

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

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:04 p.m. The meeting was recessed by Mayor O'Connor at 5:35 p.m. to meet in Closed Session in the 12th Floor Conference Room to discuss a pending litigation matter. The meeting was reconvened by Mayor O'Connor at 5:40 p.m. with all members present. Deputy Mayor Roberts adjourned the meeting at 7:40 p.m. into Closed Session on December 10, 1991, at 9:00 a.m., in the 12th Floor Conference Room to discuss litigation matters.

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 Stevens-present
 - (5) Council Member Behr-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (rb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Rodger Gredvig of the Peace Lutheran Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

FILE LOCATION: MINUTES

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

- 11/04/91
- 11/05/91 Adjourned
- 11/07/91 Special Workshop
- 11/11/91 Adjourned
- 11/12/91
- 11/12/91 Special Joint Meeting
- 11/18/91 Adjourned
- 11/19/91 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A034-038.)

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

* ITEM-50: (O-92-75) ADOPTED AS ORDINANCE O-17719 (New Series)

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 22.0101, to limit Public Comment to 3 minutes per subject, regardless of the number of people in attendance.

(Introduced on 11/25/91. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A337-351.)

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

* ITEM-51: (O-92-54) ADOPTED AS ORDINANCE O-17720 (New Series)

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.

(Introduced on 11/25/91. Council voted 8-1. District 1 voted nay.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A337-351.)

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

* ITEM-52: (O-92-66) ADOPTED AS ORDINANCE O-17721 (New Series)

Amending Chapter II, Article 3, Division 12, of the San Diego Municipal Code by amending Sections 23.1205 and 23.1207, relating to the Conduct of Civil Service Disciplinary Appeals, to allow the appointment of a single Commissioner to hear the appeals of employees terminated from City employment.

(Introduced on 11/25/91. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A337-351.)

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

* ITEM-53: (O-92-44) ADOPTED AS ORDINANCE O-17722 (New Series)

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, to 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.

(Introduced on 11/25/91. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A337-351.)

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

* ITEM-54: (O-92-70) ADOPTED AS ORDINANCE O-17723 (New Series)

Amending Chapter X, Article 3, Division 20, of the San Diego Municipal Code, by amending Section 103.2005 relating to the Marina Planned District Ordinance (Teen Quest).

(District-2. Introduced on 11/26/91. Council voted 5-1. District 2 voted nay. Districts 5 and 6 not present.)

FILE LOCATION: LAND-MARINA PLANNED DISTRICT

COUNCIL ACTION: (Tape location: A337-351.)

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

* ITEM-100: (R-92-645) ADOPTED AS RESOLUTION R-279105

Awarding contracts to Thatcher Company, Sweetwater Technologies, Rochester Midland, Polypure, Inc. (Rhtne-Poulenc), Neutron Products, Inc., Nalco Chemical Company, Diatec Environmental, Calgon Corporation, Aqua Ben Corp., and Allied Colloids Inc. for furnishing polymer and ferric replacement polymer samples for polymer trials at the Metro Wastewater Treatment Plant, for an estimated cost of \$1,213,116.31, including tax and estimated freight. (BID-B2387/91)

Aud. Certs. 9200371-9200380.

FILE LOCATION: CONT-Purchase-Thatcher Company, Sweetwater Technologies, Rochester Midland, Polypur, Inc. (Rhone-Poulenc), Neutron Products, Inc., Nalco Chemical Company, Diatec Environmental, Calgon Corporation, Aqua Ben Corp., and Allied Colloids Inc. CONT FY92-10

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-101: (R-92-653) ADOPTED AS RESOLUTION R-279106

Awarding a contract to Diatec Environmental for furnishing polymer for sludge dewatering, as may be required for a period of one year beginning January 1, 1992 through December 31, 1992, for an estimated cost of \$2,776,612.50, including tax, with options to renew the contract for four additional one year periods with price escalations not to exceed 15% of prices in effect at the end of each prior year. (BID-B2644/91)

FILE LOCATION: CONT-Purchase-Diatec Environmental CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-102: (R-92-654) ADOPTED AS RESOLUTION R-279107

Awarding contracts to Century Wheel & Rim and Freeway Truck Parts for heavy duty brake drums and rotors, as may be required for a period of one year beginning September 1, 1991 through August 31, 1992, for an estimated cost of \$52,098, including tax.

(BID-C2556/92)

FILE LOCATION: CONT-Purchase-Century Wheel & Rim and Freeway
Truck Parts CONT FY92-2

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-103: (R-92-655) ADOPTED AS RESOLUTION R-279108

Awarding contracts to Cameo Paper & Janitorial Supply Co., Zellerbach, The Unisource Corporation, Waxie's Enterprises, Inc., Spintex Company, Inc., and Padre Janitorial Supplies for the purchase of janitorial paper products, as may be required for a period of six months beginning December 1, 1991 through May 31, 1992, for an estimated annual cost of \$205,434, including tax and terms. (BID-P2728/92)

FILE LOCATION: CONT-Purchase-Cameo Paper & Janitorial Supply Co., Zellerback, The Unisource Corporation, Waxie's Enterprises, Inc., Spintex Company, Inc., and Padre Janitorial Supplies CONT FY92-6

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-104: (R-92-652) ADOPTED AS RESOLUTION R-279109

Accepting the sole bid and awarding a contract to Police Defensive Systems, Inc. for the purchase of OPN units, as may be required for a period of one year beginning January 1, 1992 through December 31, 1992, for an estimated cost of \$99,590, including tax, with options to renew the contract for three additional one year periods, with option period price increases not to exceed the prices in effect for the previous contract period by more than ten percent. (BID-I2731/91)

FILE LOCATION: CONT-PURCHASE-Police Defensive Systems, Inc. CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

ITEM-105: (R-92-531) RETURNED TO CITY MANAGER

Awarding a contract to Lekos Electric, Inc. for Construction of Traffic Signal and Street Lighting Systems at La Jolla Scenic Drive South and Soledad Mountain Road; authorizing the Auditor and Comptroller

to transfer \$15,000 from DIF Fund 79514 to CIP-62-292.0, Traffic Signals - DIF Funded; authorizing the additional expenditure of \$15,000 from CIP-62-292.0, DIF Fund 79514, to supplement funds previously authorized by Resolution R-278261, for said project and related costs. (BID-K2490/91)

(La Jolla Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The subject Capital Improvement Program Project to install a traffic signal system provides for the safe passage of emergency equipment, pedestrians and vehicles through the intersection. Traffic signal features include emergency vehicle preemption equipment on La Jolla Scenic Drive South and Soledad Mt. Road. On July 8, 1991 the Council authorized the City Manager to award a contract to the lowest responsible bidder in an amount not to exceed \$115,000 (Resolution R-278261). The amount needed to execute this contract is \$130,000 which is an increase of \$15,000. The expenditure change is due to the added expenses in Preliminary Engineering. The increase is due to the project needing to be re-designed to conform to new design standards, thereby significantly exceeding the anticipated design costs.

Aud. Cert. 9200276.

NOTE: See Item 110 for a companion item.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A389-468.)

MOTION BY WOLFSHEIMER TO RETURN ITEM 105 TO THE CITY MANAGER AND ADOPT SUBITEMS A AND B OF ITEM 110. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106: (R-92-644) ADOPTED AS RESOLUTION R-279110

Modifying the contracts for procurement of three sleeve valves, one knife gate valve, and one ball valve for the Point Loma Wastewater Treatment Plant Expansion Project, as follows: (BID-M2321/91)

1. Authorizing the execution of an agreement with Lindsey Fabricators, Inc. for procurement of three sleeve valves and valve operators.
2. Authorizing the execution of an agreement with Technaflow, Inc. for procurement of one knife gate valve.
3. Authorizing the execution of an agreement with Willamette Valve Co. of Oregon, Inc. for procurement of one ball valve and operator.
4. Authorizing the expenditure of an amount not to exceed \$968,207.49 from Sewer Fund No. 41507, CIP-46-134.0, Point Loma Sedimentation Basins 11 and 12 Project, for the purpose of executing these agreements and related costs.

Aud. Certs. 9200383 and 9200385.

FILE LOCATION: WATER - Point Loma Wastewater Treatment Plant
Expansion Project CONT FY92-3

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-107: (R-92-543) ADOPTED AS RESOLUTION R-279111

Inviting bids for the Construction of Safety All-Weather Walkways at Various Locations on Work Order No. 119674;

Authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of not to exceed \$145,000 from CIP-52-327, Annual Allocation - Safety All-Weather Walkways, Proposition "A" Fund No. 30300, 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-K2796/92)

(Southeast San Diego, Midway, Skyline-Paradise Hills, Otay Mesa-Nestor, Tia Juana River Valley Community Areas. Districts-2, 4 and 8.)

CITY MANAGER SUPPORTING INFORMATION: The City maintains an on going program to promote safety within the public right-of-way. The Traffic Engineering Division has identified six different locations where children are required to walk to school, but no sidewalks exist. This project will provide "safety all-weather walkways" along the streets identified as needing improved access routes for school children through the construction of new asphalt or concrete sidewalks. Pedestrian ramps will also be constructed at these locations where appropriate.

Aud. Cert. 9200356.

FILE LOCATION: W.O. 119674 CONT - CAVES, Inc. CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-108:

Two actions relative to Lake Hodges Dam Improvement:

(San Dieguito River Basin Community Area. District-1.)

Subitem-A: (R-92-545) ADOPTED AS RESOLUTION R-279112

Inviting bids for Lake Hodges Dam Improvement on Work Order No. 180841; authorizing the execution of a contract with the lowest responsible bidder;

Authorizing the expenditure of \$498,300 from Water Utilities Fund 41502, Water Construction Outlay (70392), CIP-73-269.0, for providing funds for said project and related costs;

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

(BID-K2812/92)

Subitem-B: (R-92-546) ADOPTED AS RESOLUTION R-279113

Certifying that the information contained in Environmental Negative Declaration DEP-90-0793, dated September 16, 1991, in connection with Lake Hodges Dam Improvements, has been completed in compliance with the California Environmental Quality Act of 1970 and the State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: The Lake Hodges Dam was built in 1918 and has since served as a source of raw drinking water storage as well as a convenient source of recreation for local fishermen. Water is provided through a series of six gravity-fed outlet pipes, each located at different water levels. However, due to the rising silt level of the lake's bottom in the years since the dam's construction, two of the outlet pipes are now below the silt level and are no longer operational. The remaining four outlets are still in use and the valves in these lines need to be replaced. The valves are difficult to operate because of age, worn-out parts and corrosion. Repair of the existing valves is no longer a viable solution. Improvements to the dam will include replacement of the deteriorated control valves, replacement/repair of existing stairs, walkways, platforms and handrails where existing structures are worn and corroded. Also included in this contract is the improvement of an existing, 15-foot wide road for easy access for maintenance and dam emergencies.

Aud. Cert. 9200319.

WU-P-92-053.

FILE LOCATION: W.O.180841 CONT-Orion Construction Corp.
CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-109:

Two actions relative to the South Chollas Valley Trunk Sewer:

(Southeast San Diego Community Area. District-3.)

Subitem-A: (R-92-547) ADOPTED AS RESOLUTION R-279114

Inviting bids for the Construction of South Chollas Valley Trunk Sewer on Work Order No. 170781;

Authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$449,400 from CIP-44-001.0 to CIP-46-143.0;

Authorizing the expenditure of an amount not to exceed \$1,972,300 from Sewer Revenue Fund 41506, CIP-46-143.0, for the above project. (BID-K2813/92)

Subitem-B: (R-92-548) ADOPTED AS RESOLUTION R-279115

Certifying that the information contained in Environmental Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, DEP-88-0710 dated August 27, 1990, in connection with the Construction of South Chollas Valley Trunk Sewer, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: This project is to upgrade the existing South Chollas Valley Trunk Sewer located south of Highway 94 from the intersection of Market Street and Euclid Avenue to the county boundary line at MacArthur Drive. The South Chollas Valley Trunk Sewer drainage basin includes flows from Southeast San Diego, Mid-City, and the Lemon Grove Sanitation District. The flow from Lemon Grove into the City of San Diego is part of the Sewage Disposal Agreement of 1960 between Lemon Grove Sanitation District and the City of San Diego. An agreement between the City of San Diego and the City of Lemon Grove is being prepared for financing and operating cost of the South Chollas Valley Trunk Sewer. According to this agreement, the City of Lemon Grove shall pay an "annual service charge" to the City of San Diego for 5 years starting on the date of commencement of operation. The "annual service charge" is Lemon Grove's share in the total cost of the project based upon its portion of total average flow. In addition, the City of Lemon Grove shall pay transportation charges for the use of the trunk sewer. The transportation charge shall be based upon the City of San Diego's determination of the operation and maintenance costs of its trunk sewer. The existing sewer system experienced 22 stoppages since 1972, and many portions are undersized for future peak flows. Replacement of the existing deteriorated pipe is necessary for both existing and future sewer capacity needs. The project includes the installation of approximately 12,300 feet of sewer line; 170 feet of 6-inch, 1,406 feet of 8-inch, 7,774 of 18-inch, and 2,931 feet of 21-inch pipe. It also includes the rehabilitation and replacement of approximately 900 feet of the existing sewer line.

Aud. Cert. 9100859.

WU-P-91-146.

FILE LOCATION: W.O. 170781 CONT - Mur-Vic Construction
CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

ITEM-110:

Three actions relative to the final subdivision map of La Jolla Alta P.R.D. Unit No. 14, a 132-lot subdivision located northwesterly of Van Nuys Street and Fanuel Street:

(La Jolla Community Area. District-1.)

Subitem-A: (R-92-850) ADOPTED AS RESOLUTION R-279116

Authorizing the execution of a Subdivision Improvement Agreement with Tech-Bilt, Inc., for the installation and completion of public improvements.

Subitem-B: (R-92-849) ADOPTED AS RESOLUTION R-279117

Approving the final map.

Subitem-C: (R-92-851) NOTED AND FILED

Authorizing the execution of an agreement with Techbilt Construction Corporation for the construction of a traffic signal at the intersection of La Jolla Scenic Drive South and Soledad Mountain Road.

CITY MANAGER SUPPORTING INFORMATION: On January 24, 1989 the Council of the City of San Diego approved Vesting Tentative Map VTM-87-0226, La Jolla Alta Units 4, 14 and 15. In order to satisfy Condition No. 9(b) of City Council Conditions for Tentative Map TM-87-0226, the subdivider is entering into an agreement to reimburse the City in the amount of \$79,870, for the construction of a traffic signal at the intersection of La Jolla Scenic Drive South and Soledad Mountain Road. This reimbursement must occur before any building permits are issued.

NOTE: See Item 105 for a companion item.

FILE LOCATION: SUBD-La Jolla Alta P.R.D. Unit No. 14 CONT
FY92-2

COUNCIL ACTION: (Tape location: A389-468.)

MOTION BY WOLFSHEIMER TO ADOPT SUBITEMS A AND B OF ITEM 110 AND TO RETURN ITEM 105. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-111:

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

Subitem-A: (R-92-842) ADOPTED AS RESOLUTION R-279118

Randall T. Smith - Park and Recreation
Department/Central - \$500.

Subitem-B: (R-92-843) ADOPTED AS RESOLUTION R-279119

Jack D. Hill - Park and Recreation Department/Central -
\$2,520.

Joseph M. Beck and Stan M. Fein - Water Utilities
Department/Metro - \$250 (shared equally).

Subitem-C: (R-92-844) ADOPTED AS RESOLUTION R-279120

Rosalina D. Riego - Treasurer/Business Taxes - \$160.

Freda M. Mays - Water Utilities Department/Project
Grants & Management - \$160.

Subitem-D: (R-92-845) ADOPTED AS RESOLUTION R-279121

Yvonne E. Bennett - Park and Recreation Department -
\$160.

Eugene Forcier - Risk Management/Workers' Compensation
- \$50.

Subitem-E: (R-92-846) ADOPTED AS RESOLUTION R-279122

William E. Basom, Jr. - Water Utilities
Department/Production Lakes - \$45.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-112: (R-92-819) ADOPTED AS RESOLUTION R-279123

Accepting the donation of \$700 from Robb Field Recreation Council, donated to match City funds for the purchase of 75 gallons of acrylic deck coating for the handball courts at the Ocean Beach Athletic Area;

Authorizing the expenditure of an amount not to exceed \$700 from Fund 100, Park and Recreation Department Fiscal Year 1992 Operating Budget, as matching funds for the donation;

Expressing appreciation to the Robb Field Recreation Council for its donation and continuing financial support to the Ocean Beach Athletic Area.

(Ocean Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The City has appropriated funds in the Community Park and Recreation Division operating budget to match community donations for purchase of materials and equipment. In Fiscal Year 1992, the Division has \$8,000 available for this purpose. The "Matching Fund" concept originated as an incentive to community groups or individuals to participate financially in providing material or equipment to help overcome City's budgetary constraints. The Robb Field Recreation Council has made many such donations over the years. This donation of \$700 from the recreation council will allow staff to apply a much needed non-slip surface to the outdoor handball courts at Ocean Beach Athletic Area.

Aud. Cert. 9200360.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A352-384.)

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

ITEM-113: (R-92-839) ADOPTED AS RESOLUTION R-279124

Authorizing the expenditure of the amount of \$500,000 to the United States Department of the Treasury from the Sewer Revenue Fund, No. 41506, solely and exclusively to pay the assessed judgment entered on June 21, 1991 in U.S.A. v. City of San Diego, U.S. District Court Case No. 88-1101-B, for past violations of the Clean Water Act.

CITY MANAGER SUPPORTING INFORMATION: On March 28, 1991, a Memorandum Decision on Case 88-1101-B, United States of America and State of California vs. City of San Diego, regarding violations of the Clean Water Act, was filed with the United States District Court. The Court imposed a penalty of \$3 million against the City, \$500,000 of which is payable to the United States Treasury upon entry of judgement. Successful implementation of water resources/conservation projects will be accepted as payment of the remaining \$2.5 million judgement as deemed complete by the Court. Judgement was entered on June 21, 1991 and payment of the \$500,000 is now due. It was determined that the City had been in frequent violation of the Clean Water Act since the statute was enacted in 1972. The judgement cited three deficiencies in the City's sewage treatment efforts contributing to the problem: (1) insufficient control of pretreatment of sewage by industrial users; (2) frequent sewage spills in the collection system; and (3) the absence of secondary treatment at the Point Loma Wastewater Treatment Plant. As part of an effort on the part of the Federal Government to reduce and eliminate water pollution, the Court approved the concept of permanent water conservation ordinances. These ordinances, if enacted in full, will fulfill and discharge up to \$2.5 million of the total penalty. In order for the City to avail itself of any portion of this optional \$2.5 million project credit, the project

must be enacted in full by ordinance with an effective date no later than January 1, 1992. Adoption of these ordinances is being pursued as separate items for Council's consideration.

Aud. Cert. 9200361.

WU-U-92-048.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A473-512.)

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

* ITEM-114: (R-92-866) ADOPTED AS RESOLUTION R-279125

Authorizing the Auditor and Comptroller to transfer a sum not to exceed \$3,850 from the General Fund 100, Unallocated Reserve (605), to the Allocated Reserve (901), for the purpose of waiving fees for the February 8, 1992, use of Plaza Hall in the Convention and Performing Arts Center, by Heart Strings, to benefit the fight against AIDS and HIV infection.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-115: (R-92-806) ADOPTED AS RESOLUTION R-279126

Authorizing the City Manager to amend the Memorandum of Understanding with the San Diego County Water Authority (CWA) for the services needed to continue the Ultra-Low Flush Toilet Rebate Program for approximately 10,000 additional ultra-low flush toilets; authorizing the

City Manager to seek funding from the Metropolitan Water District (MWD) of Southern California for the purpose of continuing the Program; authorizing the expenditure of an amount not to exceed \$950,000 from the Water Utilities Operating Fund 41500, Administrative Services Program, for the purpose of administering the Program for the contract period ending June 30, 1992; authorizing the Auditor and Comptroller to transfer \$500,000 from the Water Utilities Sewer Revenue Fund 41506 to the Water Operating Fund No. 41400, Revenue Account No. 79899, solely and exclusively for the purpose of providing supplemental funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: On December 11, 1990, the City Council adopted the "City of San Diego's Urban Water Management Plan and Conservation Program" (Plan). The Plan includes eight integrated and complementary water conservation programs. An Ultra-Low Flush Toilet Program (Rebate Program) is one of the eight programs. The Rebate Program promotes the voluntary installation of ultra-low flush toilets, which use 1.6 gallons of water or less per flush, by providing cash rebates of up to \$100 per installed toilet. On March 28, 1991, the Board of the San Diego County Water Authority (CWA) authorized the implementation of the regional Rebate Program effective April 1, 1991. A proposal for matching funds for this program was submitted by the CWA to the Metropolitan Water District (MWD) of Southern California, and was approved on April 9, 1991. On May 6, 1991, the City Council approved implementation of the Rebate Program in conjunction with the CWA, to be retroactive to April 9, 1991. The City is one of 17 member agencies participating in the Rebate Program coordinated by the CWA. City staff estimates that more than 7,000 households in the City will have received rebates by December 1991. Approval to continue the Rebate Program is being sought through this action.

Aud. Cert. 9200401.

WU-U-92-059.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

ITEM-116: (R-92-831) ADOPTED AS RESOLUTION R-279127

Approving the grant application to the San Diego County Bar Foundation in the amount of \$39,625 to be used for the funding of equipment needed to implement public access to computerized City records.

(See City Clerk Report CC-90-07.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A518-554.)

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

* ITEM-117: (R-92-832) ADOPTED AS RESOLUTION R-279128

Approving the grant application to the Copley Press Foundation in the amount of \$39,625 to be used for the funding of equipment needed to implement public access to computerized City records.

(See City Clerk Report CC-90-10.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-118: (R-92-833) ADOPTED AS RESOLUTION R-279129

Approving the grant application to the National Historical Publications and Records Commission in the amount of \$39,625, to be used for the funding of equipment needed to implement public access to computerized City records.

(See City Clerk Report CC-90-09.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-119: (R-92-838) ADOPTED AS RESOLUTION R-279130

Establishing Council Policy 000-03 entitled "People with Disabilities."

(See City Manager Report CMR-91-470.)

COMMITTEE ACTION: Reviewed by RULES on 11/6/91. Recommendation to approve the Manager's recommendation to adopt the People with Disabilities Council Policy and Work Plan regarding employment and access issues. Districts 4, 7 and 8 voted yea. District 1 and Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A352-384.)

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

ITEM-120: (R-92-808) ADOPTED AS RESOLUTION R-279131

Authorizing the execution of an agreement with Dudek & Associates, Inc. for as-needed environmental consultant services; authorizing the expenditure of an amount not to exceed \$300,000 from the Clean Water Program Fund 41509, CIP-45-910.3, to provide funds for this project;

Authorizing the City Manager to finance or refinance this activity with tax exempt securities, if circumstances so warrant.

CITY MANAGER SUPPORTING INFORMATION: After careful review of the ongoing development of the Clean Water Program, it has been determined that the City has a need for professional environmental consultant services on an "as-needed" basis to support the Clean Water Program. Due to the ongoing nature of program development, identifying specific tasks for the Consultant to perform will also be ongoing. As specific requirements are established, the consultant will be authorized in writing by the City to perform the requirements via "Task Orders." Anticipated tasks may include biological surveys and mitigation and monitoring plans; revegetation plans; traffic analysis; visual assessments of facilities; hazardous materials and soils assessments; air quality, noise, and odor evaluations; and studies of public health and safety issues. These tasks require the ability to contract with qualified specialists to perform such work in a timely fashion. Additional tasks will include the preparation of early environmental constraints analysis relative to the sensitive issues noted above in order to identify any fatal flaws for CWP facilities as early as possible. The estimated cost for such services is based on the last two years of environmental services required, and costs borne by the Clean Water program for similar tasks by local environmental firms. The average cost of the types of studies envisioned for the as-needed environmental consultant to undertake is estimated to be \$20,000 to \$30,000 per study. This agreement is for a two-year period, with a 12-month option if monies remain. The MBE/WBE goals for this project are 12% MBE and 3% WBE. MBE and WBE participation under this agreement as presently proposed represents 16% MBE and 13% WBE.

Aud. Cert. 9200404.

WU-CWP-92-061.

FILE LOCATION: MEET CCONT FY92-1

COUNCIL ACTION: (Tape location: A555-588.)

MOTION BY ROBERTS TO ADOPT. Second by Mayor O'Connor.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-
yea, Filner-nay, Mayor O'Connor-yea.

* ITEM-121: (R-92-830) ADOPTED AS RESOLUTION R-279132

Authorizing the execution of an agreement with the
Ocean Beach Merchant's Association to carry out
marketing activities for the Newport Avenue Commercial
District;

Authorizing the expenditure of an amount not to exceed
\$35,000 from Fund 18526, Department 5893, Organization
9304 for the above purpose.

(Ocean Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: In 1990, the Ocean Beach
Merchant's Association received approval of \$100,000 in Community
Development Block Grant funding to continue their revitalization
efforts in the Newport Avenue Commercial District in Ocean Beach.
Included in the funding was \$35,000 to pay for marketing efforts
by the Association in the business district. The funds will be
used for such activities as media advertising and special events.
This agreement will permit the Merchant's Association to
subcontract, subject to City approval, for such services.

Aud. Cert. 9200382.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-122: (R-92-834) ADOPTED AS RESOLUTION R-279133

Authorizing the execution of an agreement with Marsh and McLennan, Inc. to provide the City with a policy of Excess Public Liability Insurance for three one-year periods beginning December 11, 1991 through December 11, 1994; authorizing the expenditure of an amount not to exceed \$1,836,960 (\$1,285,872 from Fund 100; \$330,653 from Fund No. 41506; and \$220,435 from Fund No. 41500), for the purpose of providing funds for the execution of the above agreement.

(See City Manager Report CMR-91-513.)

Aud. Cert. 9200391.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-123: (R-92-549) ADOPTED AS RESOLUTION R-279134

Approving Change Order No. 1, issued in connection with the contract with Mur-Vic Construction Company, Inc., for the Water and Sewer Main Group Replacement 466A;

Authorizing the additional expenditure of \$74,950 from Water Fund 41502 from the Annual Allocation - Water Main Replacement, CIP-73-083.0, for the purpose of executing Change Order No. 1. (BID-K1735/92)

(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: Water and Sewer Main Group Replacement 466A is replacing cast iron water mains that are either deficient in size or have been employed for more than 70 years. They are experiencing breaks and will be retired from service. Deteriorated and inadequately sized concrete sewer mains are being concurrently upgraded with the water main improvements. The available records of the water service laterals serving the downtown area called New San Diego are incomplete. The contractor, during the course of construction, has encountered many more live and abandoned laterals than found in Water Utilities' records. Additionally, due to high vehicular traffic in the area, the contractor has been directed to increase the thickness of temporary resurfacing over water and sewer trenches. This has required more asphalt than originally estimated. The water replacement cost of Change Order No. 1 is an increase of \$74,950. The sewer replacement cost of Change Order No. 1 is a net decrease of \$8,986.98 and shall remain in the project's sewer contingency until its completion.

Aud. Cert. 9200396.

WU-U-92-062.

FILE LOCATION: CONT-Mur-Vic Construction Company, Inc.
CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-124: (R-92-852) ADOPTED AS RESOLUTION R-279135

Modifying the Fiscal Year 1992 Capital Improvements Program Annual Appropriations Budget, Ordinance No. O-17667 (N.S.) by the addition of CIP-29-780.0, Famosa Slough Enhancement Plan; authorizing the execution of an agreement with Pacific Southwest Biological Services for preparation of the Famosa Slough Enhancement Plan;

Authorizing the expenditure of an amount not to exceed \$100,000 from Coastal Conservancy Fund No. 38023, as

received, for the purpose of providing funds for this project.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The Famosa Slough, including Famosa Channel, is a wetland area impacted adversely by surrounding urban development and limited tidal flushing. The City received a Coastal Conservancy grant of \$100,000 (Fund #38023) to prepare a wildlife habitat enhancement plan for the Slough and Channel. The Plan will provide a framework for physical changes in topography, tidal fluctuation, and vegetative composition for wetland restoration and enhancement. In addition, the Plan will provide for interaction between the Slough and the surrounding urban environment while providing for wetland protection and public education. A consultant was chosen by advertising a Request for Qualifications in the newspaper. Staff reviewed the qualifications of the ten respondents and short-listed four for submittal of proposals. Three of the four firms submitted proposals. The City Manager received Park and Recreation's recommendations and selected Pacific Southwest Biological Services to prepare the enhancement plan. An MBE subconsultant firm has 22.5% of the contract and a WBE subconsultant firm has 3.1% of the contract; thereby, meeting MBE/WBE goals. The proposed consultant agreement is attached.

Aud. Cert. 9200362.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

ITEM-150: CONTINUED TO JANUARY 6, 1992

(Continued from the meetings of November 12, 1991, Item S413, and November 25, 1991, Item 150; last continued at Councilmember Filner's request, to allow the Community Planning Groups an opportunity to meet and provide additional input.)

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: E526-H125)

Motion by Behr to approve the following: 1.) That eight standing committees are created to replace the existing committees. 2.) Each committee will consist of three Council Members and will meet at least monthly at a regularly scheduled time on Wednesday or Thursday. 3.) Notice of Committee Meetings will be provided as under the current system. 4.) A committee will have the discretion, subject to public notice, to change the time and place of a meeting in order to meet elsewhere, such as in a community. 5.) The eight new committees are: Economic Development, Planning Land Use, Environment, Water Services and Facilities, Public Safety, Community Services, Transportation and Public Facilities. 6.) A Committee of the Whole will serve as the Rules Committee and have responsibility for: (a) CDBG and TOT funding; (b) topics which have broad Council interest such as crime reports; (c) assigning policy issues to the various committees; (d) issues which are not assigned to any of the eight committees. 7.) Neighborhood issues will be heard by the Council person from the affected district and decision reached with the community will be confirmed by the full Council, if necessary. 8.) Staffing for committees will be provided by Legislative Specialists in the Legislative Services Department. The Department Director will appoint and assign the Legislative Specialists to staff committees, as appropriate and as needed. No additional staff will be provided. 9.) The City Attorney or Deputy City Manager will not need to attend every committee meeting. Legal issues will be referred to the City Attorney for a later report and the City Manager will decide the appropriate level of managerial attendance at meetings. 10.) This revised committee system shall be subject to annual review by the Committee of the Whole. 11.) A committee will have the right to docket, at Council, issues related to that committee's assignments. 12.) The City Attorney is directed to prepare any appropriate ordinances related to this motion for adoption at the first meeting of Council in January,

1992. 13.) Each Council Member and the Mayor is requested to prepare a list of desired committee assignments to the same January Council meeting. 14.) The Ad Hoc Committee is directed to prepare for the same January Council meeting a recommended list of policy issues to be assigned to each committee. 15.) The City Manager is directed to notice appropriate community groups and organizations of today's Council action and solicit recommendations of policy issues for discussion at the same January Council meeting. Second by Hartley. No vote.

MOTION BY FILNER TO CONTINUE THE ITEM TO JANUARY 6, 1992 FOR FURTHER DISCUSSION OF THE MATTER. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-200: CONTINUED TO JANUARY 13, 1992

A report from the City Manager/Planning Director, regarding the status of the community plan update process.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A268-299.)

MOTION BY BEHR TO CONTINUE THE ITEM TO JANUARY 13, 1992, FOR FURTHER REVIEW. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-201: (O-92-15) RETURNED TO CITY MANAGER

(Continued from the meeting of November 4, 1991, Item 52, at Councilmember Behr's request, for further review and a better understanding of the parking situation and a better solution to the parking problem.)
Establishing a parking meter zone on the west side of Complex Street, north of Clairemont Mesa Boulevard and on the north side of the 8900 block of Clairemont Mesa Boulevard.

(Introduced on 10/21/91. Council voted 9-0. Kearny Mesa Community Area. District-5.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A254-268.)

MOTION BY ROBERTS TO RETURN THE ITEM TO THE CITY MANAGER AS RECOMMENDED BY THE CITY MANAGER. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-202: (0-92-79) INTRODUCED, TO BE ADOPTED
JANUARY 6, 1992

Introduction of an Ordinance authorizing the execution of a 25-year joint use agreement with the San Diego Unified School District for the construction, operation, maintenance and lease of turfed field and recreation facilities at Farb Middle School;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$53,500 from PSD Fund No. 11340 to CIP-29-403.0, Roadrunner Neighborhood Park - Development, Phase II;

Authorizing the expenditure of an amount not to exceed \$473,500, consisting of \$245,000 from CIP-29-403.0, Roadrunner Neighborhood Park - Development, Phase II, Tierrasanta - FBA Fund No. 79005, and \$228,500 from PSD Fund No. 11340, for the purpose of constructing park facilities in accordance with this agreement and for related project expenses; requesting the San Diego Unified School District to administer contracts for the construction of turf and irrigation improvements at Farb Middle School at a cost not to exceed \$445,000.

(Tierrasanta Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: Farb Middle School is located next to Roadrunner Park in Tierrasanta. The proposed agreement will provide a joint use facility at Farb Middle School for a 25-year period on a no fee basis. The City has prepared

plans and specifications for athletic field improvements to be made on the playground at Farb Middle School. San Diego Unified School District (District) will use the plans and specifications and financing provided by the City (\$445,000) to construct the proposed improvements. Farb Middle School operates year round and coordinating the construction with the operation of the school is best done by District. Surplus funds, if any, will be returned to the City. The turfed area will be maintained by the City in exchange for public access to the fields during non-school hours.

Aud. Cert. 9200421.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: H130-160.)

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

ITEM-203: (R-92-378) ADOPTED AS RESOLUTION R-279136

(Continued from the meeting of November 25, 1991, Item 131, at Councilmember Filner's request, on behalf of Councilmember Hartley, who has received requests from different communities to continue the item to allow them additional time to review.)

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: MEET

COUNCIL ACTION: (Tape location: H160-245.)

MOTION BY McCARTY TO ADOPT, ACCEPTING THE REPORT FOR ITEMS

203 AND 204. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-204: (R-92-699) ADOPTED AS RESOLUTION R-279137

(Continued from the meeting of November 25, 1991, Item 130, at Councilmember Filner's request, on behalf of Councilmember Hartley, to allow different communities additional time to review.)

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: MEET

COUNCIL ACTION: (Tape location: H160-245.)

MOTION BY McCARTY TO ADOPT, ACCEPTING THE REPORTS FOR ITEMS 203 AND 204. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-205: (R-92-518 Rev.1) ADOPTED AS RESOLUTION R-279138

(Continued from the meetings of October 29, 1991, Item 332, and November 12, 1991, Item 202; last continued at Councilmember Behr's request, for further review.)

Approving the Comprehensive Housing Affordability Strategy (CHAS) covering the period of October 1, 1991 to September 30, 1996; authorizing the Executive Director of the Housing Commission to submit the City of San Diego's CHAS to the U.S. Department of Housing

and Urban Development (HUD) on behalf of the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H246-369.)

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

ITEM-206: (R-92-) TRAILED TO DECEMBER 10, 1991

(Continued from the meetings of October 21, 1991, Item 205, and November 25, 1991, Item 211; last continued at Councilmember Roberts' request, to hear the report from John M. Leach, representing the Clean Water Program Special Committee, and to allow for Council to meet in Closed Session.)

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-CW P-92-027.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A254-268.)

MOTION BY ROBERTS TO TRAIL TO DECEMBER 10, 1991 AT 10:00 A.M. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S400: PRESENTATION

Presenting "INFORMATION 2000, Library and Information Services for the 21st Century," to the Mayor and City Council from the San Diego Delegation to the 1991 White House Conference on Library and Information Services.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A034-112.)

ITEM-S401: (R-92-897) ADOPTED AS RESOLUTION R-279139

Commending San Diego's Hard Rock Cafe, its employees, and Mike Katzman, Manager, for all their exemplary efforts in contributing to the quality of life in San Diego through their environmental awareness.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A114-182.)

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

* ITEM-S402: (R-92-660) ADOPTED AS RESOLUTION R-279140

Accepting the sole source offer and awarding a contract to Modutank, Inc. for two emergency sewage tanks, complete, for an estimated total cost of \$297,226.80, including tax, terms, freight and supervision;

Authorizing the expenditure of not to exceed \$297,226.80 from Department No. 700, Fund No. 40012, Organization No. 386, Object Account No. 3298, and Job Order No. 4922, 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-G2837/92) (Districts-1 and 2.)

CITY MANAGER SUPPORTING INFORMATION: Despite the improvements made to the wastewater collection system in the Mission Bay area, the potential for a sewage overflow continues to exist at Mission Bay Drive and Rosewood. This potential for overflow will exist until the Morena Boulevard Trunk Sewer and the new Rose Canyon Trunk Sewer are completed. The situation becomes critical during the rainy season when infiltration and inflow increase flows at Pump Station 64 and the Rose Canyon Trunk Sewer. In order to reduce or eliminate the possibilities of spilling wastewater in Mission Bay, we are installing flow equalization tanks which

divert and store peak flows and return it at the lower flow times. The process recommended is somewhat similar to the equalization facilities which worked so well on the East Mission Gorge Trunk Sewer over the last three winters. It is requested that two tanks be purchased from Modutank Incorporated. The tank proposed for the Mission Bay area will have a size of 145' x 135' x 4.75' with a capacity of 695,000 gallons and the one proposed for Roselle Street site has the same size and capacity. We have been unable to locate other vendors that can produce tanks compatible with the design required for the available sites. The two proposed sites are at 3795 Crown Point Drive and 10320 Roselle Street which are located on City owned properties in the Mission Bay area and the Sorrento Valley area.

Aud. Cert. 9200440.

FILE LOCATION: WATER-Modutank, Inc. for two emergency sewage tanks CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-S403:

Two actions relative to the Mission Bay Sewage Interceptor System (MBSIS) Phase II: (BID-K2793/92)

(Mission Bay, Ocean Beach, and Midway Community Areas. District-2.)

Subitem-A: (R-92-551) ADOPTED AS RESOLUTION R-279141

Authorizing the City Manager to do by City Forces all the work to make connections and perform operational checks involving the Mission Bay Sewer Interceptor System - Phase II; declaring that the cost of the work shall not exceed \$5,000.

Subitem-B: (R-92-552) ADOPTED AS RESOLUTION R-279142

Certifying that the information contained in Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, DEP-89-1273, in connection with the Mission Bay Sewer Interceptor System - Phase II, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Declaration has been reviewed and considered by the Council.

Aud. Certs. 9200321, 9200322.

WU-P-92-037.

NOTE: This is a companion item to Inviting Bids for the Mission Bay Sewage Interceptor, Phase II, which was approved by Council on December 2, 1991, Item 104.

FILE LOCATION: WATER-Mission Bay Sewage Interceptor System
(MBSIS) Phase II

COUNCIL ACTION: (Tape location: A352-384.)

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

ITEM-S404: CONTINUED TO JANUARY 13, 1992

Two actions relative to Carmel Mountain Ranch Unit No. 21, a 21-lot subdivision located southwesterly of Carmel Ridge Road and Highland Ranch Road:

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

Subitem-A: (R-92-895)

Authorizing the execution of a Subdivision Improvement Agreement with Carmel Mountain Ranch, for the installation and completion of public improvements.

Subitem-B: (R-92-894)

Approving the final map.

FILE LOCATION: SUBD-Carmel Mountain Ranch Unit No. 21
CONT FY92-1

COUNCIL ACTION: (Tape location: A268-299.)

MOTION BY BEHR TO CONTINUE THE ITEM TO JANUARY 13, 1992 FOR FURTHER REVIEW. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S405:

Three actions relative to Children's Hospital and Health Center:

(Serra Mesa Community Area. District-6.)

Subitem-A: (R-92-781) ADOPTED AS RESOLUTION R-279143

Approving the final subdivision map of Children's Hospital and Health Center, a 6-lot subdivision located southeasterly of SR 163 and Frost Street.

Subitem-B: (R-92-782) ADOPTED AS RESOLUTION R-279144

Approving the acceptance by the City Manager of street easement deeds of Children's Hospital - San Diego, dated January 29, 1991; San Diego Hospital Association, and Children's Hospital and Health Center, dated June 6, 1990; San Diego Hospital Association, dated June 26, 1990; Sharp Properties, dated June 26, 1990; San Diego Hospital Association, and Children's Hospital and Health Center, dated June 6, 1990 and June 26, 1990; Children's Hospital - San Diego, dated July 24, 1990; Thomas M. McMillan and Dorothy K. McMillan, and Oliver McMillan, dated July 26, 1990; and Children's Hospital - San Diego, Dated June 6, 1990, granting to the City easements for public street purposes in portions of Pueblo Lots 1199 and 1202, Lot 1 of Map-849, Lot 1 of Map-4757, and Lot 1 of Map-5569; dedicating said land

as and for public streets and naming the same
Children's Way and Birmingham Way.

Subitem-C: (R-92-783) ADOPTED AS RESOLUTION R-279145

Authorizing the execution of an Agreement Affecting an
Interest in Land (Undergrounding Utility Agreement)
with Children's Hospital.

CITY MANAGER SUPPORTING INFORMATION: On July 13, 1989 the
Planning Commission of the City of San Diego approved Tentative
Map TM-87-1096, Children's Hospital and Health Center (Planning
Commission Resolution No. 0523-PC), and granted Conditional Use
Permit CUP-88-1297. In order to satisfy Condition No. 4 of
Planning Commission Resolution No. 0523-PC, the subdivider is
entering into an agreement to defer undergrounding of the
existing public utility systems and services to a later date.
This decision was made at the September 11, 1991 Transportation
and Land Use Committee meeting.

FILE LOCATION: SUBITEM-A&C: SUBD-Children's Hospital and
Health Center; SUBITEM-B: DEED F-5735 DEED
FY92-1; CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-S406: (R-92-860) ADOPTED AS RESOLUTION R-279146

Approving and authorizing the execution of certain
agreements in a Special Assessment District (Assessment
District No. 4070 Black Mountain Road.)

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On September 23, 1991,
Council accepted the property owner's petition for the Black
Mountain Road Assessment District and authorized the execution of

a reimbursement agreement with the developer, Pardee Construction Company, to pay all consultant and City staff administration costs necessary to form the district. Council acceptance of the property owner's petition to undertake special assessment proceedings was conditioned upon the developer providing a schedule for the timely completion of Black Mountain Road. That schedule, which assumes no unusual weather caused delays, estimates opening the road to traffic on October 7, 1992, with landscaping to be completed after the opening. The schedule confirms that the roadway will be opened to traffic concurrently or shortly after completion of the pedestrian bridge at Black Mountain Road and Galvin Avenue. Formation of the proposed district would allow certain public improvements constructed by the developer and acquired by the City to be paid from the sale of bonds. Public improvements proposed to be financed by bond proceeds would include curbs, gutters, sidewalks paving, water and sewer systems, storm drain facilities, traffic signalization and other miscellaneous improvements.

Aud. Cert. 9200416.

FILE LOCATION: STRT D-2290 CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-S407: (R-92-909) ADOPTED AS RESOLUTION R-279147

A Resolution approved by the City Council in Closed Session on Tuesday, December 3, 1991, by the following vote: Wolfsheimer-yea; Roberts-yea; Hartley-yea; Stevens-yea; Behr-yea; Stallings-yea; McCarty-yea; Filner-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$35,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the incident occurring on July 18, 1989 (U.S. District Court Case No. 91-0147BTM, Tommy Lee Freeman, et al v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue three checks: one

in the amount of \$19,000, made payable to Tommy Lee Freeman and his attorney Roger A. Strong; a second check in the amount of \$15,500, made payable to Mary Freeman and her attorney Roger A. Strong; and a third check in the amount of \$500 made payable to Michelle Elaine Freeman and her attorney Roger A. Strong, in full settlement of the lawsuit and all claims, costs and attorney's fees.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claim of Tommy Lee Freeman, et al. against the City of San Diego as a result of the incident which occurred on July 18, 1989.

Aud. Cert. 9200447.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-S408: (R-92-896) ADOPTED AS RESOLUTION R-279148

A Resolution approved by the City Council in Closed Session on Tuesday, December 3, 1991 by the following vote: Wolfsheimer-yea; Roberts-yea; Hartley-yea; Stevens-yea; Behr-nay; Stallings-yea; McCarty-yea; Filner-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$40,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Cindy Barnes (Superior Court Case No. 626417, Barnes, et al. v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$40,000 made payable to the Legal Aid Society, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claim of Cindy Barnes, et al, against the City of San Diego as a result of incidents which occurred in the Summer of 1989, December 1989, and March 1990.

Aud. Cert. 9200446.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A352-384.)

CONSENT MOTION BY BEHR TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S409: (R-92-899) ADOPTED AS RESOLUTION R-279149

Authorizing the execution of a first amendment to the agreement with Boyle Engineering Corporation, to provide additional environmental studies for the Nobel Drive Projects: CIP-52-362.0, Nobel Drive - I-805 Interchange; CIP-52-427.0, Nobel Drive - I-805 to Miramar Road; CIP-52-360.0, Nobel Drive - Judicial Drive to I-805; and CIP-52-354.0, Nobel Drive - Towne Centre Drive to Judicial Drive; authorizing the expenditure of an amount not to exceed \$449,617 from CIP-52-427, Nobel Drive - I-805 to Miramar Road, Fund No. 79001, for the purpose of providing funds for the above project.

(University City Community Area. Districts-1 and 5.)

CITY MANAGER SUPPORTING INFORMATION: On January 29, 1990, per RR-275049, City Council approved a consultant services agreement with Boyle Engineering Corporation to provide environmental documents, traffic analysis and the preliminary design of Nobel Drive from Shoreline Drive to Miramar Road and an interchange at I-805. During the process to provide the above-mentioned services, the U.S. Fish and Wildlife Service required additional detailed environmental, geotechnical and hazardous materials studies. In addition, the California Department of Transportation required supplemental traffic studies to be included in the environmental documents. This change in scope

will require that the existing consultant contract be increased by \$449,617. Through the use of subconsultants, MBE and WBE participation on this amendment is 2 percent and 32 percent, respectively.

Aud. Cert. 9200439.

FILE LOCATION: MEET CCONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-S410: (R-92-887) ADOPTED AS RESOLUTION R-279150

Authorizing the execution of a third amendment to the agreement of March 6, 1989, with Boyle Engineering Corporation, for professional services in connection with the Rose Canyon Trunk Sewer; authorizing the expenditure of an amount not to exceed \$729,314 from the Sewer Revenue Fund, No. 41506, CIP-46-111.0, Rose Canyon Trunk Sewer, for the purpose of providing funds for the above amendment.

(University City Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On March 6, 1989, the City entered into an agreement with Boyle Engineering Corporation for engineering services for the Rose Canyon Trunk Sewer Project, Document RR-273001. On July 10, 1989, and December 10, 1990, the original agreement was amended, Documents RR-273923 and RR-277033, respectively, to provide aerial surveying services and to prepare a draft Environmental Impact Report (EIR). Contract Amendment No. 3 encompasses additional work not included in the previous authorizations. During preparation of the draft EIR potentially significant cultural resources sites have been

identified along the proposed pipeline alignment. Based upon the quantity of artifacts which appear to be present, additional and extensive cultural resources testing is required. Amendment No. 3 also provides for additional biological mitigation planning services including design of landscape/revegetation plans, irrigation system and surveying, engineering design of alignment modifications, right-of-way documentation, design of special sewer diversion structure, bridge design/flood control impacts analysis, a certification report for construction dewatering permit for the San Diego Regional Water Quality Control Board, and other miscellaneous items of work. Sub-consultants will perform 53.5 percent of the work, including 7 percent MBE and 39 percent WBE for environmental documentation, field survey, topographic mapping, dewatering certification report, geotechnical, and corrosion engineering. The total sub-consultant participation for this contract as a whole is 44.7 percent, including 10.5 percent MBE and 21.4 percent WBE.

Aud. Cert. 9200433.

WU-U-92-074.

FILE LOCATION: MEET CCONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-S411: (R-92-900) ADOPTED AS RESOLUTION R-279151

Authorizing the execution of Cooperative Agreement No. 11-0455 with the California Department of Transportation (CalTrans); modifying the Mid-City DIF to include I-15 Bridge Enhancements; modifying the title of CIP-52-345.0 to "I-15 Bridge Enhancements"; authorizing the expenditure of an amount not to exceed \$214,000 from DIF CIP-52-345.0, I-15 Bridge Enhancements, Fund No. 79504, for the purpose of providing funds for the above project.

(See City Manager Report CMR-91-528. Mid-City Community Area. District-3.)

Aud. Cert. 9200424.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

* ITEM-S412: (R-92-886) ADOPTED AS RESOLUTION R-279152

Authorizing the execution of an agreement with the County of San Diego to provide EMT/PS-Defibrillation Services.

CITY MANAGER SUPPORTING INFORMATION: In November 1988, City Council approved the execution of an agreement with the County of San Diego for an EMT/PS-Defibrillation Services Program. This agreement was in effect for a total of three years beginning November 1988 and continuing through December 1991. The new agreement shall commence on January 1, 1992 and continue until mutually terminated by both agencies. This agreement may be canceled or otherwise modified in accordance with Title XXII, of the California Health and Safety Code, Section 100064. As specified in the provisions of Section 100064 of Title XXII of the California Health and Safety Code, the County of San Diego is required to enter into an agreement which authorizes and standardizes the providers services. The agreement details the provisions of an EMT/PS-D provider. This agreement is similar to that agreed upon in November 1988.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

ITEM-S413: (R-92-901) ADOPTED AS RESOLUTION R-279153

Authorizing the execution of a first amendment to the agreement with Rick Engineering Company to provide construction documents for the Mission Beach Drainage Improvements - CIP-11-226; authorizing the expenditure of an amount not to exceed \$193,500 from CIP-11-226, Mission Beach Drainage, CAPOUT Fund 30245, for the above project.

(Mission Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: On September 18, 1989 by Resolution R-274407 the City Council authorized an agreement with Rick Engineering Company to provide construction documents for the Mission Beach Drainage Improvements. On April 18, 1991 by Resolution R-277638 the City authorized execution of a construction contract with Western Utility Contractors, Inc. for Mission Beach Drainage, Phase I Streets & Drains. When the original design contract was negotiated with Rick Engineering it was anticipated that the City would provide surveying services for the project construction. The services include construction surveying, replacing existing property corners and monumentations destroyed by construction. City Surveying has determined that due to other time requirements they are unable to provide the necessary project surveying. Rick Engineering has the surveying staff to provide these necessary services under their original agreement provided additional funds in the amount of \$110,000 are authorized. This first amendment to agreement will provide for this surveying service. Necessary design changes for the related pump stations will result in additional expenditure of \$60,000, which is included in this first amendment. During the processing of the original agreement with Rick Engineering, an oversight in funding was made in the amount of \$23,500. The agreement provisions require a total of \$983,500 in funding, however the original 1472 only provided funds in the amount of \$960,000. The additional authorization of \$23,500 is included in this request for council action.

Aud. Cert. 9200350.

FILE LOCATION: MEET CCONT FY92-1

COUNCIL ACTION: (Tape location: A589-B026.)

MOTION BY ROBERTS TO ADOPT. Second by Mayor O'Connor.

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

ITEM-S414: (R-92-898) DEFEATED

Directing the City Attorney to prepare an Ordinance which would divide the PLAN Initiative Petition into two ballot measures: one measure would contain the prevailing wage provisions, and the other would contain the growth management provisions; declaring that the language of the Initiative Petition shall not be amended unless directed by the Council.

(See Exhibits A and B to the Resolution.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B037-E433.)

Motion by Stevens to continue the item to December 12, 1991, as recommended by Mayor O'Connor to hear a report from Michel Anderson. Second by Mayor O'Connor. No vote.

MOTION BY BEHR TO NOT PLACE, IN WHOLE OR IN PART, THE INITIATIVE ON THE JUNE, 1992 BALLOT. Second by Roberts. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-nay, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-S415: (R-92-893) ADOPTED AS RESOLUTION R-279154

Authorizing the execution of a first restated agreement with San Diego Incubator Corporation to carry out economic development activities from July 1, 1991 through June 30, 1992; authorizing the expenditure of an amount not to exceed \$75,000 from CDBG Fund 18527, Dept. 4015, Org. 1503, Job Order 001503, for providing funds for the above project.

(See memorandum from Southeast Economic Development Corporation President dated 11/25/91.)

Aud. Cert. 9200209 Revised.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A352-384.)

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

ITEM-S416: (R-92-746) ADOPTED AS RESOLUTION R-279155

(Continued from the meeting of November 12, 1991, Item S405; Trailed as Unfinished Business from the meeting of November 26, 1991, Item 209; Trailed as Unfinished Business from the meeting of December 3, 1991, Item S405, due to lack of five votes.)

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: MEET

COUNCIL ACTION: (Tape location: E433-513.)

MOTION BY FILNER TO ADOPT THE CITY MANAGER'S RECOMMENDATION.
Second by McCarty. Passed by the following vote:
Wolfsheimer-nay, Roberts-nay, Hartley-nay, Stevens-nay,
Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-S417: (O-92-47) INTRODUCED, TO BE ADOPTED
JANUARY 6, 1992

(Continued from the meeting of December 2, 1991, Item
50, at Councilmember McCarty's request, for further
review of the new ordinance.)

Introduction of an Ordinance amending Chapter VI,
Article 2, Division 2, of the San Diego Municipal Code
by amending Section 62.0208, relating to the Cost
Reimbursement District Procedural Ordinance.
(See City Manager Report CMR-91-410.)

COMMITTEE ACTION: Reviewed by TLU on 10/23/91.
Recommendation to approve the amendments to the Cost
Reimbursement District Procedural Ordinance. Districts 1, 4 and
5 voted yea. Districts 2 and 8 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A352-384.)

MOTION BY BEHR TO INTRODUCE. Second by Hartley. Passed by
the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-
yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-S418: (R-92-1013) ADOPTED AS RESOLUTION R-279156

(Continued from the meeting of December 2, 1991, Item
117 (CIP-21-856.0 only), at Councilmember Hartley's

request, for a report from the City Manager on the scope of work.)

Modifying the Fiscal Year 1992 Capital Improvements Program Annual Appropriations Budget, Ordinance No. O-17667 (N.S.) by the addition of the following project: CIP-21-856.0, Inspiration Point Precise Plan Authorizing the City Auditor and Comptroller to transfer the amount of \$350,000 from CIP-21-828.0, Naval Hospital Exchange Parcel - Landscaping and Related Work, Inspiration Point Landscape Trust Fund No. 60253, to CIP-21-856.0, Inspiration Point Precise Plan.

(Balboa Park Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: The proposed addition to the FY 92 CIP will provide funding for a precise plan for the Inspiration Point area in Balboa Park. Precise plans are required for several areas within Balboa Park. The proposed Inspiration Point Precise Plan project will provide a precise plan and allow the planning effort to be separated from a grant funded project which will improve old court yards in the project area. Costs incurred in preparing the precise plan and funding will be transferred to the new project from CIP-21-828.0, Naval Hospital Exchange Parcel - Landscaping and Related Work.

Aud. Cert. 9200325.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A352-384.)

MOTION BY BEHR TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

* ITEM-S419: (R-92-911) ADOPTED AS RESOLUTION R-279157

A Resolution approved by the City Council in Closed Session on Tuesday, December 3, 1991 by the following vote: Wolfsheimer-yea; Roberts-yea; Hartley-not present; Stevens-yea; Behr-yea; Stallings-yea; McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$67,000 in the settlement of each and every claim against the City, its agents and employees, resulting from asbestos removal in the City Operations Building (Superior Court Case No. 637151, Kilgallon v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the amount of \$67,000 made payable to Kilgallon Construction Co., and William L. Milter, Esq., in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of all claims against the City of San Diego by Kilgallon Construction Company as a result of asbestos removal from tab decking present in the City Operations Building.
Aud. Cert. 9200444.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A352-384.)

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

ITEM-S420:

Two actions relative to the Committee on Public Services and Safety:

Subitem-A: (O-92-83) INTRODUCED, TO BE ADOPTED
JANUARY 6, 1992

Introduction of an Ordinance amending Chapter II, Article 2, Section 22.0101 of the San Diego Municipal Code, Permanent Rules of the City Council, by amending Rule 21 relating to the Committee on Public Services and Safety, by increasing its membership from five to six members.

Subitem-B: (R-92-907) ADOPTED AS RESOLUTION R-279158

Adoption of a Resolution establishing a temporary Rule 21.1 of the Permanent Rules of Council, pursuant to San Diego Municipal Code Section 22.0101, Rule 31, entitled "Temporary Rules," to read as follows:

There is a Committee on Public Services and Safety composed of six voting members consisting of six Council members appointed in accordance with the provisions of Rule 13.

Declaring that Temporary Rule 21.1 shall be in full force and effect until Permanent Rule 21 is amended by Council Ordinance.

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

COUNCIL ACTION: (Tape location: H369-390.)

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

NON-DOCKET ITEMS:

ITEM-ND-1:

Informational report from the City Manager to the Mayor and Council providing an update on the San Diego City Stores.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A187-236.)

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Lincoln Pickard regarding transportation issues and the Visions Project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H391-398.)

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Roberts at 7:40 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H398-410).