

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 25, 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. City Manager Jack McGrory commented on a report from City and State Magazine which rates the fifty largest cities in the United States and ranked San Diego and Phoenix as the cities with the best Financial Management Systems. Chairperson Wolfsheimer adjourned the meeting at 6:13 p.m. to meet in closed session at 9:00 a.m. Tuesday, November 26, 1991 in the twelfth floor conference room to discuss pending 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-present
- Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Taylor Hill of the First Presbyterian Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Pratt.

FILE LOCATION: MINUTES

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

- 10/14/91 Adjourned
- 10/15/91 Adjourned
- 10/28/91
- 10/29/91

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A100-104.)

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

ITEM-31: GRANT THE HEARING

Matter of the request of Norman B. Blumenthal, Esq., as attorney for Bruce Steinberg, et al, for a hearing of an appeal from the decision of the Planning Commission relating to the Sickels Property, Coastal Development/Hillside Review Permit, CDP/HRP-89-1215. Due to a lack of affirmative votes by the Planning Commission, the decision of the Planning Director in approving the permit, with conditions, is sustained.

This project proposes the construction of a single-family home with a floor area totaling 11,834 square-feet. The Landscape/Brush Management Plan includes an alternative compliance design. The subject property, a 38,800 square-foot vacant site is located directly behind 7510 Hillside Drive, south and west of Hillside Drive, east of Castellana Drive and north of Caminito Bassano and is described as Lots C-D, Parcel 1, Map No. 2087. The R-1-40 (single-family residential minimum-lot size 40,000 square-feet) zoned site is within the La Jolla community planning area.

(CDP/HRP-89-1215. District-1.)

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

FILE LOCATION: PERM-CDP/HRP-89-1215

COUNCIL ACTION: (Tape location: A105-126.)

MOTION BY WOLFSHEIMER TO GRANT THE HEARING, TO BE HELD DECEMBER 10, 1991 AT 10:00 A.M. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-32: NOTED AND FILED

Matter of the request of Linda H. Pequegnat and Ralph A. Lewin for a hearing of an appeal from the decision of the Planning Commission in granting a La Jolla Shores/Coastal Development Permit LCP/CDP-91-0095 allowing for the demolition of an existing single-family residence and construction of a new, 4,244-square-foot two-story single-family residence. The subject property, a 6,638-square-foot site area, is located at 8483 El Paseo Grande (formerly 8480 Paseo del Ocaso) and is described as Parcel No. 2 of Parcel Map PM-5010. The Single-Family zoned site is located within the La Jolla Shores Community Planning Area.

(LJS/CDP-91-0095. District-1.)

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

FILE LOCATION: PERM-LJS/CDP-91-0095

COUNCIL ACTION: (Tape location: A127-163.)

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

ITEM-33: DENIED HEARING

Request for an appeal by Robert A. Blakemore, from the decision of the Planning Commission in granting the San Diego Youth Tennis Center, Conditional Use Permit, CUP-88-1259, proposing the construction of a 24-court tennis facility where such use is allowed by Conditional Use Permit only and an access variance. The subject property is an approximate 12-acre vacant site located at the southwest intersection of Nimitz Boulevard and Interstate 8 and is described as Lot A, Loma Alta No. 2, Pueblo Lot 212, and Parcel 1, Map No. 12389. The A-1-10 zoned site is within the Ocean Beach

Community Planning Area.

(CUP-88-1259. District-2.)

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

FILE LOCATION: PERM-CUP-88-1259

COUNCIL ACTION: (Tape location: A164-182.)

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

ITEM-34: DENIED HEARING

Matter of the request of M. Esther Tintle-Lightman for a hearing of an appeal from the decision of the Planning Commission in granting Community Implementation Overlay Zone Permit CPIOZ-89-1213 to construct three 4-story apartment buildings containing 179 apartment units on a 2.95 acre site.

The subject property is located on the north side of Montezuma Road between 55th Street and Campanile Drive and is more particularly described as Lots 15 through 29 of Collwood Gardens, Map-2620 in Zone R-600 within the College Community Plan area.

(CPIOZ-89-1213. District-7.)

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

FILE LOCATION: PERM-CPIOZ-89-1213

COUNCIL ACTION: (Tape location: A183-204.)

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

* ITEM-50: (O-92-52) ADOPTED AS ORDINANCE O-17711 (New Series)

Amending Ordinance O-17648 (New Series), as amended, entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for Fiscal Year 1991-92," to create a new position of Assistant to the Police Chief; exempting the new position from the Classified Service;

amending Exhibit "C" to said ordinance to include the new position in Managerial Category B; and establishing a salary rate.

(Introduced on 11/12/91. Council voted 8-0. District 3 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D181-190.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-51: (O-92-4 Rev.3) ADOPTED AS AMENDED AS ORDINANCE O-17712 (New Series)

Amending Chapter IX, Article 3, Division 2, of the San Diego Municipal Code, by adding Section 93.0208, establishing water conservation plumbing standards upon change of property ownership or upon bathroom alteration of existing structures.

(Introduced as amended on 11/12/91. Council voted 8-0. District 3 not present.)

WU-92-035.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C120-D148.)

MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE AS AMENDED WITH THE MODIFICATION TO SECTION 2 THAT THE ORDINANCE WILL BE IN FORCE ON JANUARY 1, 1992 AND APPLIES TO ALL NEW ESCROWS THAT OPEN ON OR AFTER JANUARY 1, 1992 AND TO ANY CURRENT ESCROW THAT CLOSES, REGARDLESS OF WHEN IT OPENS, AFTER JUNE 1, 1992. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-52: (O-92-75) INTRODUCED, TO BE ADOPTED DECEMBER 9, 1991

Introduction of an Ordinance amending Rule 3 of the Permanent Rules of Council, San Diego Municipal Code Section 22.0101, to change the procedure for Council Meetings, by placing the order of Public Comment after Invocation and Pledge of Allegiance and before Special Orders of Business on Monday, and after Roll Call and before Requests for Continuances on Tuesday. Amending Rule 8 of the Permanent Rules of Council, San Diego Municipal Code Section 22.01010, to limit Public Comment to 3 minutes per subject, regardless of the number of people in attendance.

COMMITTEE ACTION: Initiated by RULES on 11/6/91. Recommendation to approve the change in the procedure of Council meetings, by placing the order of public comment at the beginning rather than at the end of each meeting. Districts 4, 7, 8 and Mayor voted yea. District 1 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D190-205.)

CONSENT MOTION BY FILNER TO INTRODUCE. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-53: (O-92-44) INTRODUCED, TO BE ADOPTED DECEMBER 9,

1991

Introduction of an Ordinance amending Chapter V, Article 5, Division 3, of the San Diego Municipal Code by amending Section 55.0310.0301, relating to Fire Protection and Prevention.

CITY MANAGER SUPPORTING INFORMATION: Council action of August 5, 1991 (R-278509) regarding the Civic Center directed the City Attorney to amend Ordinance O-17172. The amendment would extend the deadline for installation of an approved fire-sprinkler system in high-rise buildings containing significant quantities of asbestos from January 1, 1996 to January 1, 1999. Under the proposed amendment, owners of high-rise buildings subject to fire sprinkler provisions can be exempted if, prior to January 1, 1996, they agree in writing to demolish said building(s). Further, if demolition has not been accomplished by the extended deadline, the building shall not be occupied after January 1, 2000 until an approved fire sprinkler system has been completely installed or the building has been demolished.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D190-205.)

CONSENT MOTION BY FILNER TO INTRODUCE. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-92-816) ADOPTED AS RESOLUTION R-278974

Declaring the results of the General Municipal Election held in the City of San Diego, Council District 6, Tuesday, November 5, 1991.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101: (R-92-647) ADOPTED AS RESOLUTION R-278975

Awarding a contract to Treebeard Landscape Inc. for furnishing complete landscape maintenance of the designated medians, rights-of-way, and landscaped slopes within the Tierrasanta Landscape and Lighting Maintenance District, as may be required for a period of one year beginning December 1, 1991 through November 30, 1992, for an estimated cost of \$205,316.16, including terms, with options to renew the contract for four additional one-year periods, with option price increases not to exceed the prices in effect for the previous contract period by more than 10 percent; in the event that the Contractor does not perform to specifications, the Purchasing Agent is authorize to terminate the contract and award to the next low responsive and responsible bidder and to subsequent bidders, if necessary, until a bidder is found who performs to specifications.
(BID-C2645/92)

(District-7.)

FILE LOCATION: STRT M-239 CONTFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-92-649) ADOPTED AS RESOLUTION R-278976

Awarding a contract to New Way Professional Landscape Services for complete landscape maintenance of the designated medians, rights-of-way, landscaped slopes, and perimeter banks within Park Village Estates Landscape Maintenance District, as may be required for a period of one year beginning December 1, 1991 through November 30, 1992, for a cost of \$41,420.49, including terms, with options to renew the contract for four

additional one year periods with increases not to exceed 30% of the prices in effect in each prior period; authorizing the Purchasing Agent to terminate the contract in the event that the Contractor does not perform to specifications and award to the next low responsive and responsible bidder and to subsequent bidders, if necessary, until a bidder is found who performs to specifications. (BID-C2654/92)

(District-1.)

FILE LOCATION: STRT M-240 CONTFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-92-642) ADOPTED AS RESOLUTION R-278977

Awarding a contract to San Diego Landscape Maintenance Co. for furnishing complete palm trimming service for approximately 27,000 queen, fan and date palms, as may be required for a period of one year beginning December 1, 1991 through November 30, 1992, for an estimated cost of \$353,600, including 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 seven percent; in the event that the Contractor does not perform to specifications the Purchasing Agent is authorized to terminate the contract and award to the next low responsive and responsible bidder and to subsequent bidders, if necessary, until a bidder is found who performs to specifications.
(BID-C2677/92)

FILE LOCATION: CONT-Purchase - San Diego Landscape Maintenance Co. CONTFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-
yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104: (R-92-648) ADOPTED AS RESOLUTION R-278978

Awarding a contract to Freudenberg Building Systems, Inc. for furnishing the City of San Diego Jack Murphy Stadium with flooring materials as may be required for a period of one year beginning November 1, 1991 through October 31, 1992, for an estimated cost of \$73,201, with options to renew the contract for two additional one year periods, with option period price increases not to exceed the prices in effect for the previous contact period by more than four percent. (BID-P2687/92)

FILE LOCATION: CONT-Purchase - Freudenberg Building Systems, Inc. CONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-
yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-105: (R-92-641) ADOPTED AS RESOLUTION R-278979

Awarding a contract to Pearson Ford for the purchase of Ford auto and truck repair parts, as may be required for a period of one year beginning January 1, 1992 through December 31, 1992, for an estimated cost of \$143,400, including tax and terms, with options to renew the contract for four additional one year periods at the same percentage markup. (BID-C2675/92)

FILE LOCATION: CONT-Purchase - Pearson Ford CONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106: (R-92-646) ADOPTED AS RESOLUTION R-278980

Awarding a contract to Tasertron for Taser Electronic Weapons for a total cost of \$52,030, including tax and terms;
authorizing the expenditure of not to exceed \$52,030 from Fund 100, Department 110, Organization 200, Object Account 6010, and Job Order No. 111475 for providing funds for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted fund, if any, to the appropriate reserves.
(BID-I2695/92)

Aud. Cert. 9200344.

FILE LOCATION: CONT-Purchase - Tasertron CONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107: (R-91-1360) ADOPTED AS RESOLUTION R-278981

Awarding a contract to Orion Construction Corporation for two blowers, complete with installation at Pump Station No. 1, for total cost of \$59,147.80, including tax, terms and installation; authorizing the expenditure of not to exceed \$59,147.80, from Department No. 700, Organization No. 500, Object Account No. 4222, and Job Order No. 2311 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. (BID-E2255/91)

Aud. Cert. 9200277.

FILE LOCATION: CONT-Purchase - Orion Construction
 Corporation CONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-
yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108: (R-92-639) ADOPTED AS RESOLUTION R-278982

Assigning all rights and obligations of the contract
for harvesting of water hyacinths for the period of
March 1, 1991 through February 29, 1992, as authorized
by Resolution R-277121, adopted on January 9, 1991,
from Jimmy Gilbert's Pumping Service to Reliable Waste,
Inc. (BID-B1862/91)

FILE LOCATION: CONT-Purchase - Reliable Waste, Inc.
 CONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-
yea, Filner-yea, Mayor O'Connor-yea.

ITEM-109: (R-92-538) TRAILED TO NOVEMBER 26, 1991

Inviting bids for the construction of Point Loma Ocean
Compliance Project Ocean Outfall Extension on Work
Order No. 190170; authorizing the execution of a
contract with the lowest responsible bidder. (BID-
K2784/92)

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The Point Loma Outfall

Extension project will construct a 12,500-foot, 144-inch diameter, extension to the existing 11,300-foot outfall, terminating at a depth of 312 feet. The project will also include two wye-structures and two 2,500-foot diffuser legs. In addition, an alternative 13,275-foot extension terminating at a depth of 325 feet is included in the bid schedule. Two options, steel and reinforced concrete pipe, are also included. The purpose of this project is to comply with the State Ocean plan, which requires that certain bacteriological standards are met in the offshore kelp beds. Cease and Desist Order No. 87-113 issued by the Regional Water Quality Control Board and a federal court order issued by Hon. Rudi Brewster also require the timely completion of this project.

In August 1991, the City Council accepted the findings and the recommendations contained in the Point Loma Outfall Extension Report and certified the Environmental Impact Report by Resolution R-278487. The project is now ready to advertise for bids, since the design of the project has been completed in accordance with the Council-accepted findings and recommendations. During the course of final design, some joints of the existing outfall were found to have deteriorated. Due to the uncertainty about the existing outfall's remaining life, staff is evaluating the alternative of building a new outfall from shore by tunneling. Preliminary results indicate the cost of this alternative may be comparable to that of the planned extension. For this reason, the construction of the outfall extension may not be awarded should the decision be made to build a new tunnel outfall. This will be noted in the advertisement for bids. In order to enhance MBE/WBE participation of this project, a request for letters of interest is being advertised in national and local publications emphasizing the City's Equal Opportunity Contracting Program. The Federal court order states that the first construction progress report must be submitted by May 1, 1992. To meet this date, Council's authorization to advertise for bids is necessary. The authorization to award is not requested at this time and will come forward under a separate request when the lowest responsible bidder is identified. The construction cost is currently estimated at \$150 million. The project funding will be phased and come from a combination of existing revenues and future bond proceeds.

WU-CWP-92-056.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A209-226.)

MOTION BY WOLFSHEIMER TO TRAIL ITEM-109 TO NOVEMBER 26, 1991 AND CONTINUE ITEM-207 AT THE REQUEST OF THE CITY MANAGER FOR A LONGER TERM NEGOTIATION WITH THE UNIVERSITY OF CALIFORNIA REGARDING THE VACATION AND OTHER TRANSPORTATION ISSUES THAT ARE PENDING BETWEEN THE CITY AND THE UNIVERSITY. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-92-539) ADOPTED AS RESOLUTION R-278983

Inviting bids for Improvements to Sewer Pump Station No. 11 on Work Order No. 172441; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of not to exceed \$125,000 from Annual Allocation - Sewer Pump Station Restoration, CIP-46-106.0, for said project and related costs. (BID-K2792/92)

(Mission Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: A new underground Pump Station No. 11 was recently completed in Mission Beach in compliance with a Regional Water Quality Control Board Cease and Desist Order. The new pump station was designed to replace the old pump station constructed in the early 1920's and to handle the sewage pumping needs for the planned build-out of the Mission Beach community in accordance with both the Mission Beach Precise Plan and Planned District Ordinance. It has back-up pumping capabilities and a gas-fueled, engine-driven generator available as a secondary power source in case of electrical power failure. The station was built underground to eliminate as much as possible any visual impacts. Citizen concerns for the aesthetics of the 18 to 24 inches of the structure which remain visible above ground have necessitated minor improvements to the structure. Improvements include landscaping, odor control, and noise abatement.

During construction, it was also determine that SDG&E requirements to supply an equipment transformer, and the City contractor's size limitation of the emergency generator, reduced the available amperage to operate two pumps simultaneously. By purchasing and installing a reduced voltage starter and related equipment, the reliability of the station will be increased.

Aud. Cert. 9200295.

WU-P-92-052.

FILE LOCATION: W.O. 172441 CONFY92-1 CONT - Miramontes
Construction Co., Inc.

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-
yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-111: (R-92-536) ADOPTED AS RESOLUTION R-278984

Inviting bids for the Replacement and Upgrade of Ocean
Front Walk Lighting between Ventura Place and San
Fernando Place on Work Order No. 119630; authorizing
the execution of a contract with the lowest responsible
bidder; authorizing the expenditure of funds not to
exceed \$70,000 from CIP-37-328.0, Ocean Front Walk
Lighting, (Capital Outlay Other Revenue Fund 302453)
for providing funds for said project and related costs;
authorizing the Auditor and Comptroller upon advice
from the administering department, to retain excess
budgeted funds, if any, in CIP-37-328.0.
(BID-K2759/92)

(Mission Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The subject Capital
Improvement Project to replace and upgrade the Ocean Front Walk
Lighting Between Ventura Place and San Fernando will replace the
lighting structures. The existing lights on the sea wall have
deteriorated and are beyond repair. This project will replace
the existing poles with fiberglass poles of similar shape and
size. This project will also install new conduit and wire since
the existing wiring is inaccessible.

Aud. Cert. 9200320.

FILE LOCATION: W.O. 119630 CONT - Knox Electric Inc.
CONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-
yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112:

Two actions relative to the final subdivision map of
Las Casitas La Jolla, a 13-lot subdivision located
southeasterly of Marine Street and Draper Avenue:

(La Jolla Community Area. District-1.)

Subitem-A: (R-92-758) ADOPTED AS RESOLUTION R-278985

Authorizing the execution of a Subdivision Improvement
Agreement with Melcher Family Limited Partnership for
the installation and completion of public improvements.

Subitem-B: (R-92-757) ADOPTED AS RESOLUTION R-278986

Approving the final map.

FILE LOCATION: SUBD-Las Casitas La Jolla CONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-
yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-113: (R-92-754) ADOPTED AS RESOLUTION R-278987

Approving Parcel Map W.O. 870548 located southwesterly
of I-5 and Palm Avenue.

(Otay Mesa-Nestor Community Area. District-8.)

FILE LOCATION: SUBD-Aloha Tract, Lot 8 & pors.

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-114: (R-92-759) TRAIL TO NOVEMBER 26, 1991

Approving Parcel Map W.O. 880893 located northeasterly of Balboa Avenue and Clairemont Drive.

(Clairemont Mesa Community Area. District-6.)

FILE LOCATION: SUBD-Dalles Hgts, Lot 1, por.; P/L 1210, por. & Dalles Ave., vacated

COUNCIL ACTION: (Tape location: D206-212.)

MOTION BY HENDERSON TO TRAIL TO NOVEMBER 26, 1991 SO THAT HE CAN DETERMINE WHAT HAS BEEN DONE ON SOME PAVING AND LIGHTING THAT WERE TO BE CONSTRUCTED IN CONNECTION WITH THE PROJECT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-115:

Two actions relative to Carmel Mountain Ranch Unit No. 10:

(Carmel Mountain Ranch Community Area. District-5.)

Subitem-A: (R-92-755) ADOPTED AS RESOLUTION R-278988

Granting an extension of time to June 15, 1992 to Carmel Mountain Ranch, subdivider, to complete the improvements required for Carmel Mountain Ranch Unit No. 10.

Subitem-B: (R-92-756) ADOPTED AS RESOLUTION R-278989

Authorizing the City Manager to release a portion of the surety issued by Allied Mutual Insurance Company in the form of Performance Bond No. Bd 32593, reduced as follows:

1. For faithful performance, to the sum of \$1,410,272.
2. For the benefit of the contractor, subcontractor and to persons renting equipment or furnishing labor or materials, to the sum of \$705,136.

CITY MANAGER SUPPORTING INFORMATION: On December 15, 1986, the City entered into an agreement with Carmel Mountain Ranch for the construction of public improvements for Carmel Mountain Ranch Unit No. 10. Performance Bond No. Bd 32593 issued by Allied Mutual Insurance Company in the amount of \$4,407,100 was provided by the subdivider. The agreement expired December 15, 1988. The subdivider has requested a partial release of surety and an extension of time to June 15, 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, 68 percent of the original surety will be released which will reduce the surety to \$1,410,272.

FILE LOCATION: SUBD-Carmel Mountain Ranch Unit No. 10

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-116:

Three actions relative to the Trenton Canyon Open Space Assessment District (1913 Improvement Act):

(Bay Park Community Area. District-6.)

Subitem-A: (R-92-738) ADOPTED AS RESOLUTION R-278990

Making findings on the petition for Trenton Canyon Open Space.

Subitem-B: (R-92-739) ADOPTED AS RESOLUTION R-278991

Appointing the firm of Grant and Duncan as Special Bond Counsel in connection with the proposed proceedings under the Municipal Improvement Act of 1913 for the Trenton Canyon Open Space Acquisition.

Subitem-C: (R-92-740) ADOPTED AS RESOLUTION R-278992

Authorizing the expenditure of an amount not to exceed \$40,000 from Capital Outlay Fund 30245, CIP-58-002.0, Annual Allocation - Assessment Districts, pending reimbursement by the assessment district upon the sale of bonds for the purpose of paying Bond Counsel, appraisal, escrow and title fees, and City administration charges associated with the proposed assessment district, for the purpose of providing funds for the Trenton Canyon Open Space Assessment District.

CITY MANAGER SUPPORTING INFORMATION: The City has received a property owner petition requesting the acquisition of Lots 27-36 inclusive of Block 5, Map-983, American Park Addition, also known as Trenton Canyon, for permanent open space via assessment district proceedings. The petition is signed by the owners of 67% of the land area proposed to be assessed for the acquisition. Trenton Canyon is located in the Bay Park area adjacent to Ticonderoga Street and Trenton Avenue east of Morena Boulevard. The lot area to be acquired by purchase is approximately 0.72 acres, and consists mainly of steep sloping terrain down to the canyon bottom. Most of the property is covered with scrub brush and various grasses. The area surrounding the lots to be acquired is entirely built out with homes. Some of these are on large un-subdividable lots. The slopes of these lots drop down into the canyon and become a contributing part of open expanse, thus substantially increasing the size of the open space area and making the acquisition worthwhile. The total estimated acquisition costs including incidental expenses is \$395,676.

Assessments vary from \$20,000 to \$5,000 per living unit according to proximity to the proposed open space acquisition and the benefit obtained by retaining the property in its natural state in perpetuity.

Aud. Cert. 9200314.

FILE LOCATION: STRT OS-37

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-117: (R-92-741) ADOPTED AS RESOLUTION R-278993

Resolution of Intention to vacate the Alley in Block 17 of La Jolla Park, Map-352 (Scripps Lane), under the provisions of the Public Streets, Highways, and Service Easements Vacation Law; fixing a time and place for a hearing.

(La Jolla Community Area. District-1.)

FILE LOCATION: STRT J-2770; DEED F-5727 DEEDFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-118: (R-92-312) ADOPTED AS RESOLUTION R-278994

Authorizing the execution of two deeds conveying to San Diego Gas and Electric Company, easements for electrical services in portions of the Northeast Quarter of Section 4, Township 13 South, and of the

Northeast Quarter of the Northwest Quarter of Section
35, Township 12 South, both Range 1 West, San
Bernardino Meridian.
(San Pasqual Valley Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Semipermanent electrical
service is needed within the tree farm at the Witman Ranch
leasehold. The lessee has agreed to remove this service at
termination of its lease. The City's Water Utilities Department
has reviewed and approved the easement. The Agricultural Lease
Manager has obtained a letter agreement for the removal of
service at termination of the lease.

WU-PR-92-025.

FILE LOCATION: DEED F-5728 DEEDFY92-2

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-
yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-119: (R-92-733) ADOPTED AS RESOLUTION R-278995

Authorizing the execution of a deed conveying to San
Diego Gas and Electric Company an easement for
upgrading Circuits 85 and 88 within an undedicated
portion of Mission Trails Regional Park, southerly of
Lake Murray and northerly of Airoso Avenue.

(Alvarado Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: SDG&E circuits serving
primarily Alvarado Hospital are deteriorating and causing low
voltage when X-ray and other equipment is required at the
hospital. This proposed easement is a 300-foot long by 12-foot
wide expansion of an existing easement which will allow for
heavier lines and replacement of three obsolete wooden poles to
update this vital service area. This easement has been reviewed
and approved by Park and Recreation, Water Utilities and Planning
Departments.

FILE LOCATION: DEED F-5729 DEEDFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-120: (R-92-780) ADOPTED AS RESOLUTION R-278996

Authorizing the sale by negotiation for \$94,500 to Guaranty Service Corporation of a surplus slope easement in Lot 1 of Costa Verde, Map-12045; authorizing the execution of a quitclaim deed, quitclaiming to Guaranty Service Corporation, the above easement; declaring that no broker's commission shall be paid by the City on the negotiated sale.

(University City Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The Engineering and Development Department has received an application from the owner to abandon the slope easement in Lot 1 of Costa Verde, Map-12045 located south of La Jolla Village Drive between Regents Road and Costa Verde Boulevard in the University City area to provide clear title and better utilization of the property. In 1969, this slope easement was acquired in connection with a 1913 Improvement Act Proceeding to construct Miramar Road between Genesee Avenue and I-5 and Genesee Avenue between Old Miramar Road and Governor Drive. The subject easement has been reviewed by all concerned departments as well as being heard by the local planning committee on November 12, 1991. All have concluded there is no present or prospective public need for the easement; therefore, abandonment is recommended.

FILE LOCATION: DEED F-5730 DEEDFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-121: (R-92-691) ADOPTED AS RESOLUTION R-278997

Authorizing the City Manager to accept a donation of a flight simulator valued at \$11,000 from Mr. Ralph Pesqueira for use by the San Diego Police Department Air Support Unit; expressing gratitude for this act of civic generosity.

CITY MANAGER SUPPORTING INFORMATION: Mr. Ralph Pesqueira, a San Diego Police Department Level III Reserve Officer, has offered to donate a use flight simulator to the Police Department for use by the Air Support Unit. It is in good working condition. Currently, the eight pilots who fly for the Air Support Unit are required to log 12 hours of instrument time per year, per pilot. The F.A.A. regulations state half of that time can be logged in a flight simulator. Accepting this donated equipment should result in annual savings of approximately \$3,526.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-122: (R-92-723) ADOPTED AS RESOLUTION R-278998

Accepting the generous donation of \$1,947.99 from the Pacific Beach Recreation Council, which will be used to match City funds for the purchase of an Apple Stylewriter, a MacIntosh LC Computer and four multi-purpose mats for youth programs at the Pacific Beach Recreation Center; authorizing the expenditure of an the amount of \$1,947.99 from Fund 100, Park and Recreation Department Annual Operating Budget, Fiscal Year 1991-1992, to match the funds donated for the above purchases; expressing appreciation to the Pacific Beach Recreation Council for this generous donation and continuing financial support.

(Pacific Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: For many years, the City has appropriated funds in the Park and Recreation Department Annual Operating Budget to match community donations for purchase of equipment. In Fiscal 1992, the Department has \$8,000 available for this purpose. The "matching fund" concept originated as an incentive to community groups to participate financially in providing equipment or services to help overcome City's budgetary constraints. This program has enabled recreation councils and other community groups to purchase a variety of equipment and services resulting in enhancement of community recreation at centers City-wide. This donation of \$1,947.99 from the Pacific Beach Recreation Council will assist in providing the following items for Pacific Beach Recreation Center: 1) a computer with software to improve programming activities, accountability of funds and preparation of daily operational correspondence and programs; and, 2) replacement of four mats, used for youth programs, which were vandalized beyond repair.

Aud. Cert. 9200306.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-123: (R-92-735) ADOPTED AS RESOLUTION R-278999

Accepting the generous gift from the estate of Marjorie "Billie" Thackeray, including a 1/2 interest in real estate located at 4131 Jewell Street, San Diego; directing the City Manager to sell, at a public auction, the house located at 4131 Jewell Street, and after expenses, share the proceeds with the San Diego Zoological Society; directing the City Manager to deposit the funds in an interest bearing account for the Earl and Birdie Taylor Branch Library in Pacific Beach.

(District-2.)

CITY MANAGER SUPPORTING INFORMATION: Mrs. Marjorie "Billie" Thackeray, a long time resident of Pacific Beach, died on December 2, 1990. During her lifetime, she was an active member of the Friends of the Library of Pacific Beach and a volunteer instructor with Literacy Volunteers of America. She was a former director of special events for the 22nd District Agricultural Association and had been the public relations director for the San Diego Journal for 25 years. There were no surviving close relatives. She bequeathed the bulk of her estate to the San Diego Zoological Society and the City of San Diego. The City's share is to be used for the new library that will be constructed in Pacific Beach, the Earl and Birdie Taylor Branch Library. In addition to a 1/2 undivided interest in her home located at 4131 Jewell Street, the City has received an initial disbursement of \$16,460 from the estate. A check for a lesser amount will be received at the time of the final disbursement. Today's action will authorize the City to sell the house, and after expenses, share the proceeds with the San Diego Zoological Society. Although not mandated by the will, the executor requests suitable recognition be given to Mrs. Thackeray in the Taylor Library.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-124: (R-92-692) ADOPTED AS RESOLUTION R-279000

Authorizing the City Manager to submit the Grant Application Proposal for the Refugee Assistance Project to the California Department of Social Services, who in turn will submit it to the Federal Office of Refugee Resettlement; authorizing the execution of the grant proposal program, including any extension or amendments.

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego Police Department, in response to a Request for Proposal from the Office of Refugee Resettlement, via the California Department of Social Services, has developed a program entitled Refugee Assistance Project. The proposal requests \$150,000 to develop

and implement a program designed to assist the four major Indochinese refugee populations in San Diego: Vietnamese, Cambodian, Lao and Hmong. The project requests funding for a Refugee Assistance Coordinator, two Community Service Officers, a vehicle, a computer system, and miscellaneous operating expenses to develop a Community Oriented approach to crime prevention, victim services, and personal safety in high impact neighborhoods. Methods will include telephone hotlines with messages in each of the languages, advertisements through local Indochinese publications, educational classes and workshops, personal contact, liaison and coordination of services with existing Indochinese organizations, and outreach activities throughout the target populations. It is hoped that Indochinese personnel will be used to staff the project; however, one goal will be soft recruitment of target ethnicities.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-125: (R-92-796) ADOPTED AS RESOLUTION R-279001

Designating Mayor Maureen O'Connor as the voting representative to the National League of Cities Conference held on December 12-16, 1991, in Las Vegas.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-126: (R-92-734) ADOPTED AS RESOLUTION R-279002

Excusing Deputy Mayor Bob Filner from attending the Public Facilities and Recreation Committee meeting and the Transportation and Land Use Committee meeting of October 23, 1991, to attend to other official City business.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-127: (R-92-764) ADOPTED AS RESOLUTION R-279003

Excusing Council Member Bob Filner from attending a portion of the Council meeting of October 28, 1991, due to a medical appointment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-128: (R-92-676) ADOPTED AS RESOLUTION R-279004

Excusing Councilmember Judy McCarty from attending the Special Public Services and Safety Committee meeting of October 17, 1991, due to her attendance as Chair of the Joint TAC/CAC AB 939 meeting, held at the San Diego County Operations Building.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-129: (R-92-736) ADOPTED AS RESOLUTION R-279005

Excusing Councilmember Ron Roberts from attending the regularly scheduled Council meeting of Tuesday, October 22, 1991, to testify at the Port Commission.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-130: (R-92-699) CONTINUED TO DECEMBER 9, 1991

Approving the City Manager's Fiscal Year 1991 Workforce and MBE/WBE Participation Reports on the status of the City's Independent Corporations.
(See City Manager Report CMR-91-459.)

COMMITTEE ACTION: Reviewed by RULES on 11/6/91. Recommendation to approve the City Manager's Report. Districts 4, 7, 8 and Mayor voted yea. District 1 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A340-351.)

MOTION BY FILNER TO CONTINUE TO DECEMBER 9, 1991, ON BEHALF OF COUNCIL MEMBER HARTLEY WHO HAS HAD REQUESTS FROM DIFFERENT COMMUNITIES FOR ADDITIONAL TIME TO REVIEW REPORTS. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-131: (R-92-378) CONTINUED TO DECEMBER 9, 1991

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

(See City Manager Report CMR-91-403.)

COMMITTEE ACTION: Reviewed by RULES on 11/6/91. Recommendation to approve the City Manager's Report. Districts 4, 7, 8 and Mayor voted yea. District 1 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A340-351.)

MOTION BY FILNER TO CONTINUE TO DECEMBER 9, 1991, ON BEHALF OF COUNCIL MEMBER HARTLEY WHO HAS HAD REQUESTS FROM DIFFERENT COMMUNITIES FOR ADDITIONAL TIME TO REVIEW REPORTS. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-132: (R-92-747) ADOPTED AS RESOLUTION R-279006

Expressing support for the Comprehensive Policy for Runaway/Homeless Youth in the State of California, which has been developed by the California Child, Youth and Family Coalition, as set forth in Department of Legislative Services Report DLS-91-48; calling upon the State and the counties to commit the necessary resources to implement this program.

(See Department of Legislative Services Report DLS-91-48.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-133:

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

Subitem-A: (R-92-705) ADOPTED AS RESOLUTION R-279007

George M. Harkleroad - General Services/Buildings - \$1,084.80.

Subitem-B: (R-92-706) ADOPTED AS RESOLUTION R-279008

Dan Lamberth - Engineering & Development - \$2,500.
Angela Nola-Vazquez - Park and Recreation/Central - \$320.

Subitem-C: (R-92-707) ADOPTED AS RESOLUTION R-279009

Ronnie L. Jones - Fire Department/Operations - \$125.
Barbara L. Biver - Retirement Department - \$100.

Subitem-D: (R-92-708) ADOPTED AS RESOLUTION R-279010

Angela Mosby - Planning Department/Development - \$80.
Edwin Heidig - Water Utilities Department/Aquaculture - \$55.98.

Subitem-E: (R-92-709) ADOPTED AS RESOLUTION R-279011

Charlotte King - Risk Management/Recovery - \$45.
Phil McNeely - General Services/Equipment - \$25.

Subitem-F: (R-92-710) ADOPTED AS RESOLUTION R-279012

Sue Volkman - Risk Management/Safety - \$25.
Douglas J. Eno - Water Utilities Department/Production - \$25.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-134: (R-92-728) ADOPTED AS RESOLUTION R-279013

Authorizing the execution of a fourth amendment to the agreement with American Family Life Assurance Company for a group cancer and hospital intensive care, for a one-year period beginning July 1, 1991 through June 30, 1992.

CITY MANAGER SUPPORTING INFORMATION: Cancer expense and hospital intensive care protection insurance plans have been offered as an option in our benefits plans since FY88. The plans provide payments to an ill employee or on behalf of an ill family member for cancer, selected dread diseases and intensive care hospitalization. There has been no change in rates or benefits from last year. The Equal Opportunity Contract (EOC) language has been incorporated into the contract.

FILE LOCATION: MEET CONTFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-135: (R-92-784) ADOPTED AS RESOLUTION R-279014

Authorizing the execution of an agreement with Balboa Travel, Incorporated, to provide all corporate/official travel services for the City, as requested by authorized City personnel.

(See City Manager Report CMR-91-489.)

FILE LOCATION: MEET CONTFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

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

Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-136: (R-92-698) ADOPTED AS RESOLUTION R-279015

Authorizing the execution of an agreement with BSHA, Inc., for architectural and engineering services regarding the reconstruction of the House of Charm in Balboa Park;
authorizing the expenditure of an amount not to exceed \$717,500 from CIP-21-834.0, Balboa Park Requirements, Transient Occupancy Tax Fund 102242, for the purpose of providing funds for the project.

(Balboa Park Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: The adopted Balboa Park Master Plan identifies a project to demolish and reconstruct the House of Charm. The new building will occupy the same footprint and the exterior will faithfully replicate the size, shape, and ornamentation of the existing building. The interior of the new building will contain two basement levels and two levels above ground. By prior Council action, the Children's Museum will be the principal tenant of the new building. Ground floor and first basement space will be shared with the Art Institute. The Old Globe Theater will occupy the second basement as rehearsal space. The Architect will provide full architectural services for the preparation of plans and specifications; periodic monitoring during construction; and preparation of as-built plans upon completion. The City funded project will provide the building shell. Individual tenants are responsible for tenant improvements.

Aud. Cert. 9200315.

FILE LOCATION: MEET CCONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-137: (R-92-722) ADOPTED AS RESOLUTION R-279016

Authorizing the execution of an amendment to the agreement of February 11, 1991 with BSI Consultants, Inc., for additional engineering design services for Pump Station No. 20;

authorizing the expenditure of an amount not to exceed \$63,942 from CIP-46-106.0, Annual Allocation for Sewer Pump Station Restorations, to provide funds for this project.

(La Jolla Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On February 11, 1991, the City Council authorized the City Manager, under Resolution R-277343, to enter into an agreement with BSI Consultants, Inc., for engineering services for the modification to the existing Sewer Pump Station 20.

During the geotechnical investigations and preliminary design phase of the project, it was determined that, due to the soil erosion of the existing pump station site, a new pump station must be constructed adjacent to the existing one. Therefore, the City and consultant wish to amend their agreement to provide the additional funds necessary to perform the additional work associated with the design of a new pump station.

Aud. Cert. 9200311.

WU-U-92-023.

FILE LOCATION: MEET CCONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-138: (R-92-730) ADOPTED AS RESOLUTION R-279017

Authorizing the execution of a first amendment to the agreement with First Equicor Life Insurance Company to provide stop loss insurance for the CITYMED Health Plan for a one-year period beginning August 1, 1991 through July 31, 1992, and a rate increase as follows:

\$150,000 Specific	\$3.94 per member per month
125% Aggregate	\$0.70 per member per month

CITY MANAGER SUPPORTING INFORMATION: The CITYMED Health Plan's lifetime maximum increase from \$250,000 to \$1 million effective July 1, 1989. Stop loss insurance was implemented in FY 1991 to hold CITYMED's risk exposure at \$150,000. Foster Higgins, the City's benefit consultant, conducted a market analysis and determined the most favorable arrangement for the City was to enter into a one-year agreement for stop loss insurance in conjunction with the City's life insurance agreement with First Equicor Life Insurance. In January 1991, Foster Higgins conducted a market analysis and requested proposals for competitive bids. Again, First Equicor Life Insurance Company had the most favorable agreement for the City for the period of 8/1/91 to 7/31/92. This agreement limits CITYMED's claim exposure to \$150,000 for specific individual claims and an aggregate amount of 125% of projected claims. Once these limits are reached, the stop loss insurance pays the remainder of the incurred claims. The cost of this coverage increased by 24% and is as follows:

Specific	\$3.94 per member per month
Aggregate	\$.70 per member per month

FILE LOCATION: MEET CONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-139: (R-92-729) ADOPTED AS RESOLUTION R-279018

Authorizing the execution of an amended agreement with First Equicor Life Insurance Company to extend the

agreement for a one-year period beginning July 1, 1991 through June 30, 1992, to authorize the rates as follows:

Basic Life	\$0.11 per \$1,000
Accidental Death & Dismemberment	\$0.03 per \$1,000

CITY MANAGER SUPPORTING INFORMATION: On October 12, 1987, an agreement was executed between the City of San Diego and the Equitable Life Assurance Society of the United States (on file with the City Clerk as document RR-269450) for the employee group life insurance contract for a three year period with guaranteed rates. It should be noted that, effective 7/1/89, the policy was transferred from the Equitable Life Assurance Society to First Equicor Life Insurance Company who is a wholly owned subsidiary of Equicor which is a subsidiary of the Equitable. A market analysis was conducted in March 1990 and First Equicor was determined to be the best choice for the City of San Diego employees. The rates decreased from \$.15 per \$1,000 to \$.11 per \$1,000 for the Basic Employees Life coverage entering the extended agreement. These rates are guaranteed for a three year period through June 30, 1992.

FILE LOCATION: MEET CONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-140:

Two actions relative to the San Ysidro/Otay Mesa Enterprise Zone:

(Otay Mesa, San Ysidro, and Otay Mesa-Nestor Community Areas. District-8.)

Subitem-A: (R-92-791) ADOPTED AS RESOLUTION R-279019

Authorizing the execution of a Memorandum of Understanding with the California Department of Commerce regarding the City of San Diego's intent to

implement the San Ysidro/Otay Mesa Enterprise Zone; 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 Enterprise Zone January 1, 1992 through June 30, 1992; authorizing the expenditure of an amount not to exceed \$18,500 for January 1, 1992 through June 30, 1992; authorizing the expenditure of an amount not to exceed \$37,000 per fiscal year thereafter, subject to a yearly appropriation by the City Council of funds for the operation of the San Ysidro/Otay Mesa Enterprise Zone.

Subitem-B: (R-92-813) ADOPTED AS RESOLUTION R-279020

Certifying that Summary Report DEP-90-0767 has been completed in compliance with CEQA and State guidelines and that the referenced reports have been previously reviewed by the Council; finding that the Environmental Impact Reports previously completed for the San Ysidro, Otay Mesa, and Otay Mesa-Nestor Community Plans are adequate environmental review for the enterprise zone application; adopting the findings with respect to the designation of an enterprise zone in the areas described in Resolution R-277310, pursuant to California Public Resources Code Section 21081 and Administrative Code Section 15093; approving the designation of an enterprise zone in the areas described in Resolution R-277310, as submitted to the California Department of Commerce pursuant to the Enterprise Zone Regulations.

CITY MANAGER SUPPORTING INFORMATION: The Enterprise Zone program allows businesses to claim various State tax savings. With the City Council's approval of the Memorandum of Understanding with the State of California, the San Ysidro/Otay Mesa Enterprise Zone will become operational on January 1, 1992. Zone administration includes a job referral service to coordinate job placements by accessing eligible unemployed persons from appropriate agencies. This resolution would authorize the execution of a contract for the San Diego Consortium and Private Industry Council to operate a job referral service in the new zone, continuing on a yearly basis. This resolution would also authorize contract expenditure of \$18,500 for services provided through June 30, 1992, and \$37,000 per fiscal year commencing July 1, 1992, with an annual adjustment up to five percent. 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. Existing Environmental Impact Reports for the Community Plan Areas will be utilized.

Aud. Cert. 9200359.

FILE LOCATION: MEET CONFY92-2

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-141: (R-92-727) ADOPTED AS RESOLUTION R-279021

Authorizing an amended Group Dental Agreement with Standard Insurance Company, to extend the agreement for a one-year period beginning August 1, 1991 through July 31, 1992, and to authorize a premium rate increase as follows:

PER MONTH

MONTHLY PREMIUMS	FROM	TO
Employee Only	\$20.32	\$22.76
Employee and Spouse	\$38.24	\$42.82
Employee and Children	\$45.48	\$50.94
Employee, Spouse and Children	\$55.12	\$61.72

CITY MANAGER SUPPORTING INFORMATION: The City offered the Standard Insurance Co. indemnity dental insurance plan as part of its Flexible Benefits & Management Benefits Plans for the first time in FY 1987 (on file with the City Clerk as document RR-266300). This plan provides for employees to choose their own dentist. However, if the employee chooses a preferred provider organization dentist, service costs are at a significant discount and the plan pays a higher percentage of the dental service costs. The premium rates have increased as follows:

MONTHLY PREMIUMS	FROM	TO	%INCREASE
Employee Only	\$20.32	\$22.76	12%
Employee and Spouse	\$38.24	\$42.82	12%

Employee and Children	\$45.48	\$50.94	12%
Employee, Spouse and Children	\$55.12	\$61.72	12%

A change in eligible participation has occurred in FY92 as part of the negotiation process. Employees in classifications represented by Local 127 not currently enrolled will not be eligible for this plan.

Beginning 8/1/93, employees in classifications represented by Local 127 not be eligible for Standard Co. coverage. Local 127 has made dental coverage available to those Local 127 represented classifications beginning this year. This amendment also includes the Equal Opportunity Contract (EOC) requirements.

FILE LOCATION: MEET CONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-142: (R-92-725) ADOPTED AS RESOLUTION R-279022

Authorizing the execution of an agreement with Risk Management Resources, Inc. (RMR) to provide administrative services for the CITYMED Health Plan for a one-year period beginning August 1, 1991 through July 31, 1992 at the rate of \$6.90 per employee per month.

CITY MANAGER SUPPORTING INFORMATION: In August 1989, August International Corporation entered into an agreement with the City of San Diego for Third Party Administration services for the CITYMED Health Plan. In March 1990, Employee Benefits Plans, Inc. (EBP) purchased certain assets of August International, including third party administration clients of which the City was one pursuant to R-274335. At that time, EBP as well as alternative Third Party Administrators were evaluated. Upon recommendation by our benefits consultant, the City entered into an assumption and consent agreement with EBP to continue August's contract. Included in that agreement was a higher performance standard resulting in increased administrative fees. In 1991, another market study was conducted to evaluate third party administrative services. Again, the consultant made the

recommendation to remain with EBP and further explore claims payment through the Risk Management Resources, Inc. (RMR) facility in San Diego. (RMR is a wholly owned subsidiary of EBP.) This agreement with RMR covers the period of August 1, 1991 to July 31, 1992 to provide third party administrative services for the CITYMED Health Plan at the rate of \$6.90 per month per member.

FILE LOCATION: MEET CONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-143: (R-92-732) ADOPTED AS RESOLUTION R-279023

Authorizing the execution of a Master Policy Statement FY 92 for the Dental/Medical/Vision Reimbursement Plan.

CITY MANAGER SUPPORTING INFORMATION: The Master Policy Statement has been amended to reflect the employee option of contributing via pretax payroll deduction to their own Dental/Medical/Vision Reimbursement Supplement account. This plan is subject to all regulations as the current D/M/V Reimbursement available through the Flexible Benefits Plan and Management Benefits Plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-144: (R-92-731) ADOPTED AS RESOLUTION R-279024

Authorizing the execution of a Master Policy Statement FY 92, for the Dependent Care Reimbursement Plan.

CITY MANAGER SUPPORTING INFORMATION: The master policy statement has been amended to allow employees the option of contributing via pretax payroll deduction to their own Dependent Care Reimbursement Supplement account. This plan is subject to all regulations as the current Dependent Care Reimbursement Plan available through the Flexible Benefits Plan and the Management Benefits Plan. The master policy statement has also been amended to reflect the change in the reimbursement payment schedule. Effective July 1, 1991 with evidence of payment subject to plan policy, the amount of reimbursement will be paid on a monthly basis at the rate of accrual up to the maximum amount of reimbursement identified on the employee's Flexible Benefits Plan, Management Benefits Plan and/or Dependent Care Reimbursement Supplement account.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-145: (R-92-726) ADOPTED AS RESOLUTION R-279025

Authorizing the execution of a Master Policy Statement FY 92 for the Cash Reimbursement Plan.

CITY MANAGER SUPPORTING INFORMATION: This is the annual request for filing of the Cash Reimbursement Plan Master Policy Statement for FY 1992. There has been no change in this year's statement.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-150: CONTINUED TO DECEMBER 9, 1991

(Continued from the meeting of November 12, 1991, Item S413, at Councilmember Behr's request, to allow public testimony and for the concerns of the Councilmembers and Community Planning Groups to be addressed.)

In the matter of the City Council Committee System.

(See memorandum from Councilmember Wolfsheimer dated 11/11/91; and memorandum from Councilmember Behr dated 11/6/91.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A305-338.)

MOTION BY FILNER TO CONTINUE TO DECEMBER 9, 1991 SO THAT THE COMMUNITY PLANNING GROUPS CAN MEET AND PROVIDE ADDITIONAL INFORMATION ON THIS MATTER. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-151: (O-92-77) INTRODUCED AND ADOPTED AS ORDINANCE
 O-17713 (New Series)

Introduction and adoption of an Ordinance ordering, calling, providing for and giving notice of a Special Municipal Election to be held in the City of San Diego on June 2, 1992, for the purpose of submitting to the qualified voters of the City of San Diego three propositions amending the Charter of the City of San Diego by amending Charter Sections 12, 24 and 40, to establish a two-term limit for elected officials; and consolidating the Special Municipal Election with the State Primary Elections to be held on June 2, 1992.

COMMITTEE ACTION: Reviewed by RULES on 11/6/91. Recommendation to reaffirm the April 8, 1991 action of the City Council to place on the June 1992 ballot, the amendment of the City Charter limiting elective offices to two terms. Districts 4, 7, 8 and Mayor voted yea. District 1 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D542-E051.)

MOTION BY ROBERTS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE AND BRING THE ISSUE OF THE INDEPENDENT REDISTRICTING COMMISSION BACK BEFORE COUNCIL ON JANUARY 13, 1992, FOR DISCUSSION IN THE MATTER OF. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-152: (O-92-54) INTRODUCED, TO BE ADOPTED DECEMBER 9, 1991

Introduction of an Ord. amending Chapter II, Article 6, of the San Diego Municipal Code, by adding Division 12, concerning the formation of an Elections, Campaign and Governmental Ethics Advisory Board to advise the Mayor, City Council, City Clerk and City Manager on policy issues relating to the City's elections, campaign financing and governmental ethics.

(See Report from the City Attorney dated 10/24/91.)

COMMITTEE ACTION: Initiated by RULES on 11/6/91. Recommendation to approve the formation of a City Elections, Campaign and Governmental Ethics Advisory Board consisting of 15 members. Districts 4, 7, 8 and Mayor voted yea. District 1 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D213-541.)

MOTION BY ROBERTS TO INTRODUCE THE ORDINANCE TO FORM THE ETHICS COMMISSION AND BRING THE ISSUE OF THE INDEPENDENT REDISTRICTING COMMISSION DIRECTLY TO COUNCIL AT A LATER DATE. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200: (O-92-67) INTRODUCED AND ADOPTED AS ORDINANCE O-17714 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17667 (New Series), as amended, entitled "An Ordinance adopting the Annual Budget for the Fiscal Year 1991-92 and Appropriating the Necessary Money to Operate the City for said Fiscal Year" by amending Document No. 00-17667, as amended and adopted therein, by adding \$150,000 to the General Fund, Non-departmental Expenditures Annual Audit Program to be reimbursed by the San Diego Data Processing Corporation.

CITY MANAGER SUPPORTING INFORMATION: On June 13, 1991, during City Council Budget hearings, Councilmember Ron Roberts requested an independent management audit to assess the San Diego Data Processing Corporation's ability to support the City's needs as defined in the City of San Diego Management Information System (MIS) Master Plan.

Subsequently, a Request for Proposal was issued. Based upon review of proposals and interviews, The Warner Group was selected from a number of respondents as the consultant who should perform the management audit of San Diego Data Processing Corporation. The Warner Group, together with Lopez-Lusk Inc. (MBE/WBE sub-consultant), will conduct the management audit within six months, effective with the approval of the agreement.

The audit will consist of two phases. Phase I will address organizational and managerial issues in the San Diego Data Processing Corporation. Phase II will assess technical issues pertaining to the San Diego Data Processing Corporation. Aud. Cert. 9200337.

NOTE: The first public hearing was held on Tuesday, November 12, 1991, Item 201b. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D149-181.)

MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-201: TRAILED TO NOVEMBER 26, 1991

The matter of the Annual Meeting of the member of the Centre City Development Corporation (CCDC).

FILE LOCATION: --

COUNCIL ACTION: (Tape location: G097-098.)

MOTION BY COMMON CONSENT TO TRAIL TO NOVEMBER 26, 1991, AT THE RECOMMENDATION OF THE CITY MANAGER. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-202: (R-92-778) ADOPTED AS RESOLUTION R-279026

Consideration of the following nominees for appointment by the Council to fill three vacancies on the Centre City Development Corporation (CCDC) Board of Directors, for terms ending May 1, 1994:

(See memorandum from Mayor O'Connor dated 11/8/91 with resumes attached.)

NAME	NOMINATED BY
John G. Davies (Reappointment) (Law)	Mayor O'Connor
Milton Fredman (Business/Finance)	Mayor O'Connor
Kotaro Nakamura (Architect)	Councilmember Hartley
Gordon Carrier (Architect)	Councilmember Roberts
Joseph Wong (Architect)	Councilmember Wolfsheimer

Today's action is adoption of a Resolution making three appointments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A601-B405.)

Council Member Hartley withdrew his nomination of Kotaro Nakamura.

The first ballot was taken, and Clerk Abdelnour announced the tally for Round 1: Carrier-3; Davies-6; Fredman-8; Wong-9.

MOTION BY COMMON CONSENT TO CONFIRM THE APPOINTMENTS OF JOHN G. DAVIES, MILTON FREDMAN AND JOSEPH WONG. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-203: (R-92-776 REV.) ADOPTED AS AMENDED AS RESOLUTION R-279027

Consideration of the following nominees for appointment to the Southeast Economic Development Corporation Board of Directors to fill three vacancies for three-year terms ending May 25, 1994:

NOMINEE	NOMINATED BY
Catherine Montgomery	Councilmember Pratt
Randa Trapp	Councilmember Pratt
Michael L. Branch	Councilmember Filner

Today's action is adoption of a Resolution making the appointments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A369-565.)

Motion by Filner to continue to December 9, 1991 to give Council Elect Stevens the opportunity to make recommendations for appointments to the Board. Failed. Yeas-5,7,8. Nays-1,2,4,6,M. Not present-3.

MOTION BY PRATT TO ADOPT AS AMENDED TO APPOINT CATHERINE MONTGOMERY AND RANDA TRAPP TO THE BOARD AND TO RETURN THE NOMINATION OF MICHAEL L. BRANCH TO COUNCIL MEMBER FILNER DUE TO A CONFLICT OF INTEREST ON THE PART OF MR. BRANCH WITH ONE OF HIS CLIENTS. Second by Wolfsheimer. Passed by the

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

ITEM-204: (R-92-777) ADOPTED AS RESOLUTION R-279028

Consideration of the following nominees for appointment to fill two vacancies on the San Diego Planetarium Authority Governing Board:

NAME	NOMINATED BY	TERM EXPIRES
Francis M. Millican	Mayor O'Connor	4/12/95
Harold Throckmorton	Mayor O'Connor	4/12/95

Today's action is adoption of a Resolution making the appointments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B405-412.)

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

ITEM-205: (R-92-800) ADOPTED AS RESOLUTION R-279029

Council confirmation of the appointment by the Mayor of Rosalie Bregante to the Water Authority Board, County of San Diego, for a term ending December 31, 1996, replacing Phillip Pryde, whose term has expired.

(See memorandum from Mayor O'Connor dated 11/14/91.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B413-C050.)

MOTION BY HENDERSON TO ADOPT. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-

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

ITEM-206: (R-92-799) ADOPTED AS RESOLUTION R-279039

Nominating Monsignor Francis Pattison for appointment by the Metropolitan Transit Development Board (MTDB), to serve as a City member of the San Diego Transit Board, to fill the unexpired term of Dean Dunphy, which expires June 30, 1992;

directing the City Clerk to forward a copy of the Resolution to MTDB for its information and action.

(See memorandum from Mayor O'Connor dated 11/4/91.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B405-412.)

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

ITEM-207: (R-92-350) RETURNED TO THE CITY MANAGER

(Continued from the meeting of September 23, 1991, Item 102, at the City Manager's request, to complete negotiations with the City of San Diego and UCSD to transfer land.)

Vacating an excess portion of North Torrey Pines Road south of La Jolla Shores Drive in Pueblo Lot 1311, as more particularly shown on Drawing No. 17816-B on file in the office of the City Clerk, under the procedure for the summary vacation of streets and public service easements; reserving and excepting the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature; reserving and excepting the right, from vacation and abandonment, easements, and rights of any public utility, to construct, maintain, operate, replace, remove, renew, and enlarge overhead or underground lines of pipe,

conduits, cables, wires, poles, and other structures, equipment, and fixtures for the transportation and distribution of electrical or electronic energy and natural gas, and for incidental purposes, including access to the property from all hazards in, upon, over, and across the above described portions of streets to be vacated and abandoned; declaring that the easement reserved herein is in, under, over, upon, along, and across North Torrey Pines road; declaring that this resolution shall not become effective unless and until a land transfer of the City's title interest has been approved by City Council action; in the event that the land transfer is not completed within 18 months following the adoption of this resolution, then this resolution shall become void and be of no further force or effect; declaring that the City Engineer shall advise the City Clerk of the completion of the land transfer.

(University City Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The abutting property owner has requested the proposed vacation in order to implement the completion of a loop road around the University of California, San Diego, (UCSD) campus. The loop road will provide internal campus circulation, which will reduce the number of trips on City streets, thereby improving traffic circulation. Since the City owns the underlying fee to the area-of-vacation, the title is to be transferred to UCSD in exchange for areas of additional right-of-way adjacent to the campus. These areas are needed for future City roadway improvement projects and are to be determined at a later date, pursuant to an agreement which is a companion item. The subject vacation is located in the North University City community, adjacent to the La Jolla Shores Planned District, and is situated in an R1-5000 Zone. The area-of-vacation totals approximately 45,085 square feet and would not affect density, due to the institutional nature of the UCSD campus. The Planning Department, the University Community Planning Group, and the La Jolla Shores Association have no objections to the proposed vacation, and the Planning Commission recommended approval by a vote of 5-0 on May 9, 1991. The area-of-vacation is unimproved, excess right-of-way, which is landscaped and not required for access nor future circulation. The right-of-way contains public and franchise facilities which will require easement reservations. The existing improvements for North Torrey Pines Road will not be affected.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the community plan, and Council Policy 600-15 and may be summarily vacated, conditioned upon approval by City Council of a land transfer/exchange with UCSD. The excess right-of-way is not required for present or prospective public use, and the facilities for which it was originally acquired will not be detrimentally affected. The public will benefit from the vacation through improved utilization of the land and a reduction of the traffic on North Torrey Pines Road due to usage of the proposed loop road.

FILE LOCATION: STRT J-2768

COUNCIL ACTION: (Tape location: A209-226.)

MOTION BY WOLFSHEIMER TO TRAIL ITEM 109 TO NOVEMBER 26, 1991 AND TO CONTINUE ITEM 207 AT THE REQUEST OF THE CITY MANAGER FOR A LONGER TERM NEGOTIATIONS WITH THE UNIVERSITY OF CALIFORNIA REGARDING THE VACATION AND OTHER TRANSPORTATION ISSUES THAT ARE PENDING BETWEEN THE CITY AND THE UNIVERSITY. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-208: (R-92-745) ADOPTED AS RESOLUTION R-279030

Authorizing and directing the City Manager to amend the 1987 Community Development Block Grant Program by canceling the Wilson School Acquisition Project; authorizing and directing the City Manager to transfer the funds allocated to the Wilson School Acquisition Project, Fund No. 18523, Department No. 5633, Organization No. 3306, to the following projects: 1) El Cajon Medians (43rd to 44th Street), Department No. 5633, Organization No. 3320, \$330,000; 2) Mid-City Community Clinic, Department No. 5632, Organization No. 3206, \$70,000; and 3) Labor's Community Service, Department No. 5632, Organization No. 3207, \$100,000.

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

CITY MANAGER SUPPORTING INFORMATION: At their July 29, 1991 meeting, the City Council passed Resolution R-278430 that approved, in concept, the transfer of funds from the Wilson

School Acquisition Project to the El Cajon Median, Mid-City Community Clinic, and Labor's Community Service projects, thus canceling the Wilson School project. Community Development Block Grant regulations require that whenever a "substantial change" occurs in the program, a public hearing must be held in order to give affected citizens an opportunity to comment. The definition of substantial change includes the cancellation of any previously approved project. Today's public hearing is held in order that we may comply with the regulations.
Aud. Cert. 9200345.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D149-181.)

MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-209: (R-92-746) TRAILED TO NOVEMBER 26, 1991

(Continued from the meeting of November 12, 1991, Item S405, at Councilmember Wolfsheimer's request, to allow for a report from Milon Mills regarding the scientific data supporting the Cloud Seeding efforts.)

Authorizing the expenditure of an amount not to exceed \$200,000 from Water Fund 41500 for the purpose of continuing the Weather Modification Project; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to Water Fund 41500.

CITY MANAGER SUPPORTING INFORMATION: In November 1989, Council approved a five-year agreement between the City of San Diego, the Helix Water District and the Sweetwater Authority, to jointly fund a Weather Modification Program in San Diego. Also approved was a five-year contract with Atmospherics, Inc. to execute the program. It is recommended that the City of San Diego, the Helix Water District and the Sweetwater Authority continue to fund the Weather Modification Program. This year's program is a continuation of the five-year agreement and contract mentioned above. The results of last year's project appeared to be favorable, with an estimated rainfall increase (due to cloud

seeding efforts) in the range of 12 to 15 percent over the target area. This project is still considered a pilot project to determine the feasibility and efficiency of cloud seeding in San Diego.

Aud. Cert. 9200332.

WU-U-92-058.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: G097-098.)

MOTION BY COMMON CONSENT TO TRAIL TO NOVEMBER 26, 1991.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-210: (R-92-779) ADOPTED AS RESOLUTION R-279031

Authorizing the execution of a Consultant Agreement with High Point - Shaer for the provision of an Engineer's State of Feasibility.

FILE LOCATION: MEET CCONTFY92-1

COUNCIL ACTION: (Tape location: D149-181.)

MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-211: (R-92-602) CONTINUED TO DECEMBER 9, 1991

(Continued from the meeting of October 21, 1991, Item 205, at Councilmember Roberts' request, for a report from the Executive Board Plus of the Metropolitan Sewer Task Force with recommendations and issues identified; in the meantime, proceed with the Point Loma Outfall Project and with the engineering feasibility study.)

Authorizing the City Manager to enter into an agreement with Sverdrup Corporation for services in connection with construction management services for modification and enlargement of the Metropolitan Sewerage System; authorizing the expenditure of an amount not to exceed \$10,406,306 from the Clean Water Program Fund 41509, CIP-42-910.1, for the purpose of funding this agreement; authorizing the transfer of \$346,475 within the Clean Water Program Fund 41509 from CIP-42-910.1, to the Clean Water Program Operation and Maintenance Fund 41509 for the purpose of purchasing data processing equipment and telecommunications equipment through the Data Processing Corporation.

COMMITTEE ACTION: Reviewed by PSS on 10/17/91. Recommendation to refer Councilmember Roberts' recommendations, as described in his 10/17/91 memo to the PS&S Committee, for City Council consideration on 10/21/91. Districts 2, 3, 4 and 5 voted yea. District 7 not present.

Aud. Cert. 9200231.

WU-CWP-92-027.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A352-379.)

MOTION BY ROBERTS TO CONTINUE TO DECEMBER 9, 1991 SO THAT COUNCIL CAN HEAR THE REPORT FROM JOHN M. LEACH, REPRESENTING THE CLEAN WATER PROGRAM SPECIAL COMMITTEE, ITEM S404 ON NOVEMBER 25, 1991 DOCKET AND TO ALLOW FOR COUNCIL TO MEET IN CLOSED DOOR DISCUSSIONS THAT ARE COMING UP. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-212:

Two actions relative to the issuance of refunding Industrial Development Bonds for National Steel and Shipbuilding Company (NASSCO):

(See City Manager Report CMR-91-478. Barrio Logan Community Area. District-8.)

Subitem-A: (O-92-64 Rev. 1) ADOPTED AS ORDINANCE
O-17715 (New Series)

Adoption of an Ordinance authorizing an agreement with National Steel and Shipbuilding Company and Morrison Knudsen Corporation, and an Indenture of Trust with Morgan Guaranty Trust Company of New York, as Trustee, in connection with the issuance of City Refunding Revenue Bonds in an amount not to exceed \$21,000,000 for a term not exceeding 20 years, under the San Diego Economic Development Revenue Bond Law.

(Introduced on 11/12/91. Council voted 8-0. District 3 not present.)

Subitem-B: (R-92-719 Cor. Copy) ADOPTED AS RESOLUTION
R-279032

Adoption of a Resolution authorizing the issuance, sale and delivery of the City of San Diego Port Facilities Refunding Revenue Bonds, Series 1991 (National Steel and Shipbuilding Company Project), in an aggregate principal amount not to exceed \$21,000,000; approving the form of Preliminary Official Statement, the form of First Supplemental Indenture, and the form of Bond Purchase Agreement.

FILE LOCATION: MEET CONFY92-3

COUNCIL ACTION: (Tape location: D149-181.)

MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-213: (O-92-66) INTRODUCED, TO BE ADOPTED ON
DECEMBER 9, 1991

A proposal to amend Chapter II, Article 3, Division 12, of the San Diego Municipal Code by amending Sections 23.1205 and 23.1207 (Rule XI, Section 5 of the Rules of the Civil Service Commission) relating to the Conduct of Civil Service Disciplinary Appeals, to read as follows:

Sec. 23.1205 - APPEAL OF REMOVAL
(Rule XI, Section 5 of the Rules of the Civil Service
Commission)

- a. No Change.
- b. Conduct of Hearing. With the fulfillment by the employee of the above appeal procedure, the Commission shall fix a time and place for a public hearing.

- 1. The Commission, at its discretion, may appoint one or more of its members to hear the appeal and submit findings of fact and a decision to the Commission. Based on the findings of fact, the Commission may affirm, modify, or overturn the decision in accordance with the provisions of Section 23.1205(d).
- 2. through 4. No change in text.

- c. and d. No change.

Sec. 23.1207 - APPEAL OF SUSPENSION

The procedure and rights for any employee in the classified service appealing a suspension shall be the same as those prescribed in the rules relating to removal of an employee who has attained permanent status.

Introduction of an Ordinance amending the Municipal Code.

PERSONNEL DEPARTMENT REPORT: The Civil Service Commission on September 5, 1991 at its regular business meeting unanimously voted to change Civil Service Rule XI to allow the appointment of a single Commissioner to hear the appeals of employees terminated from City Employment.

This change would replace the existing requirement that a quorum of the Civil Service Commission hear such appeals. The requirement for a quorum is causing scheduling delays in hearings. The number of hearings is substantial and this procedure change has been used successfully for many years in appeals of suspensions and other discipline.

The Commission discussed this first at a public meeting on August 1, 1991 and directed staff to meet with the affected employee

groups. That process was completed and all the employee organizations were present at the September 5, 1991 meeting. The Commission in adopting this change also voted to review its implementation in 180 days and obtain input from employee organizations.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D149-181.)

Hearing began at 3:44 p.m. and halted at 3:48 p.m.

MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-214:

(Continued from the meeting of November 4, 1991, Item 203; Trailed as Unfinished Business from the meeting of November 12, 1991, Item S403, due to lack of 6 votes.)

Three actions relative to Downtown Office Space Leases:(Introduced on 10/22/91. Council voted 6-0. Districts 1, 6 and Mayor ineligible. Centre City Community Area. District-2.)

Subitem-A: (O-92-58) ADOPTED AS ORDINANCE O-17716 (New Series)

Adoption of an Ordinance authorizing the City Manager to enter into a 10-year lease with Pacific Southwest Realty for office space in the Security Pacific Plaza at 1200 Third Avenue.

Subitem-B: (O-92-59) ADOPTED AS ORDINANCE O-17717 (New Series)

Adoption of an Ordinance authorizing the City Manager to enter into a 10-year lease with the Executive One Associates for office space in the Executive Complex at 1010 Second Avenue.

Subitem-C: (O-92-60) ADOPTED AS ORDINANCE O-17718 (New Series)

Adoption of an Ordinance authorizing the City Manager to enter into a 10-year lease with Kowa Real Estate California, Inc., for office space in the 600 "B" Street Building.

FILE LOCATION: Subitem A: LEAS- Pacific Southwest Realty;
Subitem B: LEAS- Executive One Associates;
Subitem C: LEAS- Kowa Real Estate
California, Inc. LEASFY92-3

COUNCIL ACTION: (Tape location: C051-120.)

Hearing began at 3:22 p.m. and halted at 3:27 p.m.

MOTION BY PRATT TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-ineligible, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-ineligible, McCarty-yea, Filner-yea, Mayor O'Connor-ineligible.

* ITEM-S400: (R-92-815) ADOPTED AS RESOLUTION R-279033

Authorizing the City Manager to negotiate and execute a first amendment to agreement with the Alpha Project for the Homeless to provide for the expansion from a five day week to a seven day week operation of the Neil Good Day Center; authorizing the City Auditor and Comptroller to expend \$30,000 in Stewart B. McKinney money for the purpose of executing the amendment to the agreement.

CITY MANAGER SUPPORTING INFORMATION: The Neil Good Day Center for the Homeless has been in operation since mid-September of this year. The Center provides a wide range of services to San Diego's downtown homeless, including restrooms, showers, laundry facilities, clothing, mail/message service, employment, and public telephones. The Center is currently open from 7:30 a.m. to 5:30 p.m. Monday through Friday. The first year's operation is funded in part by private contributions and a grant from the County of San Diego. The Center has proved to be quite successful, and based on usage, it is recommended that the program be expanded to seven days a week. The weekend services would be available from 8:00 a.m. to 2:00 p.m. The cost of

expanding the services is estimated to be \$30,000 for the balance of this fiscal year. Funding is available from the Federal Stewart B. McKinney grant with Council's approval. The expanded services can begin on December 7, 1991.

Aud. Cert. 9200367.

FILE LOCATION: MEET CONFY92-1

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S401: (R-92-820 REV.1) ADOPTED AS AMENDED AS
RESOLUTION R-279034

Authorizing the expenditure of \$50,000 from the Sewer Revenue Fund No. 41506, in settlement of administrative Civil Liability Order No. 91-68, issued by the California Regional Water Quality Control Board regarding the City's Adobe Falls sewage spill of March 30, 1991; authorizing the City Auditor and Comptroller to issue two checks in the amount of \$25,000 each, one check payable to the California State Water Resources Control Board and one check payable to either the University of California Natural Reserve System or the San Diego State University Laboratory, to be used as a credit project which will be determined by the Regional Board, as set forth in Stipulation and Order No. 91-68.

(Navajo Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the California Regional Water Control Board Stipulation and Order No. 91-68 (Adobe Falls Sewage Spills) as the result of the incident on March 30, 1991. On this date a sewer main break resulting from flood damage caused a 5.1 million gallon spill into the San Diego River. This settlement is the result of an Administrative Civil Liability complaint by the California Regional Water Control Board issued to the City of San Diego for violations of Water Code Section 13323. The proposed fine was \$200,000, but the Regional Board agreed to a

fine of \$50,000 (\$25,000 to the State Water Resources Control Board and \$25,000 to an appropriate environmental water quality-related credit project to be approved by the Regional Board) if the City takes steps to prevent a reoccurrence of an incident similar to the Adobe Falls overflow. The City has implemented a six step program to comply with the Regional Board's request. The penalty of \$50,000 was approved in Closed Session on August 6, 1991.

Aud. Cert. 9200386.

WU-U-92-068.

FILE LOCATION: WATER - California Regional Water Quality Control Board

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY ROBERTS TO RECONSIDER THE ITEM. Second by Mayor O'Connor. 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.

MOTION BY ROBERTS TO ADOPT AS AMENDED TO INCORPORATE INTO THE ORIGINAL MOTION HIS MEMORANDUM TO THE MAYOR AND CITY COUNCIL OF NOVEMBER 25, 1991, WHICH PROPOSES THAT AN ADDITIONAL PROJECT, A PUBLIC EDUCATION PROGRAM ON POLLUTION AWARENESS TO RUN CONCURRENT WITH THE AMERICA'S CUP, BE ADDED TO THE LIST FOR THE REGIONAL WATER QUALITY CONTROL BOARD'S CONSIDERATION ON HOW THE \$25,000 ISSUED TO THEM WILL BE SPENT. COUNCIL MEMBER MCCARTY'S REQUEST TO ADD TO THE MOTION THE RECOMMENDATION TO HAVE THE ADOBE FALLS RESTORED WAS ACCEPTED. Second by McCarty. 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-S402: (R-92-749) ADOPTED AS RESOLUTION R-279035

A Resolution approved by the City Council in Closed

Session on Monday, November 4, 1991 by the following vote: Wolfsheimer-yea; Roberts-yea; Hartley-yea; Pratt-not present; Behr-yea; Henderson-yea; McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$90,000 in the settlement of each and every claim against the City, its agents and employees, resulting from sexual harassment (Superior Court Case No. 632939, Denise Molina v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the amount of \$90,000, made payable to Denise Molina and Paula Rosenstein, her attorney of record, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes full settlement of all claims against the City of San Diego by Denise Molina.

Aud. Cert. 9200388.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S403: (R-92-828) ADOPTED AS RESOLUTION R-279036

Approving the amended Long Term Disability Plan.

CITY MANAGER SUPPORTING INFORMATION: The Long Term Disability Plan has been reorganized, amended and restated pursuant to the City's agreement with employee organizations as of July 1, 1991; as follows: Previously approved modifications/clarifications were moved from the section titled, Rules and Decisions, to applicable sections. The word "City was substituted for the work, "Employer", as appropriate. Section 7.11, Limitations on Administrator's Powers, was added. The policy of providing advance notice (10 days) for termination of benefits was included. Retirement plan references were changed for

consistency to the City Employees Retirement System (CERS). As agreed upon in Meet and Confer: The twelve month waiting period for eligibility need only be satisfied once and need only be repeated in the event of termination and rehire. Right of Recovery and Reimbursement: The City of San Diego has the right to recover and subrogate from and against Third Parties or persons. Right to Appeal: The employee has a right to appeal an LTD decision within 10 working days.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S404: REPORT ACCEPTED

A Report to the Mayor and Council from John M. Leach, representing the Clean Water Program Special Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F240-G095.)

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

ITEM-S405: (R-92-821 REV.1) ADOPTED AS AMENDED AS
RESOLUTION R-279037

Approving in concept the draft Ordinance amending San Diego Municipal Code Section 101.0580, relating to Child Care Facilities, to delete certain restrictions regarding location of such facilities near businesses

using hazardous substances; directing the Planning Commission to conduct a noticed public hearing to consider such amendment and to submit to the City Council, at the earliest feasible time, a recommendation as to whether or not to adopt such amendment.

(See memorandum from Councilmember Roberts dated 11/15/91.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E055-F142.)

Motion by Wolfsheimer to adopt accepting the Manager's recommendations to maintain the state mandates under Section B; to hold implementation of Section A in abeyance until we have further studies of them and creating an exemption to Section A for medical facilities, biomedical waste generators, waste oil generators, underground storage tanks and any health permitted uses quantities less than 55 gallons or 5,000 pounds of hazardous materials, solvents and waste that do not emit carcinogenics into the air. No vote.

MOTION BY ROBERTS TO ADOPT AS AMENDED AND TO (1) DIRECT STAFF TO PREPARE LANGUAGE TO SUBMIT TO THE PLANNING COMMISSION TO ELIMINATE SECTION A OF THE ORDINANCE UNTIL THEY CAN PROVIDE COUNCIL WITH SCIENTIFIC EVIDENCE THAT THERE IS A HAZARD; (2) REFER THE ISSUE BACK TO THE PLANNING COMMISSION WITH THE ENVIRONMENTAL HEALTH COALITION LETTER TO ADVISE US IF THERE ARE ANY MINIMAL RULES COMMENSURATE WITH GETTING DAY CARE CENTERS BUILT; AND (3) BRING BACK RECOMMENDATIONS TO COUNCIL FOR MODIFICATION OF THE REVISED ORDINANCE. Second by Henderson. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

* ITEM-S406: (R-92-713) ADOPTED AS RESOLUTION R-279038

Authorizing the expenditure of an amount not to exceed \$70,000 from Fund 30300, Prop. A (CIP-11-281.0) Dahlia Avenue and Donax Avenue Storm Drain, for the acquisition of property rights and related costs required for the Dahlia Avenue and Donax Avenue Storm Drain Project.

(Otay Mesa-Nestor Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This action authorizes funds to acquire a vacant parcel of land at the southwest corner of Donax Avenue and 19th Street in Nestor necessary for the construction of the Dahlia Avenue and Donax Avenue Storm Drain Project, CIP-11-281.0. The project will provide for improvements to portions of Dahlia and Donax Avenues and 19th Street, consisting of the installation of curbs, gutters, pavement, curb inlets and a storm drain system to convey storm waters to the nearby Nestor Creek Flood Control Channel.

Aud. Cert. 9200351.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D206-212.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S407: (R-92-818) CONTINUED TO JANUARY 6, 1992

Approving in concept the draft Memorandum of Understanding between the City of San Diego and the San Diego Unified School District for potential future park and school improvements in the Scripps Miramar Ranch Community Plan Area; directing the City Manager and City Attorney to continue to work with staff of the School District to develop a final Memorandum of Understanding for proposed Council approval.

(Scripps Miramar Ranch Community Area. District-5.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A567-598.)

MOTION BY BEHR TO CONTINUE THE MATTER TO JANUARY 6, 1992 AT THE REQUEST OF THE CITY MANAGER. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea,

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

COUNCIL COMMENT:

ITEM-CC-1: REFERRED TO THE CITY MANAGER AND CITY ATTORNEY

Council comment by Council Member McCarty regarding proposed audit of financial accounting affecting rate setting and input from County Water Authority (CWA).

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F186-204.)

ADJOURNMENT:

The meeting was adjourned by Chairperson Wolfsheimer at 6:13 p.m. in honor of the memory of Lee Bartell and William Stemple.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G128.)