

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 29, 1992
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:17 a.m. Mayor O'Connor welcomed three Russian students who are visiting San Diego and working in various City Departments. The meeting was recessed by Mayor O'Connor at 12:35 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Roberts at 2:11 p.m. with Council Members Wolfsheimer, Hartley, Filner and Mayor O'Connor not present. Deputy Mayor Roberts recessed the meeting at 4:13 p.m. to convene the Housing Authority and then the Redevelopment Agency. The meeting was reconvened at 4:18 p.m. with Council Member Wolfsheimer not present. Deputy Mayor Roberts adjourned the meeting at 7:25 p.m. to the Special Meeting of Thursday, October 1, 1992.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-excused by R-280803
(MTDB business in London, England, and vacation)
- (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/Fishkin (mc/11)
FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-not 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

ITEM-10: INVOCATION

Invocation was given by Reverend Dave Butler of the
Evangelical Free Church.

FILE LOCATION: MINUTES

ITEM-20 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Stevens.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Joe Frazier regarding Council Member
Filner's absence during homeless issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A125-132.)

ITEM-PC-2:

Comment by Don Stillwell regarding Plan Ahead Funding for emergencies.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A135-161.)

ITEM-PC-3:

Comment by James Smith regarding Council Member Filner's absence during City Council meetings and Housing Commission meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A162-197.)

ITEM-PC-4:

Comment by Tony Zampella thanking the Mayor and Council for their support on Assembly Bill 2601.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E014-021.)

COUNCIL COMMENT:

None.

ITEM-30: (R-93-523) ADOPTED AS RESOLUTION R-280719

Proclaiming September 26 through October 4, 1992 to be "Cabrillo Festival Week" in San Diego; commending the

many individuals and organizations of the Cabrillo Festival Inc. who have played key roles in the organization of this year's festivities; welcoming the Captain of the Portuguese Naval Training Tallship, The Sagres, to San Diego and encouraging him and the residents of San Diego to enjoy the foods, music and folklore of this celebration.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A042-103.)

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

ITEM-31: WELCOMED

Welcoming a group of approximately 25 International students from the Navy Amphibious School (Coronado), accompanied by Fred Zierau.

The group will arrive in Council Chambers at approximately 10:30 a.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A362-379.)

ITEM-32: APPROVED

Approval of Council Minutes for the Meetings of:

9/8/92 Special

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A204-211.)

MOTION BY McCARTY TO APPROVE. Second by Hartley. 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-33: GRANTED HEARING, TO BE HELD TUESDAY, OCTOBER 20,
1992 AT 10:00 A.M.

Matter of the request of Maurice and Harriet Miller, et al, for a hearing of an appeal from the decision of the Planning Commission in approving Hillside Review Permit HRP-90-0122 for a 3,069-square-foot, single-family residence. The applicant is requesting a variance to allow a portion of the building to have a five-foot front setback where fifteen feet is required. The subject property is 7,623 square feet in size, located on Vista Street north and is described as a consolidation of Lot 24 of the Rancho Mission according to Superior Court Case No. 238 on file with the office of the San Diego County Clerk. The R-1-5000 and R-1-40,000 (HR) zoned site is within the Kensington Talmadge neighborhood of the Mid-City Community Plan area.

(Case-90-0122. District-3.)

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

FILE LOCATION: PERM - HRP-90-0122

COUNCIL ACTION: (Tape location: A212-221.)

MOTION BY HARTLEY TO HOLD THE HEARING ON THE BASIS THAT THE DEVELOPMENT PRESENTS A CITYWIDE PLANNING ISSUE ON WHICH GUIDANCE BY THE CITY COUNCIL IS REQUIRED AND IS OF CITYWIDE SIGNIFICANCE. Second by Stallings. 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-50: (O-93-31 Cor. Copy) ADOPTED AS ORDINANCE O-17835
(New Series)

Amending Chapter IX, Article 5, Division 1, of the San Diego Municipal Code, by amending Sections 95.0101 and

95.0126, relating to Signs and House Numbers, by adding provisions which authorize the City of San Diego to recover the costs associated with the removal of signs illegally placed on public property from the person who placed the signs.

(Introduced on 9/15/92. Council voted 8-0. Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F022-351.)

MOTION BY HARTLEY TO DISPENSE WITH THE READING AND ADOPT ORDINANCE AND TO DIRECT STAFF TO BRING BACK TO COUNCIL AN AMENDMENT TO SECTION 95.0126 G THAT WOULD INCLUDE A CAVEAT THAT STATES, "THIS WOULD EXCLUDE SIGNS THAT WOULD BE 16 SQUARE FEET OR LESS", IN AN EFFORT TO ACCOMMODATE THE SAN DIEGO ASSOCIATION OF REALTORS. Second by Stevens. 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-not present.

ITEM-51:

Three actions relative to Multifamily Parking Regulations:

(Introduced as amended on 9/15/92. Council voted 7-0. District 8 and Mayor not present.)

Subitem-A: (O-92-90 Rev.1) ADOPTED AS ORDINANCE O-17836
(New Series)

Amending Chapter X, Article 1, Division 1, of the San Diego Municipal Code by amending Section 101.0101.55, relating to Transit Corridors.

Subitem-B: (O-92-92 Rev.1) ADOPTED AS ORDINANCE O-17837
(New Series)

Amending Chapter X, Article 1, Division 8, of the San Diego Municipal Code by amending Section 101.0835, relating to Multi-Family Residential Parking Regulations.

Subitem-C: (O-92-91 Rev.1) ADOPTED AS ORDINANCE O-17838
(New Series)

Amending Chapter X, Article 1, Division 8, of the San Diego Municipal Code by amending Section 101.0821, relating to Tandem Parking.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F357-G064.)

MOTION BY HARTLEY TO DISPENSE WITH THE READING AND ADOPT ORDINANCE AND TO DIRECT STAFF TO BRING BACK TO COUNCIL ON OCTOBER 20, 1992 THE FOLLOWING AMENDMENTS: THE ISSUE OF TANDEM PARKING LOCATIONS, EITHER WITH THE INCLUSIONARY HOUSING TASK FORCE'S REPORT, OR SEPARATELY IDENTIFYING LOCATIONS IN OTHER COMMUNITIES AS WELL, AND MODIFICATIONS TO THE PIPELINE LANGUAGE PRESENTLY IN THE ORDINANCE THAT PROPOSES SOME ALTERNATIVES TO THE PLANNING FILE DATES AND THE ONE YEAR GRACE PERIOD;

LANGUAGE TO INCLUDE PROJECTS FOR WHICH BUILDING PERMITS EXPIRED IN 1990 AND 1991 AND WHAT THE IMPACT ON THIS WOULD BE AS FAR AS NUMBER OF PROJECTS AND UNITS.

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

* ITEM-52: (O-93-32) ADOPTED AS ORDINANCE O-17833 (New Series)

Amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code, by amending Section 101.0580, relating to Child Care Facilities.

(Introduced on 9/14/92. Council voted 7-0. District 1 and Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-386.)

CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Behr. 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-100: (R-93-51) ADOPTED AS RESOLUTION R-280720

Awarding contracts to Gro-Power, Inc., Butler's Mill, Inc., O.M. Scott & Sons Co., and Grangetto Agricultural Supply Co. for the purchase of fertilizers and soils conditioners, as may be required for a period of one year beginning August 5, 1992 through August 14, 1993, for an estimated cost of \$44,731. (BID-P3294/93)

(Six bids received. For use by the Park and Recreation Department, Golf Course Division.)

FILE LOCATION: CONT - Purchase - Gro-Power, Inc.; Butler's Mill, Inc.; O.M. Scott & Sons Co.; and Grangetto Agricultural Supply Co. CONFY93-4

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-101: (R-93-288) ADOPTED AS RESOLUTION R-280721

Inviting bids for the Construction of Mid-City Commercial Revitalization (Phase 10) El Cajon Boulevard (43rd - 44th Streets) on Work Order No. 119761; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$335,000 from Mid-City Commercial Revitalization Project, CIP-39-083; \$330,000 from CDBG Fund 18523, Dept. 5633, Org. 3320; and \$5,000 from CDBG Fund 18525, Dept. 5883, Org. 8302, for said project and related costs.

(BID-K3399/93)

(City Heights Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: This project is the tenth project of the Mid-City Commercial Revitalization Program. It consists of public improvements along a three-block median area of El Cajon Blvd. between 43rd and 44th Streets in the City Heights Community. The project provides for the construction of replacement medians, tree planting, and installation of electrical and irrigation systems. It is a continuation of median improvements completed on the western end of El Cajon Blvd. and has been reviewed and endorsed by the El Cajon Blvd. (Central) Business Improvement Association and the City Heights Community Planning Group.

Aud. Cert. 9300196.

FILE LOCATION: W.O. 119761 CONT - L. R. Hubbard
Construction Co. Inc. CONTFY93-1

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-102: (R-93-454) ADOPTED AS RESOLUTION R-280722

Authorizing the City Manager to release a portion of the surety issued by Allied Mutual Insurance Company in the form of Permit Performance Bond No. Bd 390942, so that the same is reduced as follows:

1. For faithful performance, to the sum of \$1,262,413.
2. For the benefit of the contractor, subcontractor and to persons renting equipment or furnishing labor or materials, to the sum of \$631,206.50.

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

CITY MANAGER SUPPORTING INFORMATION: On October 30, 1987, the City issued Engineering Permit No. W33442 for the construction of public improvements for North City Parkway. Permit Performance

Bond No. Bd 390942 issued by Allied Mutual Insurance Company in the amount of \$4,391,000 was provided by the subdivider. The permit was extended to December 31, 1992. Approximately 95 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. In accordance with Council Policy 800-11, it is recommended that the surety be reduced by an amount which is 75 percent of the value of the work completed. Therefore, 71.25 percent of the original surety will be released which will reduce the surety to \$1,262,413.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-103: (R-93-463) ADOPTED AS RESOLUTION R-280723

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the Clairemont Drive (Blackfoot Avenue to Balboa Avenue) Underground Utility District.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Clairemont Drive between Blackfoot Avenue and Balboa Avenue. This is a scheduled project in the Fiscal Year 1992 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the

undergrounding work approaches completion.

FILE LOCATION: STRT - K-207

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-104: (R-93-459) ADOPTED AS RESOLUTION R-280724

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the Sunset Cliffs Boulevard (Brighton Avenue to Newport Avenue) Underground Utility District.

(Ocean Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Sunset Cliffs Boulevard between Brighton Avenue and Newport Avenue. This was a scheduled project in the Fiscal Year 1991 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

FILE LOCATION: STRT - K-208

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-105: (R-93-400) ADOPTED AS RESOLUTION R-280725

Approving the acceptance by the City Manager of a grant deed of Rufus B. Dewitt and Mary B. Dewitt, granting to the City an easement for public street purposes in a portion of Lot 48, Block 2 of Imperial Heights, Map-1123; dedicating said land as and for a public street, and naming the same Franklin Avenue.

(Located at the southeast corner of 38th Street and Franklin Avenue. Mountain View Community Area. District-4.)

FILE LOCATION: DEED F-5901 DEEDFY93-1

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-106:

Two actions relative to street dedication - Cypress View Way:

(Located northerly of Pomerado Road and Spring Canyon Road. Scripps Miramar Ranch Community Area. District-5.)

Subitem-A: (R-93-398) ADOPTED AS RESOLUTION R-280726

Approving the acceptance by the City Manager of a grant deed of ITEC Properties, granting to the City an easement for public street purposes in a portion of the Southeast Quarter of the Southwest Quarter of Section 26, Township 14 South, Range 2 West, San Bernardino Meridian; dedicating said land as and for a public street and naming the same Cypress View Way.

Subitem-B: (R-93-399) ADOPTED AS RESOLUTION R-280727

Approving the acceptance by the City Manager of a grant deed of Peace Inter Vivos Trust, granting to the City

an easement for public street purposes in a portion of Lot 160 of Sunburst Scripps Unit 3, Map-12280; dedicating said land as and for a public street and naming the same Cypress View Way.

FILE LOCATION: Subitem A: DEED F-5902; Subitem B: DEED F-5903 DEEDFY93-2

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-107: (R-93-456) ADOPTED AS RESOLUTION R-280728

Vacating the City's interest in an unneeded drainage easement affecting Lot 1679 of Mira Mesa Verde Unit 13-B, Map No. 6897 pursuant to Section 8300 et seq. of the Streets and Highways Code.

(Located southeasterly of Camino Ruiz and Jade Coast Drive. Mira Mesa Community Area. District-5.)

FILE LOCATION: DEED F-5904 DEEDFY93-1

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-108: (R-93-418) ADOPTED AS RESOLUTION R-280729

Adopting the revised Conflict of Interest Code for the City of San Diego Board of Appeals and Advisors.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-109: (R-93-417) ADOPTED AS RESOLUTION R-280730

Amending the Conflict of Interest Code for the City of San Diego's Building Inspection Department.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. The Building Inspection Department Conflict of Interest Code was approved by the City Council on July 20, 1977. This action revises the Conflict of Interest Code to conform to recent changes in the California Government Code; updates Exhibit A, Designated Positions, Duties and Categories; and revises Exhibit B, Disclosure Categories. Exhibit A is amended to add new classifications, delete positions no longer included in the department, and delete positions from disclosure requirements which functions have been determined to be ministerial in nature. Exhibit B is amended to include the addition of Disclosure Category 2 for use by Consultants doing business with the Building Inspection Department when determined necessary by the Department Director, Assistant Director or Deputy Director. The City Attorney's Office has reviewed the proposed revisions to the Building Inspection Department's designated positions and has determined that they conform to the standards set by the Fair Political Practices Commission (FPPC).

Employees filling positions designated as having potential conflicts of interest were afforded the opportunity to review and comment on this amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-110: (R-93-447) ADOPTED AS RESOLUTION R-280731

Amending the Conflict of Interest Code for the City of San Diego Clean Water Program.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On March 25, 1991 Council approved the Conflict of Interest Code for the Clean Water Program. This is the first amendment to the Clean Water Program Conflict of Interest Code. It updates Exhibit A of the Code for organizational and position changes. This amendment also updates Exhibit B to conform to overall City policy. The City Attorney's office has reviewed the proposed revisions to the Clean Water Program's designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC). Employees filling new positions designated as having potential conflicts of interest were afforded the opportunity to review and comment on this amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-111: (R-93-396) ADOPTED AS RESOLUTION R-280732

Amending the Conflict of Interest Code for the City of San Diego Engineering and Development Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-112: (R-93-502) ADOPTED AS RESOLUTION R-280733

Adopting the revised Conflict of Interest Code for the
City of San Diego Housing Advisory and Appeals Board.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-113: (R-93-413) ADOPTED AS RESOLUTION R-280734

Adopting the revised Conflict of Interest Code for the
City of San Diego's Land Development Advisory Board.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-114: (R-93-406) ADOPTED AS RESOLUTION R-280735

Amending the Conflict of Interest Code for the
Department of the Mayor.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-115: (R-93-416) ADOPTED AS RESOLUTION R-280736

Adopting the Revised Conflict of Interest Code for the City of San Diego Noise Abatement and Control Board.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-116: (R-93-451) ADOPTED AS RESOLUTION R-280737

Amending the Conflict of Interest Code for the City of San Diego's Park and Recreation Department.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et. seq.), as amended in 1990, requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On July 20, 1977 Council approved the Conflict of Interest Code for the Park and Recreation Department. The Conflict of Interest Code was amended in 1986 to reflect organization changes. This amendment again updates Exhibit A of the Code. This exhibit lists the duties and categories of those designated positions, the incumbents of which are required to submit Conflict of Interest Statements. Several organizational changes render Exhibit A obsolete.

This amendment changes Exhibit A of the Code. This amendment also updates the Code itself and Exhibit B to conform to overall City policy. The City Attorney's office has reviewed the proposed revisions to the Park and Recreation Department's designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC). Employees filling new positions designated as having potential conflicts of interest were afforded the opportunity to review and comment on this amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-117: (R-93-415) ADOPTED AS RESOLUTION R-280738

Adopting the revised Conflict of Interest Code for the City of San Diego Park and Recreation Board.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et. seq.), as amended in 1990, requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. Additionally, Council Resolution R-275742, adopted in May 1990 states "that all City advisory boards, commissions, committees and ad hoc committees created for a duration of one year or more by statute, charter, ordinance, resolution, or other formal action of the Council are hereby required to adopt Conflict of Interest Codes and file Statements of Economic Interest (730 Forms) with disclosure categories appropriately tailored to reflect the charge of the particular board, commission, committee, or ad hoc committee." Chapter II, Article 6, Section 26.30 of the San Diego Municipal Code established the Park and Recreation Board. The City Attorney's office has reviewed the proposed Code for the Park and Recreation Board and has determined that it conforms to the standards set by the Fair Political Practice Commission (FPPC). The Park and Recreation Board adopted this Code at its August 20, 1992 meeting.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-118: (R-93-450) ADOPTED AS RESOLUTION R-280739

Amending the Conflict of Interest Code for the City of
San Diego's Purchasing Department. (BID-K3404/93)

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On April 27, 1977, Council approved the Conflict of Interest Code for the Purchasing Department. The Conflict of Interest Code has been amended to reflect organization changes and changes in the law.

This amendment updates Exhibit A of the Code. This exhibit lists the duties and categories of designated positions, the incumbents of which are required to submit Conflict of Interest Statements. This amendment also updates the Code itself and Exhibit B to conform to overall City policy.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-119: (R-93-408) ADOPTED AS RESOLUTION R-280740

Amending the Conflict of Interest Code for the Risk
Management Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-120: (R-93-356) ADOPTED AS RESOLUTION R-280741

Adopting the revised Conflict of Interest Code for the San Diego Convention Center Corporation, Inc.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-121: (R-93-414) ADOPTED AS RESOLUTION R-280742

Adopting the Conflict of Interest Code for the City of San Diego's Senior Citizen Advisory Board.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. Council Resolution R-275742, adopted on May 21, 1990, requires all City advisory boards, commissions, committees and ad hoc committees created for a duration of one year or more by statute, charter, ordinance, resolution, or other formal action of the City Council, to have Conflict of Interest Codes and to file Statements of Economic Interest (730 Forms). Chapter II, Article 6, Section 26.05 (Ordinance O-16097, January 3, 1984) of the San Diego Municipal Code established the San Diego Senior Citizen Advisory Board.

The City Attorney's office has reviewed the proposed code and exhibits for the Senior Citizen Advisory Board and has determined that it conforms to the standards set by the Fair Political Practice Commission. Board members filling positions designated as having the potential for conflicts of interest were afforded the opportunity to review and comment on this Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-122: (R-93-395) ADOPTED AS RESOLUTION R-280743

Adopting the City Manager's recommendation that no change to the Conflict of Interest Code for the Transportation Demand Management Appeals Board be made at this time.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-123: (R-93-419) ADOPTED AS RESOLUTION R-280744

Adopting the Conflict of Interest Code for the City of San Diego's Wetland Advisory Board.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et. seq.), as amended in 1990, requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. Additionally, Council Resolution R-275742, adopted in May 1990 states "that all City advisory boards, commissions, committees and ad hoc committees created for a duration of one (1) year or more by statute, charter, ordinance, resolution, or other formal action of the Council are hereby required to adopt Conflict of Interest Codes and file Statements of Economic Interest (730 Forms) with disclosure categories appropriately tailored to reflect the charge of the particular board, commission, committee, or ad hoc committee." The Wetlands Advisory Board was created by City Council Ordinance O-17674, adopted on September 9, 1991. The City Attorney's office has reviewed the proposed Code for the Wetlands Advisory Board and has determined that it conforms to the standards set by the Fair Political Practice Commission (FPPC). The Wetlands Advisory Board adopted this Code at its August 18, 1992 meeting.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-124: (R-93-348) ADOPTED AS RESOLUTION R-280745

Excusing Councilmember Valerie Stallings from attending the Special Council meeting called during Legislative Recess on Friday, August 21, 1992.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-125: (R-93-506) ADOPTED AS RESOLUTION R-280746

Excusing Mayor Maureen O'Connor from attending the regularly scheduled Council meetings of September 14 and 15, 1992, due to personal reasons.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-126: (R-93-339) ADOPTED AS RESOLUTION R-280747

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$30,000 from CIP-17-001, Annual Allocation - Minor Drain Requirements, Fund 30300, to CIP-17-002.0, Annual Allocation - Storm Drain Projects Not Yet Identified; authorizing the expenditure of an amount not to exceed \$30,000 from CIP-17-002.0, Fund 30300, to fund utility charges of \$15,861; Change Order No. 1 for \$1,100; Change Order No. 2 for \$3,203.75 and related costs for Drain Reconstruction at Peterlynn Drive and Marzo Street.

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

CITY MANAGER SUPPORTING INFORMATION: In March 1992, the intersection of Peterlynn Drive and Marzo Street collapsed due to the failure of an 84-inch CMP drain pipe. A contract to reconstruct a portion of the drain using 84-inch RCP and to repair the street was immediately prepared. An existing 10-inch AC water main had to be temporarily cut, plugged, and high lined to continue water service and facilitate reconstruction of the drain. This unexpected cost of \$15,861 to the project will be funded by this action. In addition, Change Order No.1 for \$1,100, Change Order No. 2 for \$3,203.75 and related costs will be funded by this action.

Aud. Cert. 9300154.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-127: (R-93-349) ADOPTED AS RESOLUTION R-280771

Authorizing the expenditure of an amount not to exceed \$316,644 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, Capital Outlay Fund 30245, for payment to San Diego Gas and Electric Company for the purchase and installation of new street lights to replace existing pole mounted street lights

in the following underground utility districts:

(A)	Logan Avenue (43rd - Euclid) Underground Utility District - 3 street lights	\$ 26,320
(B)	Governor Drive (Genesee to Gullstrand) Underground Utility District - 2 street lights	\$ 8,752
(C)	Marina "G" Blocks Underground Utility District - 12 street light foundations	\$ 68,940
(D)	Imperial Avenue (8th to 24th) Underground Utility District - Additional fees for 15 street lights	\$ 9,902
(E)	Catalina Blvd. (Canon to Varona) Underground Utility District - 1 street light	\$ 2,686
(F)	Nimitz Boulevard Underground Utility District - 35 street lights	\$ 75,000
(G)	Gaslamp Quarter Underground Utility District - 5 street lights	\$ 20,000
(H)	Catalina Boulevard (Varona to Catalina Place) Underground Utility District - 9 street lights	\$105,044

(Centre City, Greater Golden Hills, Peninsula, Lincoln Park, University Community Areas. Districts-1, 2, 4 and 8.)

CITY MANAGER SUPPORTING INFORMATION: As part of the City's Underground Utility Program, existing pole-mounted street lights must be replaced with new street lights when the overhead utilities are removed. The City owns all street lights, and it is necessary for the City to pay this cost. SDG&E has estimated the cost of purchasing and installing new street lights to be \$316,644 if installed by their contractor. The City has the option of purchasing and installing these street lights through a City contract. However, the City's cost estimate for these projects is \$331,582, which is more than SDG&E's cost estimate.

Aud. Cert. 9300153.

FILE LOCATION: STRT-K-157, K-177, K-162, K-181, K-180, K-185, K-168, K-116

COUNCIL ACTION: (Tape location: G069-181.)

Motion by Stevens to continue to October 27, 1992 until such time that this matter could be noticed for inclusion of a waiver of the City policy on lighting, with respect to the lights on Imperial Avenue only. Second by Hartley. Failed by the following vote: Yea-2,3,4,5; Nay-6,7,8; Not Present-1,M.

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

* ITEM-128: (R-93-433) ADOPTED AS RESOLUTION R-280748

Authorizing the City Manager to establish a trust account for rents received from the Dixon Life Estate in connection with Sunset Cliffs Natural Park, to be used solely and exclusively for the benefit of Sunset Cliffs Natural Park, with the rents to be deposited in such trust account pending the adoption of the Sunset Cliffs Natural Park Master Plan; authorizing the City Auditor and Comptroller to establish Fund No. 63034, entitled Sunset Cliffs Natural Park Lease Revenue, and to deposit rents of \$3,525 collected each month in the account, and transfer rents collected to date from Fund 100, Revenue Account 75697, to Fund 63034;

authorizing the expenditure of funds from Fund 63034, for the benefit of Sunset Cliffs Natural Park.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This action will authorize the City Manager to establish a trust account for rents received from a former life estate on Sunset Cliffs Natural Park to be used exclusively to benefit the park including helping to pay for the master plan. The Dixon Life Estate reverted to the City in February, 1992 and the residential rents are currently \$3,925 per month. The City Attorney advises that this property cannot continue as a rental for non-park purposes for an extended period of time without being in violation of City Charter Section 55 regarding appropriate uses of dedicated parkland. A Master Plan

for the park is currently being developed. Among other issues, it will address the future use of this former life estate. However, the master planning effort is currently underfunded. Given the limited time remaining for the City to collect these rents and the need for additional funding for the park master planning effort, it is recommended that the rents from the former life estate be deposited in the trust account only until adoption of the park master plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-129: (R-93-390) ADOPTED AS RESOLUTION R-280772

Authorizing the City Manager to apply for, and if selected, to accept and expend the grant application proposal from the California Department of Social Services, who in turn will submit it to the Federal Office of Refugee Resettlement to renew, Refugee Assistance Project.

(District-3.)

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego Police Department, in response to a request from the Federal Office of Refugee Resettlement, via the California Department of Social Services, has developed a program renewal proposal entitled Refugee Assistance Project. The proposal requests \$150,243 to continue the development and implementation of a program designed to assist the four major Indochinese refugee populations in San Diego (Vietnamese, Cambodian, Lao and Hmong), Ethiopians and other groups as identified. The proposal request continued funding for three Community Service Officers, a Clerical Assistant, and miscellaneous support supplies and equipment to continue the Community Oriented approach to crime prevention, victim services, and personal safety programs in high impact neighborhoods. Outreach strategies include telephone hotlines with messages in each of the languages, advertisements through local refugee publications, educational classes and

workshops, personal contacts, liaison and coordination of services with existing refugee organizations, and outreach activities throughout the target populations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E017-020.)

MOTION BY STEVENS TO ADOPT. Second by Hartley. 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-not present.

* ITEM-130:

Two actions relative to the Twenty-Year Capital Facilities Plan:

(See City Manager Report CMR-92-291.)

Subitem-A: (R-93-452) ADOPTED AS RESOLUTION R-280749

Approving the level of service rating system for capital facilities (fire, library, park and recreation, police and operations stations) for the purpose of establishing priorities in the Capital Facilities Plan, pursuant to the Capital Facilities Plan Ordinance of 1990 (00-17537).

Subitem-B: (R-93-453) ADOPTED AS RESOLUTION R-280750

Declaring that the information contained in Environmental Impact Report DEP-90-0526, certified by the City Council by Resolution R-276651, adopted on October 1, 1990, including any comments received during the public review process, has been reviewed and considered by the Council in connection with the Twenty Year Capital Facilities Plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-131: RETURNED TO CITY MANAGER

Two actions relative to the agreement with Chevron,
U.S.A., Inc.:

(Barrio Logan Community Area. District-8.)

Subitem-A: (R-93-272)

Authorizing the execution of an agreement with Chevron
U.S.A., Inc., for removal and replacement of sewer
mains on Harbor Drive;

authorizing the expenditure of an amount not to exceed
\$117,187.18 from Sewer Revenue Fund 41506, CIP-44-
001.0, Annual Allocation for Sewer Main Replacement, to
provide funds for the project; authorizing the City
Manager to finance or refinance the project with tax
exempt securities, if circumstances so warrant.

Subitem-B: (R-93-273)

Certifying that the information contained in DEP-91-
0611, in connection with the removal and replacement of
sewer main on Harbor Drive, has been completed in
compliance with the California Environmental Quality
Act of 1970, as amended, and State guidelines, and that
said Declaration has been reviewed and considered by
the Council.

CITY MANAGER SUPPORTING INFORMATION: As a condition of Building
Permit No. W-41296, dated February 10, 1992, the developer is
required to make improvements to the existing 10-inch sewer main
running across Harbor Drive at Schley Street and to the existing
8-inch sewer running through its property to Sicard Street.
These public sewer improvements are necessary and for the benefit
of the City as a whole. These improvements include the removal of
approximately 750 lineal feet of deteriorating sewer main from the
existing manhole at Sicard Street going east up to the northerly
property line at the Harbor Drive and Schley Street intersection.
The line to be removed will be replaced by the following:
approximately 145 lineal feet of new 8-inch PVC private sewer

section at the westerly end of the subject property toward Sicard Street; approximately 60 lineal feet of new 8-inch PVC and approximately 90 lineal feet of new 10-inch PVC sewer mains at Harbor Drive and Schley Street intersection. The proposed agreement provides for repayment to the developer of 87.026% of the actual cost of design and construction. The replacement of approximately 145 lineal feet of new 8-inch PVC sewer section at the westerly end of the property is of private benefit and represents the developer's share of the project cost.

Aud. Cert. 9300147.

WU-U-92-111.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A223-243.)

MOTION BY McCARTY TO RETURN ITEMS 131 AND 132 TO THE CITY MANAGER ON BEHALF OF THE CITY MANAGER TO HAVE THE EQUAL OPPORTUNITY LANGUAGE ADDED TO THE AGREEMENTS AND TO COME BACK IN TWO TO THREE WEEKS WITH THE REVISED AGREEMENTS.

Second by Stevens. 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-132: RETURNED TO CITY MANAGER

Two actions relative to an agreement with Tierrasanta L-L Partnership for Phase II Water Main Improvements:

(Tierrasanta Community Area. District-7.)

Subitem-A: (R-93-302)

Authorizing the execution of an agreement with Tierrasanta L-L Partnership, for the design and construction and reimbursement of Phase II water main improvements in Tierrasanta; authorizing the expenditure of an amount not to exceed \$448,035 from Water Revenue Fund No. 41500, Water System Construction Program, Tierrasanta Pressure Zone Improvements, CIP-73-300, for the purpose of providing funds for this project; authorizing the City Manager to finance or

refinance this agreement with tax exempt securities, if circumstances so warrant.

Subitem-B: (R-93-303)

Certifying that the information contained in Environmental Impact Report DEP-91-0264, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Report and Mitigation, Monitoring, and Reporting program have been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: As a condition of Subdivision Board Resolution No. 5450, dated June 5, 1989, Tentative Map TM-89-0396, Tierrasanta L-L Partnership was required to make improvements to the Tierrasanta Pressure Zone. The developer prepared a study which analyzed alternatives for the Phase II improvements. The Water Utilities Department and Tierrasanta L-L Partnership have agreed that the best alternative is the installation of approximately 2,800 feet of 16-inch diameter water main. The Phase II improvements are needed to upgrade existing water systems to provide sufficient redundancy for the existing area. The facilities will benefit the City as a whole. After City acceptance of the water main, the City will reimburse the developer for the actual cost to design and construct Phase II improvements.

Aud. Cert. 9300156.

WU-U-92-169.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A223-243.)

MOTION BY McCARTY TO RETURN ITEMS 131 AND 132 TO THE CITY MANAGER ON BEHALF OF THE CITY MANAGER TO HAVE THE EQUAL OPPORTUNITY LANGUAGE ADDED TO THE AGREEMENTS AND TO COME BACK TO COUNCIL IN TWO TO THREE WEEKS WITH THE REVISED AGREEMENTS. Second by Stevens. 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-133: (R-93-478) ADOPTED AS RESOLUTION R-280751

Authorizing the execution of an agreement with the United States of America, Department of the Navy, for the City to provide relocation assistance services to the Department of the Navy.

CITY MANAGER SUPPORTING INFORMATION: Periodically the City of San Diego has provided relocation assistance to governmental agencies that do not possess their own relocation assistance programs. One of those agencies, the Navy, is preparing to purchase privately owned housing for conversion to Navy Housing and will be generating a need for relocation assistance for approximately 40 relocatees. Due to their lack of an in-house relocation program they have requested the City's assistance in providing relocation services. Based upon work load projections, the Relocation Section will have a window of opportunity between projects that will enable it to provide the levels of service required by the Navy.

FILE LOCATION: MEET CONTFY93-1

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-134:

Two actions relative to the San Ysidro Revitalization Project, Inc.:

(San Ysidro Community Area. District-8.)

Subitem-A: (R-93-439) ADOPTED AS RESOLUTION R-280752

Authorizing the execution of an agreement with San Ysidro Revitalization Project, Inc., for specified economic development activities; authorizing the

expenditure of an amount not to exceed \$150,000 from Fund 18528, Dept. 4030, Org. 3004, for the purpose of providing funds for the above project.

Subitem-B: (R-93-444) ADOPTED AS RESOLUTION R-280753

Approving the proposed amended bylaws, dated August 3, 1992, of the San Ysidro Revitalization Project, Inc.

CITY MANAGER SUPPORTING INFORMATION: The City Council, in the 1992-93 Community Development Block Grant (CDBG) appropriation cycle, approved \$150,000 grant for SYRP. This annual contract will continue to provide the funding for the major activities of SYRP. The major activities to be undertaken include promoting the San Ysidro Community, and the development and implementation of revitalization activities within the community. The term of this annual contract for CDBG funding is August 1, 1992, to July 31, 1993. There are no revisions to this contract which will alter the goals and objectives of SYRP. The original by-laws were adopted by Council on May 1, 1989. Recently the SYRP director requested that the by-laws be amended to revise Article III, Section 2, "Number and Qualification of Directors", and Section 3, "Election and Terms of Office." The revisions include modifying the Community Residency and Employment qualifications of board members, staggering the board member's terms, limiting board membership to two terms, and the reduction of acceptable excused absences.

Aud. Cert. 9300266.

FILE LOCATION: MEET CONFY93-1

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-135: (R-93-448) ADOPTED AS RESOLUTION R-280754

Authorizing the execution of a five-year flat rate lease agreement with San Diego Chapter 14 Experimental Aircraft Association, for the lease of approximately 50,243 square feet of vacant land at Brown Field

Airport, at an initial annual rent of \$5,220, (with one option for a five-year extension) with a 180-day notice of cancellation if the area is needed for future airport expansion.

CITY MANAGER SUPPORTING INFORMATION: The San Diego Chapter 14-Experimental Aircraft Association (EAA) has been a responsible tenant at Brown Field Airport since April 1981. The current leasehold consists of approximately 40,000 sq.ft. of vacant land on which the EAA has built two 40 x 40 hangars, several smaller hangars, and an aircraft tiedown area for their members. The current 5-year lease expires April 30, 1993. The EAA has requested that the City renew this lease early and increase the premises to 50,243 sq.ft. This would allow the EAA to construct and amortize an additional 5,400 sq.ft. hangar for aircraft storage and educational programs. The EAA is proposing a new lease term of 5 years with an option for an additional term of 5 years.

Current rent is \$435 per month and will remain at that rate during the first 6 months of the term to allow for the new construction. Rent will then increase to \$546 per month for the 7th through 12th months. The lease contains scheduled rent increases of approximately 6 percent per year for the second through the fifth years, with CPI adjustments at 2 year intervals during the option period. The lease contains a 180-day notice of termination in the event the area is needed for future airport expansion.

FILE LOCATION: LEAS - San Diego Chapter 14 Experimental Aircraft Association LEASFY93-1

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-136:

Two actions relative to the Fiesta Island Sludge Drying Facility:

(See City Manager Report CMR-92-281. Mission Bay Park

Community Area. District-2.)

Subitem-A: (R-93-435) ADOPTED AS RESOLUTION R-280773

Authorizing the Water Utilities Department to proceed with California Coastal Commission permitting activities related to interim mechanical dewatering equipment for installation on Fiesta Island;

authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,000,000 from the Sewer Revenue Fund Unallocated Reserve Fund 41506 (P.E. 70697) to Metro Fund 41508 (P.E. 70228) for payment of the Fiesta Island Sludge Mitigation Fees;

authorizing the expenditure of an amount not to exceed \$2,000,000 from Metro Revenue Fund 41508 (P.E. 70228), for Fiesta Island Sludge Mitigation (Fund 10507).

Subitem-B: (R-93-436) ADOPTED AS RESOLUTION R-280774

Certifying that the information contained in Negative Declaration DEP-92-0407, in connection with the Fiesta Island Interim Mechanical Dewatering Equipment, together with any comments received during the public review process, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the Negative Declaration has been reviewed and considered by the Council.

Aud. Cert. 9300062.

NOTE: See Item 203 for a companion item.

FILE LOCATION: WATER-Fiesta Island Interim Mechanical
Dewatering Equipment

COUNCIL ACTION: (Tape location: G184-264.)

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

ITEM-200:

Two actions relative to PRD Ordinance Amendment - Golf Courses:

Subitem-A: (R-93-340) ADOPTED AS RESOLUTION R-280755

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-92-0425 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-93-36 REV.1) ADOPTED AS ORDINANCE O-17834
(New Series)

Adoption of an Ordinance amending Chapter X, Article 1, Division 9, of the San Diego Municipal Code by amending Section 101.0901, relating to Planned Residential Developments, to permit golf courses as an accessory use within a Planned Residential Development.
(Introduced as amended on 9/15/92. Council voted 8-0. Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

MOTION BY ROBERTS TO ADOPT SUBITEM A AND TO DISPENSE WITH THE READING AND ADOPT SUBITEM B. Second by Behr. 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-201:

(Trailed as Unfinished Business from the meeting of August 11, 1992, Item 335 and continued from the meeting of September 14, 1992, Item 204, at Mayor O'Connor's request, to allow her to be present.)

Two actions relative to future paramedic services:

(See City Manager Reports CMR-92-284, CMR-92-279, CMR-92-258 and CMR-92-257.)

Subitem-A: (R-93-185 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-280756

Authorizing the City Manager to prepare and distribute request for qualifications/proposal and implement a competitive bid procurement evaluation process to determine the most cost effective method for paramedic service delivery.

Subitem-B: (R-93-186 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-280757

Authorizing the City Manager to expand the shared system for paramedic services by upgrading four existing engine companies Station 39 (Tierrasanta), Station 22 (Point Loma), Station 32 (Paradise Hills) and Station 17 (East San Diego/City Heights to paramedic assessment engine level in this fiscal year.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-D077.)

SUBITEM B:
MOTION BY STEVENS TO ADOPT STAFF'S RECOMMENDATION AS AMENDED TO ADD FOUR ADDITIONAL PARAMEDIC FIRE UNITS TO THE SHARED SYSTEM TO BE EFFECTIVE THROUGH JUNE 30, 1993. Second by McCarty. 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.

SUBITEM A:
MOTION BY STEVENS TO ADOPT AS AMENDED TO:
1. DIRECT THE CITY MANAGER TO PREPARE A REQUEST FOR PROPOSAL (RFP) FOR PARAMEDIC SERVICE TO BEGIN JULY 1, 1993, FOLLOWING THE STAFF'S OUTLINE IN ATTACHMENT A OF THE CITY

MANAGER'S REPORT NO. 92-296 DATED SEPTEMBER 22, 1992 AND FOLLOWING THE GUIDELINES IN PROPOSITION G AND COME BACK TO COUNCIL ON OCTOBER 19, 1992.

2. ESTABLISH AN INDEPENDENT REVIEW PANEL, SEPARATE FROM CITY STAFF, TO MAKE RECOMMENDATIONS TO THE COUNCIL REGARDING THE BIDDERS RESPONSES.

3. ESTABLISH A 911 COMMITTEE TO: 1) REVIEW ISSUES IN THE MEDICAL COMMUNITY AS FAR AS THE ROLES OF THE MAJOR HOSPITAL AND HMO'S AND HOW THEY WOULD BE AFFECTED BY THE SYSTEM; 2) DETERMINE EXACTLY WHERE WE ARE GOING WITH THE PARAMEDIC SYSTEM; AND 3) REPORT BACK TO COUNCIL BEFORE JUNE, 1993.

4. INCLUDE HARTSON PARAMEDICS' RECOMMENDATION THAT THEIR EMPLOYEES BE PART OF THE REQUEST FOR PROPOSAL.

5. DIRECT STAFF TO EXAMINE THE POSSIBILITY OF A PUBLIC CAMPAIGN TO ENCOURAGE CITIZENS TO LEARN BASIC SKILLS THAT CAN MAKE A DIFFERENCE IN SAVING LIVES AND BRING BACK THEIR RECOMMENDATIONS TO THE COMMITTEE SYSTEM.

Second by McCarty. 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-202:

Two actions relative to the Mission Trails Regional Park Visitors Center:

(See City Manager Report CMR-92-294. Mission Trails Regional Park Community Area. District-7.)

Subitem-A: (R-93-479) ADOPTED AS RESOLUTION R-280775

Approving the proposed site for the development of the Mission Trails Regional Park Visitors Center Project; directing the City Manager to proceed with the development of the Mission Trails Regional Park Visitors Center project, including dedication of the mitigation site, in an expeditious manner.

Subitem-B: (R-93-480) ADOPTED AS RESOLUTION R-280776

Certifying that Environmental Impact Report DEP-90-0980, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, that the report reflects the independent judgement of the City of San Diego as Lead agency and that the information contained in the final EIR, has been reviewed and considered by Council prior to approval of the Mission Trails Regional Park Visitors Center Project; adopting the Findings made with respect to the Mission Trails Regional Park Visitors Center project; adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required in order to mitigate or avoid significant effects on the environment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D078-108;E051-F013.)

Trailed to afternoon session due to lack of time.

MOTION BY McCARTY TO ADOPT. Second by Stevens. 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-not present.

ITEM-203: (R-93-49) ADOPTED AS RESOLUTION R-280777

(Continued from the meeting of September 14, 1992, Item 108, at the City Manager's request, to be considered with another issue.)

Awarding a contract to Klein America, Inc., for the purchase of four 2 meter filter belt presses, for an actual cost of \$1,013,108.60, including tax; authorizing the expenditure of an amount not to exceed \$1,013,108.60, from Department No. 700, Organization No. 336, Object Account No. 6010, and Job Order No. 2502, 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-B3071/92)

Nine bids received. Requested by the Water Utilities Department, Metro Wastewater Division, for use on Fiesta Island.)

Aud. Cert. 9300199.

NOTE: See Item 136 for a companion item.

FILE LOCATION: CONT-Purchase-Klein America, Inc. CONT
FY93-1

COUNCIL ACTION: (Tape location: K079-235.)

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

ITEM-204: (R-93-289) ADOPTED AS RESOLUTION R-280778

Declaring AICE, aka Architectural and Industrial Coatings Enterprises, Inc., and its principals and responsible managing employees to be non-responsible bidders; renewing the debarment of W.E. Walters and Sons, effected by Resolution R-277423, which shall be effective for a three year period, on account of the effective circumvention by W.E. Walters and Sons of its debarment through continued participation in City contracting as the substantially identical AICE; directing the Purchasing Agent to not consider any future bids submitted by W.E. Walters and Sons, nor AICE, nor their principals and managing employees, for a period of three years. (BID-R3403/93)

CITY MANAGER SUPPORTING INFORMATION: On 2/25/91, the City Council declared W.E. Walters and Sons to be a non-responsible bidder and therefore ineligible to bid on City contracts for a period of three years from that date. It has since come to our attention that Walters and Sons has been bidding City work as a subcontractor under the name of AICE, or Architectural and Industrial Coatings Enterprises. Copies of certified payrolls submitted on a current City job indicate that the personnel are the same; the State Contractor's License Board confirms that

AICE's R.M.E., W.E. Walters III, is the Vice President of Walters & Sons. W.E. Walters II, the R.M.O. of Walters & Sons, is on AICE's payroll. Today's recommendation would declare AICE, and its officers and principals to be non-responsible bidders and therefore ineligible to bid on City work as a prime contractor or subcontractor for a period of three years from the date of the Council's favorable action upon this request. Affirmative action on our recommendation would also begin a new three-year debarment of W.E. Walters and Sons, Inc. and/or Corp. and its officers and principals.

FILE LOCATION: CONT-W.E. Walters and Sons

COUNCIL ACTION: (Tape location: L003-162.)

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

ITEM-205: (R-93-477) CONTINUED TO OCTOBER 6, 1992

Authorizing the City Manager to increase the biennial Alarm Permit Fee from \$25 per permit to \$55 for a residential permit, and from \$50 to \$95 for a commercial permit.

(See City Manager Report CMR-92-289.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: G269-460.)

Hearing began 4:00 p.m. and halted 4:12 p.m.

Testimony in opposition by Susie Maloney.

MOTION BY STEVENS TO CONTINUE TO OCTOBER 6, 1992 AND TO DIRECT THE CITY MANAGER TO COME BACK WITH AN ALTERNATE TO THE CURRENT FEE STRUCTURE AND GIVE CONSIDERATION TO UTILIZING TWO SEPARATE CLASSES OF RESIDENTIAL PERMITS AND FEES - ONE FOR SINGLE FAMILY DWELLINGS AND ONE FOR MULTI-FAMILY RESIDENTS. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-nay, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-330: CONTINUED TO OCTOBER 19, 1992 AT 2:00 P.M.

A proposal to amend the San Diego Municipal Code relating to the Affordable Housing Density Bonus Program to comply with State Legislative Requirements. The proposed amendment of the Affordable Housing Density Bonus Program also constitutes an amendment to the City of San Diego's Local Coastal Program. If approved by the City Council, the proposed Local Coastal Program Amendment must be submitted to the California Coastal Commission for review and final approval. The proposed Local Coastal Program Amendment would not become effective until after approval by the California Coastal Commission.

Subitem-A: (O-93-39)

Introduction of an Ordinance amending Chapter X, Article 1, Division 3, of the San Diego Municipal Code by amending Sections 101.0307.1 through 101.0307.6 relating to the affordable housing density bonus.

Subitem-B: (O-93-40)

Introduction of an Ordinance amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code by amending Section 101.0500 and amending Chapter X, Article 3, Division 1, by amending Section 103.0101 relating to the utilization of the affordable housing density bonus.

NOTE: This project is exempt pursuant to State CEQA Guidelines Section 15061 (b) (3).

FILE LOCATION:

COUNCIL ACTION: (Tape location: A258-298.)

MOTION BY BEHR TO CONTINUE TO OCTOBER 19, 1992 AT 2:00 P.M. AT THE REQUEST OF A CONSTITUENT. AT THAT TIME, THE CITY MANAGER IS REQUESTED TO RESPOND TO THE FOLLOWING: 1) WHAT IS THE JUSTIFICATION IN APPLYING A \$1500 PROCESSING FEE TO PROCESS A DENSITY BONUS REQUEST AND WHY DOES IT HAVE TO APPLY IN THIS CASE; AND 2) WHY IS IT A DISCRETIONARY PROCESS. Second by Roberts. 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-331: CONTINUED TO OCTOBER 6, 1992

(Continued from the meeting of September 15, 1992, Item 332, at Matt Peterson's request, to come back at the same time as the development agreement.)

Matter of a request for amendments to the FSDRIP Specific Plan and the Development Agreement, Tentative Map and Mission Valley Development Permit 90-0900 (MBM West III) to construct a 371-unit residential development on a 12.9 acre site located along the south side of the San Diego River on the north side of Camino de la Reina and the west side of Mission Center Road in the Mission Valley Planned District. The subject property is located within the First San Diego River Improvement Project Specific Plan area and is zoned MV-M/SP. The site is described as Lot 3 of MBM West, Map-12358.

(SPA/MVDP/TM-90-0900. Mission Valley Community Area. District-6.)

Subitem-A: (R-93-)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-90-0900 has been completed in compliance with the

California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations, pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-93-)

Introduction of an Ordinance amending the Development Agreement.

Subitem-C: (R-93-)

Adoption of a Resolution amending the Specific Plan.

Subitem-D: (R-93-)

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-E: (R-93-)

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A337-361.)

MOTION BY STALLINGS TO CONTINUE TO OCTOBER 6, 1992 FOR FURTHER REVIEW. Second by Roberts. 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-332: (R-93-501) ADOPTED AS RESOLUTION R-280779

Changing the name of Addison Street, between Shafter Street and Canon Street, to Avenida de Portugal; declaring that signage shall indicate both the old street name and the new street name for a period of one year following the adoption date of this Resolution,

for the convenience of the general public; authorizing the installation and removal of the necessary signs and markings.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The Board of Directors of the United Portuguese S.E.S., Inc., have requested the name change to serve as a tribute to the historic accomplishments and contributions of Portuguese members of the community. The limits of the proposed name change would be from the easterly terminus of Addison Street, at Shafter Street, to the westerly extent of the public improvements, adjacent to excess Canon Street right-of-way. Of the 45 parcels affected by the name change, 22 property owners support the change, 15 are opposed, and the remaining 8 did not respond. All costs associated with the resignment have been paid for, in advance, by the applicant.

The Building Inspection Department, the Engineering and Development Department, the Fire Department, and the Police Department have all reviewed the proposed name change and have no objections. The Peninsula Community Planning Board is in favor of the name change and the Planning Department has no objections to the proposed change. On June 11, 1992, the Planning Commission unanimously recommended approval of the street name change by a vote of 5-0.

FILE LOCATION: DEED F-5905 DEED FY93-1

COUNCIL ACTION: (Tape location: G570-H326.)

Hearing began 4:18 p.m. and halted 4:46 p.m.

Testimony in favor by Gene Santos, Emile Mateus, Hedy St. John, Raymond Simac, George Silva, Manuel DaRosa.

Testimony in opposition by Maria DeSilva, Richard Binns, Elizabeth Freeman, Susan Klinger, Marion Reupsch, Harold Wachs, Loretta Highland.

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

ITEM-333: HEARING HELD

Public hearing regarding the City of San Diego's Minority and Women Business Enterprise (MBE/WBE) Program.

A special public hearing is scheduled to determine if evidence of discrimination in the past selection of consultants for City contracts exists, and if so, to document that discrimination for the record. Minority and women business owners and other members of the community have been invited to testify for the record, their experiences, in particular any forms of discrimination they may have experienced in attempts to obtain consultant contracts from the City. If substantial evidence of past discriminatory practices by the City are documented in the hearing, the City may take action to include MBE/WBE participation as a consultant selection criterion for future consultant solicitations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H329-J179.)

Hearing began 4:46 p.m. and halted 6:01 p.m.

Testimony in favor by George Chandler, Al Kercheval, Ross King, Linda Hart, Tiong Liem, Rosalind Winstead, Simon Wong, Tricia McColl.

MOTION BY STEVENS TO HOLD THE HEARING AND TO DIRECT STAFF TO REINSTATE THE MBE/WBE WEIGHTED CRITERIA AS PART OF THE EVALUATION PROCESS UNTIL A DISPARITY STUDY IS CONDUCTED AND THE COUNCIL IS ABLE TO CONCLUDE A DEGREE OF DISCRIMINATION, IF ANY, THAT OCCURS IN CONTRACTING EFFORTS CONDUCTED WITH THE CITY OF SAN DIEGO. INCLUDE AN OPINION FROM THE CITY ATTORNEY AS TO WHAT LEGAL ACTION FROM EITHER SIDE, MINORITY OR NON-MINORITY COULD RESULT FROM THE WEIGHTED CRITERIA PROGRAM AND BRING BACK TO COUNCIL ON OCTOBER 26, 1992; BE CERTAIN THAT THERE IS A FILIPINO REPRESENTATIVE ON THE EVALUATION TASK FORCE. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-334: (R-93-476) ADOPTED AS RESOLUTION R-280780

Adoption of a Resolution approving the Initiation of a Development Agreement between the City of San Diego and Potomac Investment Associates of San Diego for Black Mountain Ranch North and South. The approximately 4,000 acre project includes Planned Residential Permits, Tentative Maps, Conditional Use Permits, Resource Protection Ordinance Permits, Street Vacations, and a General Plan Amendment.

The subject property is located to the east of Fairbanks Ranch and to the northwest of Rancho Penasquitos within the northeast portion of the City of San Diego and is described as portions of Sections 35 & 36, Township 13 South, Range 3 West, SBM; together with portions of Sections 1 & 2, Township 14 South, Range 3 West, SBM, together with a portion of Section 31, Township 13 South, Range 2 West, SBM; together with portions of Section 1, Township 14 South, Range 3 West, SBM, together with a portion of Parcel 2 of Parcel Map PM-12443. In addition, Section 25 and a portion of Section 36, Township 13 South, Range 3 West, SBM; together with the southwest 1/4, the west 1/2 of the northeast 1/4, the northwest 1/4 of the southeast 1/4, Lots 4,5,and 6 and a portion of the northwest 1/4 of Section 30, Township 13 South, Range 2 West, SBM; together with a portion of Section 31, Township 13 South, Range 2 West, SBM; together with the south 1/2 of the southwest 1/4, the southwest 1/4 of the southeast 1/4, and Lots 1, 2, 3, and 4 of Section 32, Township 13 South, Range 2 West, SBM; together with Lot 1 and a portion of Lot 2, and a portion of the south 1/2 of the southwest 1/4 of Section 33, Township 13 South, Range 2 West, SBM; together with portions of the east 1/2 of the northwest and the east 1/2 of the southwest 1/4 of Section 4, Township 14 South, Range 2 West, SBM; together with a portion of Parcel 1 of Parcel Map PM-12443. The A1-10/HR, R1-5000 zoned site is within the North City Future Urbanizing Area and the Rancho Penasquitos Community Planning Area. (District-1.)

CITY MANAGER SUPPORTING INFORMATION: The project totals approximately 4,170 acres out of a total ownership of 4,600 acres. The remaining 490 acres are held in reserve for later

urbanization. The Black Mountain Ranch site is located to the east of Fairbanks Ranch and to the northwest of Rancho Penasquitos within the northeast portion of the City of San Diego. The site is zoned A1-10, R1-5000, and HR. The property is located within the North City Future Urbanizing Area (FUA) plan boundaries and the Rancho Penasquitos Community Plan Area. The current project proposes development of two PGA golf courses; residential development; community parks; public and private open space of which 1,786 acres would be offered for dedication as public natural open space within the focused planning area of the San Dieguito River Valley Regional Open Space Park. This site is designated Open Space and Future Urbanizing Area within the General Plan with development potential of one unit per four acres in accordance with Council Policy 600-29. A small portion of the site is designated low density residential within the Rancho Penasquitos Community Plan Area.

FILE LOCATION: DEVL-Black Mountain Ranch North and South

COUNCIL ACTION: (Tape location: E017-020.)

Hearing began 2:20 p.m. and halted 2:20 p.m.

MOTION BY STEVENS TO ADOPT. Second by Hartley. 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-not present.

ITEM-335: CONTINUED TO OCTOBER 6, 1992 AT 2:00 P.M.

(Continued from the meeting of September 15, 1992, Item 337, at Councilmember Behr's request on behalf of the City Manager.)

Six actions relative to Black Mountain Road Assessment District No. 4070 (1913 Improvement Act):
(Mira Mesa Community Area. District-5.)

Subitem-A: (R-93-426)

Certifying that the information contained in EIR-86-0969 is recertified for Assessment District proceedings in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the information has been reviewed and considered by the

Council.

Subitem-B: (R-93-427)

Approving contracts for ownership of improvements.

Subitem-C: (R-93-428)

Directing call for construction bids.

Subitem-D: (R-93-429)

Ordering changes and modifications in the Engineer's Report.

Subitem-E: (R-93-430)

Authorizing certain assessment district bonds to be sold at a public sale and directing a call for sealed bids.

Subitem-F: (R-93-431)

Providing for the issuance of improvement bonds in an amount not to exceed \$6,200,000 principal amount of the City of San Diego Assessment District No. 4070 (Black Mountain Road) Limited Obligation Improvement Bonds, Series 1992; prescribing the denominations, date, form, and maximum rate of interest;

authorizing the execution of the bonds; appointing the City Treasurer as Registrar and Paying Agent for the bonds; providing for the collection of assessments to pay the principal of and interest on the bonds; and authorizing the sale of the bonds.

CITY MANAGER SUPPORTING INFORMATION: On September 23, 1991, the City Council accepted the property owner petition for the improvement of Black Mountain Road through assessment district proceedings. Their petition was signed by the developer, Pardee Construction Company, representing 100 percent of the landowners within the proposed assessment district. The district to be established would be an acquisition-type district in which the developer would construct the public improvements and the City would acquire the completed improvements from the developer. The Municipal Improvement Act of 1913 requires the City Council to adopt a resolution indicating their intention to form a special

assessment district. Subsequent to Council adoption of the Resolution of Intention, a preliminary Engineer's Report describing the work of improvement, proposed boundaries of the assessment district and estimated assessments would be submitted for consideration. The improvements to be installed and financed under assessment district proceedings consist of grading, paving, curb and gutter, sidewalk, sewer, water and storm drain facilities, traffic signalization and landscaping.

FILE LOCATION:

COUNCIL ACTION: (Tape location: E026-035.)

MOTION BY BEHR TO CONTINUE TO OCTOBER 6, 1992 AT 2:00 P.M. Second by Stallings. 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-not present.

* ITEM-S400: (R-93-290) ADOPTED AS RESOLUTION R-280758

Awarding a contract to Hunter Corporation for the Construction of Mission Beach Drainage Pump Stations: Phase I Santa Clara Cove in the amount of \$3,090,00; authorizing the City Auditor and Comptroller to transfer \$256,165 from CIP-52-363 (TransNet Fund 30300), Front Street and First Avenue, to CIP-11-226, Mission Beach Drainage; authorizing the transfer of \$189,635 from CIP-58-004 (TransNet Fund 30300), Annual Allocation - Miscellaneous Requirements, to CIP-11-226, Mission Beach Drainage;

authorizing the additional expenditure of \$445,800 from CIP-11-226, to supplement funds previously authorized by Resolution R-280447 for the Construction of Mission Beach Drainage Pump Stations: Phase I Santa Clara Cove and Phase II El Carmel Place, adopted on August 3, 1992, for said project and related costs;

authorizing the City Manager to request funding from SANDAG through the Debt Financing Program in the amount not to exceed \$1,500,000; authorizing the execution of the necessary documents related to the receipt of the funds from SANDAG; and certifying that the City will be responsible for paying its proportional share of the

issuance costs and overall annual department service requirements of the SANDAG Debt Financing Program and that such costs shall be the first priority of the City of San Diego's Annual Allocation of TransNet revenues. (BID-K3291/93)

(Mission Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The Phase I Pump Station at Santa Clara Cove will tie into the network of storm drains currently under construction as Mission Beach Drainage Phase I Streets, Alleys and Drains which will complete Phase I of this project. At the completion of this contract flooding of the northern portion of Mission Beach will be reduced. Bids were opened for Phase I Pump Station on August 26, 1992 with the low Base Bid (Schedule I) of \$3,090,000 from Hunter Corporation. This bid was the lowest of the nine bids received from 176 bid packages issued and was 11 percent above the budget of \$2,779,000. It is anticipated that rebidding would not produce a significant lower bid, therefore it is recommended that this contract be awarded to the Hunter Corporation.

Aud. Cert. 9300289.

FILE LOCATION: CONT - Hunter Corporation CONFY93-1

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-S401: (R-93-291) ADOPTED AS RESOLUTION R-280759

Rejecting all bids received on August 14, 1992 and readvertising for bids for the Construction of West Miramar Solid Waste Facility - Phase 2 - Contract 1; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure from Refuse Disposal Enterprise Fund 30244 (Source Fund 41201), CIP-37-056, not to exceed \$4,000,000;

authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer

excess funds, if any, to the appropriate reserves.

(BID-K3292/93A)

(Miramar Naval Air Station. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The 807-acre West Miramar Solid Waste Facility is located east of I-805, south of the U.S. Navy's Miramar Naval Air Station and north of State Highway 52. The City of San Diego operates the Miramar Landfill under a grant of easement from the United States of America which is administered by the U.S. Navy. Landfilling operations began in 1982 in the Phase I area and are scheduled to be transferred to the Phase II area by January 1993. The purpose of this work is to construct the improvements necessary to maximize landfill capacity in the Phase II area. This includes the excavation of approximately 3,500,000 cubic yards of soil and the installation of a siltation basin/dam in accordance with the facility development plan. A previous low bid from Christ Excavating and Grading Inc., was rejected as they did not meet the required equal employment opportunity conditions.

Aud. Cert. 9300058.

FILE LOCATION: W.O. 118802 CONT - Crist Excavating and Grading

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-93-245) NOTED AND FILED

(Continued from the meetings of August 10, 1992, Item S410, September 14, 1992, Item 191 and September 22, 1992, Item S401b; last continued at the City Manager's request for full Council.)

Supporting AB 3825 (Brown): California Civil Rights Restoration Act of 1992; directing the Department of Legislative Services and the City's Sacramento advocates to communicate the City's support to appropriate members of the State Legislature and the

Governor.

(See Department of Legislative Services Report DLS-92-29.)

COMMITTEE ACTION: Forwarded to full Council due to the canceled COMM meeting of 8/5/92 (Agenda Item 5).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A244-257.)

MOTION BY STALLINGS TO NOTE AND FILE AT THE REQUEST OF THE CITY MANAGER. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-S403: (R-93-550 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-280781

Directing the Department of Legislative Services to initiate a Request for Proposal process consistent with all City, state and federal regulations for the selection of state and federal lobbyists for the 1993-1994 Legislative Session, as set forth in Department of Legislative Services Report DLS-92-35; selecting an Ad Hoc Committee to actively participate in the selection process.

(See Department of Legislative Services Report DLS-92-35.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: K239-599.)

Motion by Stevens to continue one week for full council. Second by Hartley. Failed by the following vote: Yea-3,4; Nay-2,5,6,8; Not present-1,7,M.

MOTION BY BEHR TO ADOPT WITH THE AMENDMENT THAT STAFF ENTER INTO RENEGOTIATIONS OF THE EXISTING CONTRACT AND TO ACCEPT COUNCIL MEMBER FILNER'S AMENDMENT TO BROADEN THE SCOPE OF WORK WITHIN THE CONTRACT AND NEGOTIATE WITH REGARD TO

BROADENING THE REPRESENTATION EITHER THROUGH THE MAJOR PARTNERS OR THROUGH SUB-CONTRACTING TO DESIGNATE ADDITIONAL SCOPES OF WORK AND ADDITIONAL EXPERTISE, THIS IN AN EFFORT TO STRENGTHEN RELATIONS WITH MEXICO AND TIJUANA IN PARTICULAR. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-S404: TRAILED TO OCTOBER 5, 1992 DUE TO LACK OF FIVE AFFIRMATIVE VOTES

Two actions relative to Centre City Waterfront Planning Issues:

(Centre City Community Area. District-2.)

Subitem-A: (R-93-542)

Finding that the Central Bayfront Design Principles, Centre City Community Plan and implementing ordinances, as adopted, establish appropriate comprehensive and cohesive land use and development goals, policies and implementation mechanisms for the Centre City Waterfront Area.

Subitem-B: (R-93-541)

Authorizing the execution of a Memorandum of Understanding with the Board of Port Commissioners of the San Diego Unified Port District.

FILE LOCATION:

COUNCIL ACTION: (Tape location: J186-K078.)

Motion by Stallings to continue to October 20, 1992 to allow time for a public presentation and for additional information. Second by Filner. Failed by the following vote: Yea-3,6,8; Nay-2,4,5; Not present-1,7,M.

Motion by Behr to Adopt. Second by Roberts. Failed by the following vote: Yea-2,4,5; Nay-3,6,8; Not present-1,7,M.

* ITEM-S405: (R-93-565) ADOPTED AS RESOLUTION R-280760

Amending the Conflict of Interest Code for the City of San Diego's Library Department.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On April 27, 1977 Council approved the Conflict of Interest Code for the Library Department. This amendment updates Exhibit A of the Code. This exhibit lists the duties and categories of these designated positions, the incumbents of which are required to submit Conflict of Interest Statements. Several organizational changes render Exhibit A obsolete. This amendment changes Exhibit A of the Code.

This amendment also updates the Code itself and Exhibit B to conform to overall City policy. The City Attorney's office has reviewed the proposed revisions to the Library Department's designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC). Employees filling new positions designated as having potential conflicts of interest were afforded the opportunity to review and comment on this amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-S406: (R-93-566) ADOPTED AS RESOLUTION R-280761

Adopting the revised Conflict of Interest Code for the City of San Diego's Board of Library Commissioners.

CITY MANAGER SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of

Interest Code to the City Council. On April 27, 1977 Council approved the Conflict of Interest Code for the Board of Library Commissioners. The amendment updates Exhibit A of the Code. This exhibit lists the duties and categories of those designated positions, the incumbents of which are required to submit Conflict of Interest Statements. This amendment also updates the Code itself and Exhibit B to conform to overall City policy. The City Attorney's office has reviewed the proposed revisions to the Board of Library Commissioners' designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC). Commissioners were afforded the opportunity to review and comment on this amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-S407: (R-93-540) ADOPTED AS RESOLUTION R-280762

Amending the Conflict of Interest Code for the City of San Diego's Department of Legislative Services.

SUPPORTING INFORMATION: The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On July 20, 1977 Council approved the Conflict of Interest Code for the Department of Legislative Representation. The Department of Legislative Representation was changed to the Department of Intergovernmental Relations and a new Conflict of Interest Code was approved by Council on March 9, 1981. The Department of Intergovernmental Relations has been changed to the Department of Legislative Services with several changes in personnel functions and duties. The amendment updates the Code itself and Exhibit A and Exhibit B to conform to overall City policy. The City Attorney's office has reviewed the proposed revisions to the Department of Legislative Services Conflict of Interest Code, including Exhibit A and Exhibit B, and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC). Employees filling new positions designated as having potential conflicts of interest

were afforded the opportunity to comment on this amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-S408: (R-93-545) ADOPTED AS RESOLUTION R-280763

Amending the Conflict of Interest Code for the City of San Diego's Office of the City Manager.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-S409:

Five actions relative to approving the final subdivision map of Carmel Valley Neighborhood 1 Units 3 and 4 Resubdivision, a 70-lot subdivision located easterly of Del Mar Heights Road and El Camino Real:

(Carmel Valley Community Area. District-1.)

Subitem-A: (R-93-553) ADOPTED AS RESOLUTION R-280764

Approving the final map.

Subitem-B: (R-93-554) ADOPTED AS RESOLUTION R-280765

Authorizing the execution of a Subdivision Improvement Agreement with Village Properties, for the installation and completion of public improvements.

Subitem-C: (R-93-555) ADOPTED AS RESOLUTION R-280766

Authorizing the Mayor and City Clerk to execute a certificate of ownership on the final map of Carmel Valley Neighborhood 1 Units 3 and 4 Resubdivision, consenting to the preparation and recordation of the map.

Subitem-D: (R-93-556) ADOPTED AS RESOLUTION R-280767

Authorizing the execution of a Park Reimbursement Agreement with Baldwin Building Contractors, for reimbursing the developer for the cost of the design and construction of the neighborhood park for Carmel Valley Neighborhood 1 Units 3 and 4 Resubdivision.

Subitem-E: (R-93-558) ADOPTED AS RESOLUTION R-280768

Authorizing the refunding of all fees paid in connection with the final map of and the public improvements associated with Carmel Valley Neighborhood 1 Unit 3.

Subitem-F: (R-93-557) ADOPTED AS RESOLUTION R-280769

Terminating the Subdivision Improvement Agreement of February 12, 1990; releasing Performance Bond No. 11132702157, issued by The American Insurance Company, guaranteeing the improvements in the subdivision known as Carmel Valley Unit 1 No. 3.

CITY MANAGER SUPPORTING INFORMATION: In order to satisfy Conditions 15(b) and (c) of City Council Conditions for Tentative Map TM-90-0471, the Subdivider (Village Properties) is entering into an agreement with the City whereby the Subdivider will design and construct the neighborhood park and will be reimbursed through the City's FBA Ordinance. On February 12, 1990 the City approved the final map of Carmel Valley Neighborhood 1 Unit 3, and entered into a subdivision improvement agreement with the Subdivider. On September 19, 1989 the City issued Engineering Permit No. W-37108 to assure the construction of the public improvements necessary to serve the 3-parcel Parcel Map PM-16001 (Carmel Valley Neighborhood 1 Unit 4). The current resubdivision map being filed will be recorded over the two above mentioned maps. The obligations of the Unit 3 map and subdivision

agreement have been met with the new resubdivision map and subdivision improvement agreement. Therefore the subdivision improvement agreement for Unit 3 is being terminated, the bond released, and the fees paid in connection with Unit 3 are being refunded. The subject fees are as follows:

		FUND	ACCOUNT
Lot Stakes & Monument Bond	\$12,000.00	63021	9022
Subdivision Monumentation	1,760.00	100	77442
As Builts - Mapping	773.50	100	77441
Total	\$14,533.50		

FILE LOCATION: SUBD - Carmel Valley Neighborhood 1 Units 3
and 4 Resubdivision CONFY93-2

COUNCIL ACTION: (Tape location: A387-405.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Behr. 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-S500: (R-93-218) ADOPTED AS AMENDED AS RESOLUTION R-280782

(Continued from the meetings of August 4, 1992, Item S503, August 11, 1992, Item S503, September 15, 1992, Item 340 and September 22, 1992, Item S500; last continued at Councilmember Stalling's request, to allow Mayor O'Connor to be present.)

Determining that the use of funds from the Marina Redevelopment Project Low and Moderate Income Housing Fund toward the construction of a development, Horton Fourth Avenue, within the Horton Plaza Redevelopment Project, will be of benefit to the Marina Redevelopment Project.

(See memorandum from CCDC Executive Vice President dated 7/28/92. District-2.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G471-510.)

MOTION BY ROBERTS TO ADOPT AS AMENDED AND APPROVE MAYOR O'CONNOR'S CONDITIONS AS FOLLOWS:

1. THE AGENCY LOAN MUST BE IN THE SECOND POSITION, BEHIND ONLY A SENIOR CONSTRUCTION LOAN OR PERMANENT LOAN, SHOULD PERMANENT FINANCING BE OBTAINED.

2. THE AGENCY LOAN PRINCIPAL AND INTEREST MUST BE DUE AND PAYABLE UPON SALE OF THE PROJECT.

3. THE CITY MUST RETAIN THE RIGHT TO STEP INTO THE SHOES OF THE DEVELOPER TO CURE ANY DEFAULT ON THE SENIOR CONSTRUCTION OR PERMANENT LOAN. THIS SHOULD INCLUDE THE CITY, HOUSING AUTHORITY OR REDEVELOPMENT AGENCY. THIS IS NEEDED TO ASSURE THAT THE HOUSING AFFORDABILITY RESTRICTIONS, WHICH MAY BE SUBORDINATED, WILL REMAIN IN EFFECT.

4. THE AGENCY MUST RECEIVE FIFTY PERCENT OF THE PROCEEDS OF ANY SALE OR REFINANCING, NOT TWENTY-FIVE PERCENT AS PROPOSED.

5. THE AGENCY MUST RECEIVE WRITTEN CONFIRMATION THAT THE PROPOSED USE OF THE HORTON PLAZA AND MARINA LOW AND MODERATE INCOME HOUSING FUNDS IS AUTHORIZED AS PROPOSED. THIS CONFIRMATION MUST SPECIFICALLY ADDRESS THE ISSUE OF SUBORDINATING THE HOUSING AFFORDABILITY PROVISIONS OF THE DDA TO A PRIMARY LENDER.

Second by Hartley. 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-S501: (R-93-353) CONTINUE TO OCTOBER 6, 1992

(Continued from the meetings of September 15, 1992, Item 339, and September 22, 1992, Item S501; last continued at the City Manager's request on behalf of the Centre City Development Corporation.)

Approving the issuance by the Redevelopment Agency of the City of San Diego of approximately \$38,000,000 aggregate principal amount of tax allocation refunding

bonds to refinance a portion of the cost of the Centre City Redevelopment Project.

(See memorandum from CCDC dated 8/26/92. Centre City Community Area. District-2.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: E041-045.)

MOTION BY HARTLEY TO CONTINUE TO OCTOBER 6, 1992 AT THE REQUEST OF THE CITY MANAGER. Second by Roberts. 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-not present.

ITEM-CS-1: (R-93-580) ADOPTED AS RESOLUTION R-280770

A Resolution adopted by the City Council in Closed Session on September 29, 1992:

Authorizing the City Manager to pay the total sum of \$35,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from personal injuries to Natalia Arshavskaya; authorizing the City Auditor and Comptroller to issue one check in the amount of \$35,000.00, made payable to Natalia Arshavskaya and Mark A. Broughton her attorney, in full settlement of all claims.

Aud. Cert. 9300324

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Roberts at 7:25 p.m. in honor of the memory of Robert L. Myers, General Manager of KFMB.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: L165).