Council Policy 000-02 regarding the Budget Process.

FILE LOCATION: SUBITEM-A: --, SUBITEM-B: MEET

COUNCIL ACTION: (Tape location: B050-184.)

MOTION BY HENDERSON TO INTRODUCE SUBITEM-A AND ADOPT

SUBITEM-B WITH DIRECTION FROM COUNCIL MEMBER McCARTY THAT THE MAYOR AND COUNCIL NOMINATE A NINE-MEMBER BOARD OF FISCAL ADVISORS WITH THE CAVEAT THAT THERE WOULD BE CITIZEN REPRESENTATION ON THE MANAGEMENT COMMITTEE AND THAT COUNCIL BE GIVEN COPIES OF THE REPORTS. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

ITEM-ND-1: PROCLAIMED

Council Member Tom Behr proclaimed September 23, 1991 to September 27, 1991 as Ride Share.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A107-136.)

MOTION BY BEHR TO ACCEPT THE ITEM FOR CONSIDERATION. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

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

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding: Voting, "The American Dream."

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B185-220.)

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 3:02
p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B221-230).

MOTION BY HENDERSON TO ADJOURN IN HONOR OF THE MEMORY OF
MARY N. BURR. Second by McCarty. Passed by the following
vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not
present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea,