

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, NOVEMBER 16, 1992  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:02 p.m. with no quorum present. A quorum was present at 2:04 p.m. with Deputy Mayor Roberts and Council Members Stallings and Filner not present. The meeting was recessed by Mayor O'Connor at 4:14 p.m. to meet in Closed Session in the 12th floor conference room to discuss significant exposure to litigation. The meeting was reconvened by Mayor O'Connor at 5:17 p.m. with Council Member Filner not present. Mayor O'Connor adjourned the meeting at 6:07 p.m. to meet in Closed Session in the 12th floor conference room on Tuesday, November 17, 1992 at 9:30 a.m. to discuss pending litigation and significant exposure to litigation.

ATTENDANCE DURING THE MEETING:

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

Clerk-Abdelnour (so)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Rich Ajer of Gethsemane Lutheran 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:

Don Stillwell responded to the memo from the City Clerk that

was submitted to Council last week.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: A094-123.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Behr encouraged everyone to see the Laser show at the Reuben H. Fleet Space Theater.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A123-130.)

ITEM-CC-2:

Mayor O'Connor discussed the Tourism Summit she attended and noted that San Diego is the only City where tourism is up.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A130-151.)

ITEM-CC-3:

Council Member Wolfsheimer encouraged everyone to see the Malashak Dance Company.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A151-159.)

ITEM-CC-4:

Mayor O'Connor discussed statements made by the Chamber of Commerce that this Council isn't doing anything for business. She encouraged Michel Anderson to meet with City officials to determine what is missing from the Task Force report.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A026-071.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

11/2/92

11/3/92 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A159-163.)

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

ITEM-31: APPROVED

Proclaiming November 1992 to be "Alzheimer's Disease Awareness Month" in San Diego and joining with and supporting the Alzheimer's Association in assisting the victims and families of those affected by this dreadful disease.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: A163-191.)

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

ITEM-32: (R-93-758) ADOPTED AS RESOLUTION R-281033

Declaring November 16, 1992 "Mary Giglitto Day" in San Diego and thanking and commending Mary Giglitto for her many contributions to San Diego and the Portuguese community.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: A260-298.)

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

ITEM-33: NOTED AND FILED

Matter of the request for a hearing of the appeal of Al Ducheny of Harborview Community Council from the decision of the Planning Commission in approving Coastal Development Permit CDP-92-0136 Conditional Use Permit Amendment CUP-92-0136 for a previously approved permit (CUP-88-0817), to add 33 beds to an existing Correctional Placement Center. The Center currently contains 87 beds. The expansion will result in a total of 120 beds. The subject property, containing 14,000 square feet, is located at 2727 Boston Avenue, between 27 and 28th Streets and is described as Lots 13 through 16, Block 19, Reed and Hubbell's Addition, Map-327. The site is located in Area B of the Barrio Logan Planned District and is within the Barrio Logan Community Plan area. The parking lot is located on the northwest side of Boston Avenue and 29th Street and is described as 11-7LA-S-35-0000 Public Land in the Area C of the Barrio Logan Planned District. (CDP/CUP-92-0136. District-8.)

Adoption of a Resolution granting or denying the hearing of the appeal.

FILE LOCATION: PERM - CDP/CUP-92-0136

COUNCIL ACTION: (Tape location: A192-200.)

MOTION BY FILNER TO NOTE AND FILE DUE TO THE WITHDRAWAL OF THE APPEAL. Second by McCarty. Passed by the following

vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-50: (O-93-71) ADOPTED AS ORDINANCE O-17862 (New Series)

Rezoning Lots 1,2,4,8,9 and 10 in TRW Rancho Carmel, located between Innovation Drive and Avenue of Science, north of Rancho Carmel Drive, from the M-LI Zone to the M-1B Zone.

(RZ-91-0700. Carmel Mountain Ranch Community Area. District-5. Introduced as amended on 10/20/92. Council voted 9-0. Reintroduced on 11/2/92. Council voted 9-0.)

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A316-334.)

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

\* ITEM-100: (R-93-485) ADOPTED AS RESOLUTION R-281034

Awarding a contract to Schlumberger Industries, Inc., for the purchase of Domestic Service Cold Water Meters, as may be required for a period of one year beginning October 1, 1992 through September 30, 1993, for an estimated cost of \$596,300 for the first year, including tax, with options to renew the contract for four additional one year periods, with option period price increases not to exceed the prices in effect for the previous contract period by more than 5 percent. (BID-E3340/93)

FILE LOCATION: CONT-Purchase - Schlumberger Industries, Inc. CONFY93-1

COUNCIL ACTION: (Tape location: A336-376.)

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

ITEM-101: (R-93-482) ADOPTED AS RESOLUTION R-281035

Awarding a contract to Haaker Equipment Company for the purchase of one airport sweeper, for an actual cost of \$120,187.58, including tax; authorizing the expenditure of an amount not to exceed \$120,187.58, from Fund No. 50033, Department No. 8203, and Object Account No. 6013, 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-B3335/93)  
Aud. Cert. 9300431.

FILE LOCATION: CONT - Purchase - Haaker Equipment Company  
CONTFY93-1

COUNCIL ACTION: (Tape location: A376-484.)

MOTION BY BEHR TO ADOPT. REFER THE ISSUE OF DELETING STREET SWEEPING SERVICES IN DISTRICT 4, BECAUSE OF INCREASED GROWTH IN THE NORTH CITY AREA, TO THE SPECIAL MEETING TO BE HELD ON NOVEMBER 18, 1992. DIRECT THE CITY MANAGER TO WORK WITH COUNCIL MEMBER STEVENS TO DRAFT LEGISLATION TO CHANGE THE LAW WITH REGARD TO USING DEVELOPER FEES TO PAY FOR STREET SWEEPING. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-102: (R-93-487) ADOPTED AS RESOLUTION R-281036

Awarding a contract to American Bicycle Security Co., for the purchase of 100 bicycle storage lockers, for a total cost of \$53,336.25, including tax; authorizing the expenditure of an amount not to exceed \$53,336.25 from Fund No. 30244 and 390054, Organization No. 107

and 103, Object Account No. 6010, and Job Order No. 580540, 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-P3405/93)  
Aud. Cert. 9300436.

FILE LOCATION:           CONT - Purchase - American Bicycle Security  
                          Co.    CONFY93-1

COUNCIL ACTION:        (Tape location:   A336-376.)

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

ITEM-103:

Two actions relative to Sail Bay Development - Phase IV:  
(Mission Bay Park Community Area.   District-2.)

Subitem-A:       (R-93-642)    ADOPTED AS RESOLUTION R-281037

Inviting bids for Sail Bay Development - Phase IV on Work Order No. 119392; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$500,000 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, San Diego Facility and Equipment Leasing Construction Fund No. 91101, and \$200,000 from CIP-58-087.0, Sail Bay Bike Path Bridge, TransNet Grant Fund No. 30301, to CIP-22-076.0, Sail Bay Development - Phase IV;

authorizing the expenditure of \$844,186 from CIP-22-076.0, Sail Bay Development - Phase IV, San Diego Facility and Equipment Leasing Construction Fund No. 91101 (\$500,000), Sail Bay - Phase IV Coastal Conservancy Grant Fund No. 38027 (\$144,186), and Sail Bay Bike Path Bridge, TransNet Grant Fund No. 30301 (\$200,000), for the purpose of executing the contract 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-K3502/93)

Subitem-B: (R-93-643) ADOPTED AS RESOLUTION R-281038

Certifying that the information contained in Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, DEP-88-1071, dated January 23, 1989, in connection with Sail Bay Development - Phase IV, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: Sail Bay Development - Phase IV is located at the northerly end of Sail Bay in Mission Bay Park. These improvements include a pedestrian bridge crossing Briarfield Cove and security lighting at the existing activity nodes.

Construction of this project requires a permit from the U.S. Coast Guard, and the award of this contract is subject to the City receiving this permit. It is expected that the permit will be received prior to October/November of this year. The project is being advertised in advance of the anticipated permit to expedite construction.

Aud. Cert. 9300280.

FILE LOCATION: W.O. 119392 CONT - R. E. Staite Engineering, Inc. CONTFY93-1

COUNCIL ACTION: (Tape location: B049-280.)

Motion by Filner to continue for two or three weeks to study the alternative proposal. No vote.

MOTION BY ROBERTS TO ADOPT WITH DIRECTION TO STAFF TO PROCEED WITH INVITING BIDS FOR THIS PROPOSED STRUCTURE, BUT HOLD AWARDING THOSE BIDS UNTIL COMMENTS ARE RECEIVED FROM THE PERMITTING AGENCIES WITH RESPECT TO THE PROPOSED ALTERNATIVE SUBMITTED BY THE PROPERTY OWNERS TO FILL IN THE COVE BY DREDGING THE BAY AND THEN INSTALLING A SIDEWALK ACROSS THE NEWLY RESTORED BAY FRONT. GET BOTH OF THOSE BIDS AND THE RESPONSE BACK AS EARLY AS POSSIBLE SO COUNCIL IS

THEN IN A POSITION TO MAKE A FINAL DECISION. CONSIDER THE PROPOSED ALTERNATIVE SUBMITTED BY THE PROPERTY OWNERS. SUBMIT AN EVALUATION AS TO WHETHER THE PROPOSAL IS FEASIBLE FROM THE STANDPOINT OF APPROVALS ALONG WITH AN ANTICIPATED SCHEDULE OF THOSE APPROVALS. PREPARE A COST ESTIMATE AND A COST COMPARISON BETWEEN THE TWO PROPOSALS. DETERMINE IF THE PROPERTY OWNERS PREFER THE ORIGINAL CONCEPT OF A SIDEWALK AROUND THE BAY WHICH WOULD COST FAR LESS. PROVIDE A COST DIFFERENTIAL BETWEEN THE SIDEWALK WHICH IS TO BE USED TEMPORARILY BY WALKERS AND BICYCLISTS AS OPPOSED TO A PERMANENT BRIDGE. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

\* ITEM-104: (R-93-641) ADOPTED AS RESOLUTION R-281039

Rejecting all bids received on January 23, 1992 and re-advertising for bids for the Construction of Lake Hodges Dam Improvement on Work Order No. 180841; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$76,700 within the Water Revenue Fund 41500, from CIP-74-925.0, Annual Allocation - Dams and Reservoirs - to supplement Resolution R-279112, adopted on December 9, 1991, Water Construction Outlay (70392), CIP-73-269.0, for the purpose of executing a construction contract and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K2812/92A)  
(San Dieguito River Basin Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On January 23, 1992, 12 bids were opened for Lake Hodges Dam Outlet Valves, Interior Stairs and Access Road. The lowest bid of \$282,849 was 20 percent below the engineer's estimate of \$350,000. However, the apparent low bidder was allowed to withdraw his bid due to a gross clerical error in the preparation of his bid package. The second low bid was submitted by Tri-Core Construction, with a cost estimate of \$383,380, which is 11 percent over the engineer's estimate. The highest bid was \$725,297.

Upon review of all bids, it was determined that revisions to

plans and specifications would be necessary to clarify areas of concern to the prospective bidders, and that the engineer's estimate of \$350,000 was underestimated. Award to the second low bidder would potentially lead to unnecessary field change order requests; therefore, staff recommends that all bids for this contract be rejected and the project be re-advertised.

Aud. Cert. 9300391.

WU-P-93-040.

FILE LOCATION: W.O. 180841 CONT-Orion Construction Corp.  
CONFY93-1

COUNCIL ACTION: (Tape location: A336-376.)

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

\* ITEM-105: (R-93-640) ADOPTED AS RESOLUTION R-281040

Declaring Corporate Air to be in default of their contract for the Construction of the Balboa Branch Library Air Conditioning;

declaring Corporate Air to be a non-responsible bidder and therefore ineligible to bid on City contracts for a period of three years.

(Clairemont Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On June 10, 1991, City Council authorized the award of a contract to Corporate Air for the Construction of the Balboa Branch Library Air Conditioning for the bid amount of \$47,800. The Notice to Proceed was issued on August 6, 1991 and the contract completion date was November 14, 1991. The system became operational on January 21, 1992. Since that date, the air conditioning has only worked a total of 60 days during the period from January 21, 1992 to October 4, 1992. The contractor was unable to provide the proper operation of the controls, keep the air conditioning running consistently, test and balance the system, and supply administrative documents. Numerous attempts were made to have Corporate Air make repairs and complete job closeout items. Oral and written correspondences from the City had been repeatedly ignored by Corporate Air throughout the project. Due to the contractor's lack of responsiveness and inability to provide a reliable air

conditioning system, it is recommended that the contractor be declared in default according to the contract documents and that the City Attorney be directed to institute default proceedings. It is also recommended that the contractor be declared a non-responsible bidder and, therefore, ineligible to bid on City projects for a period of three years.

FILE LOCATION:                   CONT - Corporate Air

COUNCIL ACTION:                (Tape location:  A336-376.)

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

\* ITEM-106:       (R-93-709)     ADOPTED AS RESOLUTION R-281041

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company, an easement for underground facilities and appurtenances for the transmission and distribution of electricity in a portion of Pueblo Lot 206, being the southern half of Collier Park, between Nimitz and Famosa Boulevards. (Peninsula Community Area.  District-2.)

CITY MANAGER SUPPORTING INFORMATION:  San Diego Gas and Electric Company (SDG&E) has requested an easement upon a portion of the southern half of Collier Park, between Nimitz and Famosa Boulevards.  SDG&E is requesting the easement for underground utility conversion.  According to the San Diego Municipal Code Section 61.0501 - 61.0517, Division 5 titled "Underground Utilities Procedural Ordinance" all overhead utilities within this district should be placed underground at the company's expense.  According to SDG&E, the easement shall be 10 feet in width and approximately 473 feet across the park.  SDG&E will complete its work in such a manner that park operations will not be affected.  The Park & Recreation Department has given approval to grant this easement.

FILE LOCATION:                   DEED F-5921  DEEDFY93-1

COUNCIL ACTION:                (Tape location:  A336-376.)

CONSENT MOTION BY ROBERTS TO ADOPT.  Second by Hartley.

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

ITEM-107: (R-93-711) ADOPTED AS RESOLUTION R-281042

Modifying the Fiscal Year 1993 Capital Improvement Project Budget by adding CIP-29-797.0, Marcy Park Tot Lot; accepting the generous donations of play equipment from Friends of Marcy Park and expressing gratitude for this act of civic generosity;

authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$4,300 from PSD Fund No. 11470 and \$5,700 from PSD Fund No. 13000 to CIP-29-797.0, Marcy Park Tot Lot; authorizing the expenditure of an amount not to exceed \$10,000 from CIP-29-797.0, Marcy Park Tot Lot, to provide funds for disabled accessible play equipment at Marcy Park Tot Lot and to reimburse the Park and Recreation Department budget for monies expended to accelerate the construction of this project.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Marcy Park is located adjacent to Marcy Elementary School on Stressman Street. The park was constructed in 1971. The Friends of Marcy Park are going to donate a new, large piece of play equipment to replace several old pieces. The cost of the new equipment is approximately \$9,000. The City will participate by providing the installation of the new equipment and the required disabled access improvements. The Park and Recreation Department's budget will be used to pay construction contract costs in order to proceed quickly with the installation of the equipment. These costs will be reimbursed from the project's funds.  
Aud. Cert. 9300394.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A283-310.)

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

\* ITEM-108: (R-93-744) ADOPTED AS RESOLUTION R-281043

Authorizing the City Manager to donate one item of surplus fire apparatus that is no longer serviceable to the City, to Brothers United, a nonprofit minority fire fighters association.

CITY MANAGER SUPPORTING INFORMATION: The Fire Department has identified one item of surplus fire apparatus to be donated as a gift to Brothers United, a nonprofit minority fire fighters association. The designated apparatus, a 1954 Seagraves Triple Combination Pumper, will be used by the association as a museum piece and also in support of fire prevention education. The value of the apparatus is less than \$1,000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A336-376.)

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

ITEM-109: (R-93-727 Rev.1) ADOPTED AS AMENDED AS  
RESOLUTION R-281044

(Note: R-281044 was rescinded on December 8, 1992 by R-281271)

Authorizing the City Manager to continue the Ultra-low Flush Toilet Rebate Program in conjunction with the County Water Authority (CWA); authorizing the City Manager to exercise the option to renew the Memorandum of Understanding (MOU) with the CWA for services to implement and administer the Rebate Program for a second contract period of September 1, 1992, through June 30, 1993.

CITY MANAGER SUPPORTING INFORMATION: On December 11, 1990, the City Council adopted the "City of San Diego's Urban Water Management Plan and Conservation Program" which includes an Ultra-Low Flush Toilet Rebate Program (Rebate Program) as one of

eight integrated and complementary water conservation programs.

The Rebate Program promotes the voluntary installation of ultra-low flush toilets (ulft's), which use 1.6 gallons of water or less per flush, by providing cash rebates. On May 6, 1991, the City Council approved implementation of the Rebate Program to be retroactive to April 9, 1991. The Rebate Program is funded in conjunction with the San Diego County Water Authority (CWA) and the Metropolitan Water District (MWD) of Southern California. The City is one of 21 agencies participating in the CWA's regional program. Between May and December, 1991, more than 7,000 ulft's were installed in the City in single and multi-family residences. On December 9, 1991, the City Council approved additional funding for a modified Rebate Program that would include Commercial and Industrial customers, and a tiered approach to rebate distribution. As of June 30, 1992, over 22,000 additional rebates were distributed. On May 14, 1992, the CWA approved a regional Rebate Program for Fiscal Year 1993, which would provide cash rebates of up to \$75 per toilet installed for single-family and multi-family residential customers. A tiered approach will be applied to the rebate distribution for commercial and industrial customers. For each rebate, the MWD contributes 50 percent, the CWA contributes 25 percent, and the City contributes 25 percent. An amendment to the Memorandum of Understanding (MOU) has been developed for signature by the CWA and the member agencies who will participate in this regional program. The MOU limits the City's Fiscal Year 1993 expenditures for the Rebate Program to \$240,000 for toilets retrofitted by its residential, commercial, and industrial customers.

Aud. Cert. 9300416.

WU-U-93-019.

FILE LOCATION: WATER - Ultra-low Flush Toilet Rebate Program  
- County Water Authority (CWA) CONFY93-1

COUNCIL ACTION: (Tape location: D046-389.)

MOTION BY HARTLEY TO ADOPT AS AMENDED TO KEEP THE REBATE AT \$100. THE CITY MANAGER IS DIRECTED TO ASK THE COUNTY WATER AUTHORITY TO FIND \$141,000 IN ITS BUDGET TO FUND THE PROGRAM AT THIS RATE WITH THE NUMBER OF REBATES TO REMAIN AT 7,000. REFER THE ISSUE OF THE CWA'S HIRING GOALS FOR AFRICAN-AMERICANS TO THE MBE/WBE WORKSHOP. DIRECT THE CITY ATTORNEY TO PROVIDE JUDGE BREWSTER WITH CURRENT COSTS AND UPDATES ON CONSERVATION GOALS. Second by Stevens. Passed by the following vote: Wolfsheimer-nay, Roberts-nay, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Filner-

not present, Mayor O'Connor-yea.

\* ITEM-110:

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

Subitem-A: (R-93-687) ADOPTED AS RESOLUTION R-281045

Drucilla A. Hardee - Waste Management/Litter Control - \$200.

Subitem-B: (R-93-688) ADOPTED AS RESOLUTION R-281046

Alice V. Lopez - Planning/Support Services - \$402.62.

Subitem-C: (R-93-689) ADOPTED AS RESOLUTION R-281047

John A. Allen and Janet N. Holmes - Fire - \$798 (shared equally).

Subitem-D: (R-93-690) ADOPTED AS RESOLUTION R-281048

Lawrence A. Bauer - Fire - \$2,585.51.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A336-376.)

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

ITEM-111: (R-93-512) ADOPTED AS RESOLUTION R-281049

Authorizing the execution of an agreement with the American Red Cross, for provision of special transportation in connection with the Dial A Ride Program; authorizing the expenditure of an amount not to exceed \$174,345.60 from Fund No. 19631, Account No. 4223, State Transportation 4.5 Development Act Grant Funding, for providing funds for the above project.



CITY MANAGER SUPPORTING INFORMATION: Lift-equipped service has been provided by the American Red Cross under the same terms and conditions for the following time periods:

July 1, 1986-June 30, 1987 by R-266426

July 1, 1987-June 30, 1988 by R-265315

July 1, 1988-June 30, 1989 by R-271376

July 1, 1989-June 30, 1990 by R-274069

The proposed Purchase of Service Agreement would continue to guarantee the availability of quality lift-equipped service from July 1, 1992 through June 30, 1993.

Aud. Cert. 9300253.

FILE LOCATION: MEET CONFY93-1

COUNCIL ACTION: (Tape location: E068-075.)

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

ITEM-112: (R-93-743) ADOPTED AS RESOLUTION R-281050

Authorizing the execution of an agreement with Alcatel, Inc., for a digital microwave system; authorizing the expenditure of an amount not to exceed \$848,875 from CIP- 33-495.2 (Public Safety Communications Project) Capital Outlay-Other Revenue Fund 302435, for the acquisition of a Digital Microwave Radio Communications System; authorizing the City Manager, if circumstances warrant, to finance or refinance this project with tax exempt securities.

(See City Manager Report CMR-92-339.)

Aud. Cert. 9300449.

FILE LOCATION: MEET CONFY93-1

COUNCIL ACTION: (Tape location: E075-084.)

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

\* ITEM-113: (R-93-803) ADOPTED AS RESOLUTION R-281051

Congratulating Andrew Haden on his achievement of Eagle Scout.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: A336-376.)

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

ITEM-200: (R-93-682) ADOPTED AS RESOLUTION R-281052

(Continued from the meeting of November 2, 1992, Item 201B, at Councilmember Filner's request, for a report from the City Attorney with a change in the bylaws to expand the CCDC Board to nine members.)

Council consideration of the following nominees to fill one vacancy on the Centre City Development Corporation Board of Directors, to replace John G. Davies, who has resigned, for a term ending May 1, 1994:  
(See memorandum from Mayor O'Connor dated 10/19/92 with resumes attached.)

NOMINEE	NOMINATED BY:
Adhle Naudi Santos	Councilmember Wolfsheimer
Harold K. Brown	Councilmember Stevens
Lynne L. Heidel	Councilmember McCarty

Adoption of a Resolution making one appointment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D680-E066.)

The first ballot was taken, and Assistant Clerk Fishkin announced the tally for Round 1: Brown-1,3,4; Heidel-2,5,6,7,M.

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

ITEM-201: (R-93-681) ADOPTED AS RESOLUTION R-281053

Appointing Rodger W. Johnson (nominated by Councilmember Stevens) to the Southeast Economic Development Corporation Board of Directors, for a term ending May 25, 1993, replacing Lynne Heidel, who has resigned.

(See memorandum from Mayor O'Connor dated 10/19/92 and memorandum from Councilmember Stevens dated 7/28/92, with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A336-376.)

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

ITEM-202: (R-93-768) DEFEATED

Amending the Articles of Incorporation of the Centre City Development Corporation to increase the number of directors to from seven to nine; amending the Bylaws of the Centre City Development Corporation to increase the number of directors from seven to nine; amending the Bylaws of the Centre City Development Corporation, pertaining to Election and Term of Office, to state that the Board shall divide itself into three groups of three directors for the purpose of determining terms.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D389-D680.)

Motion by Roberts to continue for four weeks and to refer to

the Committee of the Whole for further review. Second by Wolfsheimer. Motion withdrawn.

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

ITEM-203: (R-93-774) ADOPTED AS RESOLUTION R-281054

Council confirmation of the following appointments and by the Mayor to serve as members of the Historical Site Board for terms ending March 1, 1994:

(See memorandum from Mayor O'Connor dated 11/6/92 with resumes attached.)

Douglas A. Smalheer

(replacing Marco G. Thorne, whose term has expired)

Hedy St. John

(replacing Jeffery D. Shorn, whose term has expired).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A336-376.)

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

ITEM-204: (R-93-780) ADOPTED AS RESOLUTION R-281055

Council confirmation of the appointment by the Mayor of Sharon O'Neal, to serve as a member of the Board of Library Commissioners, for a term ending March 1, 1994, replacing Arthur Brody, who has resigned.

(See memorandum from Mayor O'Connor dated 11/6/92.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A336-376.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Hartley.

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

ITEM-205: (R-93-754) ADOPTED AS RESOLUTION R-281056

Confirming the appointments and reappointments by the Mayor to the Senior Citizen Advisory Board, for terms ending July 1, 1994:

(See memorandum from Mayor O'Connor dated 11/3/92 with resumes attached.)

NAME	REPRESENTING
Wilbur K. McCracken (Replacing Bill Hansen, whose term has expired.)	Council District 1
Muriel Fleischman (Replacing Arthur E. Gutman, whose term has expired.)	Council District 3
Merlin Osterhaus (Reappointment.)	Council District 6
Janet M. Brown (Replacing Dorothea Edmiston, whose term has expired.)	Council District 7
Joyce Abrams (Reappointment.)	Council District 8

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A336-376.)

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

ITEM-206: (R-93-219) ADOPTED AS RESOLUTION R-281057

(Continued from the meeting of October 19, 1992, Item 127, at Councilmember Stevens' request, to allow him to meet with the community to discuss concerns about safety.)

Authorizing the Auditor and Comptroller to transfer an

amount not to exceed \$15,000 from CIP-11-258.0, Reconstruction of Drain at Maple Street and 33rd Street, TransNet Fund 30300 to CIP-62-272.0, Construction of Briarwood Road Median; authorizing the expenditure of an amount not to exceed \$15,000 from CIP-62-272.0 to supplement Resolution R-278541 for a total of \$232,000, for the purpose of providing funds for the above project. (BID-K2570/92)  
(Skyline/Paradise Hills Community Areas. District-4.)

CITY MANAGER SUPPORTING INFORMATION: To promote efficient traffic flow on Briarwood Road between Zest Street and Alsacia Street, near Bell Junior High, this project will provide for the construction of a raised center median utilizing stamped concrete. It will also construct guardrail, sidewalk, chain link fence, storm drain, inlets and pedestrian ramps. Changes had to be made during construction which required additional traffic striping work. This action will authorize the expenditure of \$15,000 to cover the additional work and related engineering costs from Maple and 33rd Streets for which construction was completed in July 1992.  
Aud. Cert. 9300070.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A336-376.)

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

ITEM-207: (R-93-662) TRAILED TO NOVEMBER 17, 1992 DUE TO  
LACK OF TIME

(Continued from the meeting of November 2, 1992, Item 115, at Councilmember Behr's request on behalf of the City Manager.)

Authorizing the execution of an agreement with Pardee Construction Company, for the construction of a deceleration lane on westbound Poway Road, at the entrance to Sabre Springs Town Center Development;

authorizing the expenditure of an amount not to exceed

\$50,000 from Capital Outlay Fund 30245, Annual Allocation, New Development, CIP-58-001.0, for providing funds for the above project.  
(Sabre Springs Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Poway Road east of Sabre Springs Parkway is classified as a 6-lane major street with a 55 mph speed limit. The portion of Poway Road, which is the subject of this Request for Council Action, has been constructed per Engineering Permit No. W-30994 in accordance with Subdivision Board Resolution No. 3862 and PCD-85-0252. In view of the large traffic volume to the Sabre Springs Shopping Center and the high speed of traffic along this portion of Sabre Springs Parkway, Traffic Engineering of E & D determined that a deceleration lane is required to separate the slow right turn movement to the shopping center from the fast through traffic. The T.M. and P.C.D. conditions for this project did not require construction of the deceleration lane. The developer agreed to dedicate the additional right-of-way at no cost to the City. The improvements are for the benefit of the City and will cost more if constructed independently by a separate contract. It is recommended that the City enter into a participation agreement with the developer to complete the above mentioned improvements for a cost not to exceed \$50,000.  
Aud. Cert. 9300355.

FILE LOCATION:

COUNCIL ACTION: (Tape location: D678-680.)

ITEM-208: (R-93-760) CONTINUED TO DECEMBER 8, 1992

Amending the consultant agreements for the Comprehensive Waste Management Facility Project.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A200-212.)

MOTION BY BEHR TO CONTINUE TO DECEMBER 8, 1992 AT THE REQUEST OF THE CITY MANAGER TO WORK ON SOME OF THE KEY PROVISIONS OF THE CONTRACT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-209: (R-93-713 REV.) ADOPTED AS RESOLUTION R-281058

Council confirmation of the appointment by the Mayor of Matthew R. McKinnon to serve as a member of the Elections, Campaign, and Governmental Ethics Advisory Board for a term ending February 1, 1994, replacing Dr. Aaron Gold, who has resigned.

(See memorandum from Mayor O'Connor dated 11/6/92 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A336-376.)

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

\* ITEM-S400: (R-93-801) ADOPTED AS RESOLUTION R-281059

Proclaiming November 14, 1992 to be "Dr. Floyd Gaffney Day" in San Diego and commending him for his 20 years of community service as Artistic Director for the Southeast Community Theatre.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: A336-376.)

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

ITEM-S401: (R-93-712) ADOPTED AS RESOLUTION R-281060

Amending Council Policy 300-6, regarding Employee-Employer Relations, to change the percentage of employees required for decertification and recognition



from 30 percent to 50 percent and to provide a 90 day period to be considered as authorization and proof of employee support.

CITY MANAGER SUPPORTING INFORMATION: This Resolution is intended to strengthen the methods of administering employee-employer relations and the good faith bargaining relationship between management and employee organizations regarding matters that directly affect and primarily involve employee-employer relations. Government Code Section 3507 empowers a city to adopt reasonable rules and regulations after consultation in good faith with representatives of its employee organizations for the administration of employer-employee relations. During the 1991 Meet and Confer process, the Management Team forwarded to Council recommended revisions to Council Policy 300-6, Sections 4H (2), 5C and 5E(4): "Definitions; Open Period for Filing Challenging Petition and Procedure for Decertification of Exclusively Recognized Employee Organization." Based on City Council support of the proposed amendments, the Management Team began discussions with each of the Exclusively Recognized Employee Organizations. Management and Employee Organization discussions resulted in an agreement to proceed with this request to amend Council Policy 300-6. The Management Team therefore requests the City Council's approval of amendments to Council Policy 300-6. Specifically, amend Sections 4H(2), 5C and 5E(4) to require that the words "recently signed" shall mean within 90 days prior to the filing of a petition and that an employee organization filing a challenging petition to be formally acknowledged as the exclusively recognized employee organization, must file a Decertification Petition evidencing proof that at least 50 percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent exclusively recognized organization and that 50 percent of the employees in the established appropriate unit support the petitioner.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E084-113.)

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

ITEM-S402: (R-93-835) ADOPTED AS RESOLUTION R-281061

Confirming the appointment of Robert Osby as Fire Chief.

(See City Manager Report CMR-92-334.)

CITY MANAGER SUPPORTING INFORMATION: The City Council of San Diego is charged by Section 58 of the City Charter to confirm the appointment of the Fire Chief. The City Manager is requesting Council confirmation of the appointment of Robert Osby as Fire Chief.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A500-B046.)

MOTION BY STEVENS TO ADOPT WITH DIRECTION TO THE NEW FIRE CHIEF TO RE-EXAMINE AND EVALUATE THE MOVING OF A FIRE TRUCK FROM STATION #11 TO STATION #14 THAT WAS MOVED AGAINST COUNCIL'S WISHES. COMMIT TO LOOK INTO THAT DECISION BECAUSE COUNCIL FEELS MOVING THE TRUCK HARMS THE SAFETY OF CITIZENS AND WAS MADE ON STRANGE CRITERIA. SINCE SERVICES OF THE FIRE DEPARTMENT ARE BEING EXPANDED, LOOK INTO PROVIDING CITIZENS WITH NEARBY DROP OFFS FOR USED OIL, USED PAINT, ETC. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S403: (R-93-833) CONTINUED TO NOVEMBER 23, 1992

Approving the Personal Services Agreement with John R. O'Donnell, John H. Montgomery, and Raul Tapia for legislative advocacy services in Washington, D.C., from January 1, 1993 through December 31, 1994.

(See Department of Legislative Services Report DLS-92-39.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A212-260.)

Motion by Stevens to continue to December 8, 1992 to allow the new Mayor to be present. Second by Wolfsheimer. Failed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-nay, Stevens-yea, Behr-yea, Stallings-nay, McCarty-nay, Filner-nay, Mayor O'Connor-nay.

MOTION BY FILNER TO CONTINUE TO NOVEMBER 23, 1992 AT THE REQUEST OF THE CITY MANAGER ON BEHALF OF THE LEGISLATIVE SERVICES DEPARTMENT. THE CITY MANAGER IS DIRECTED TO REPORT ON THE DIFFERENCE IN THE SALARIES BETWEEN THE TWO CONTRACTS. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S404: (R-93-828) CONTINUED TO NOVEMBER 23, 1992

Approving the Personal Services Agreement with Rees & Associates, Inc., for legislative advocacy services in Sacramento from January 1, 1993 through December 31, 1994.

(See Department of Legislative Services Report DLS-92-40.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A212-260.)

Motion by Stevens to continue to December 8, 1992 to allow the new Mayor to be present. Second by Wolfsheimer. Failed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-nay, Stevens-yea, Behr-yea, Stallings-nay, McCarty-nay, Filner-nay, Mayor O'Connor-nay.

MOTION BY FILNER TO CONTINUE TO NOVEMBER 23, 1992 AT THE REQUEST OF THE CITY MANAGER ON BEHALF OF THE LEGISLATIVE SERVICES DEPARTMENT. THE CITY MANAGER IS DIRECTED TO REPORT ON THE DIFFERENCE IN THE SALARIES BETWEEN THE TWO CONTRACTS. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: (O-93-84) INTRODUCED, ADOPTION TO BE DELAYED

Introduction of an Ordinance amending Chapter V, Article 1, of the San Diego Municipal Code, by adding Division 20, and Sections 52.2001, 52.2002, and

52.2003, relating to Custody of Firearms at Domestic Violence Scenes and Suspension and Revocation of Firearm Permits, directing the police to search and take possession of any weapons or firearms located on the premises where domestic violence has occurred; and revoking or suspending any firearm permits from anyone under a restraining order in connection with a domestic violence offense.

(See memorandum from Mayor O'Connor dated 8/20/92; and report from the City Attorney dated 11/12/92.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: C310-D039.)

MOTION BY McCARTY TO INTRODUCE BUT DELAY THE SECOND READING WITH DIRECTION TO OUR LOBBYISTS TO FIND AN AUTHOR IN SACRAMENTO TO TAKE THE LANGUAGE BACK TO THE STATE LEVEL TO BE MANDATED WHICH WOULD THEN MAKE THE POLICE OFFICERS NOT LIABLE. THE CITY MANAGER IS DIRECTED TO CLARIFY THE DIFFERENCE BETWEEN THE PRESENT LAW THAT ALLOWS THE OFFICER TO TAKE THE WEAPON AND THE LAW THAT IS BEING PROPOSED. DIRECT THE CHIEF OF POLICE, TO THE FULLEST EXTENT POSSIBLE, TO GET THE WEAPON NOW AND NOT WAIT FOR THIS MANDATE. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-S406:

Five actions relative to the final map of La Jolla Spectrum, a 16-lot subdivision located easterly of Science Park Road and Torreyana Road:  
(University Community Area. District-1.)

Subitem-A: (R-93-782) ADOPTED AS RESOLUTION R-281062

Authorizing the execution of a Subdivision Improvement Agreement with La Jolla Spectrum Partners, L.P., a California Limited Partnership, for the installation and completion of certain public improvements.

Subitem-B: (R-93-781) ADOPTED AS RESOLUTION R-281063

Approving the final map.

Subitem-C: (R-93-783) ADOPTED AS RESOLUTION R-281064

Authorizing the execution of an agreement with La Jolla Spectrum Partners, L.P. (LJSP), to ensure LJSP's fair share contribution to the design and construction of modifications to Genesee Avenue and North Torrey Pines Road.

Subitem-D: (R-93-784) ADOPTED AS RESOLUTION R-281065

Authorizing the execution of an Agreement for Assurance of Public Improvements with La Jolla Spectrum Partners, L.P. (LJSP), which requires LJSP to provide certain mitigation measures if LJSP seeks to construct on the property building area greater than 189,000 square feet.

Subitem-E: (R-93-785) ADOPTED AS RESOLUTION R-281066

Authorizing the execution of a Facilities Maintenance Agreement with La Jolla Spectrum Partners, L.P. (LJSP), which requires LJSP to design, construct, install and maintain certain private drainage and detention facilities.

CITY MANAGER SUPPORTING INFORMATION: On March 23, 1992 the Subdivision Board and the Planning Director of the City of San Diego passed and adopted Subdivision Board Resolution No. 5626 and Coastal Development/Hillside Review and Planned Industrial Development Permit No.89-0269, respectively. Conditions 12(a) and 12(c) of Subdivision Board Resolution No. 5626 require La Jolla Spectrum Partners (developer) to contribute toward the design and construction of modifications to Genesee Avenue and North Torrey Pines Road, and to participate in an additional eastbound lane on Genesee Avenue at John Jay Hopkins Drive. In order to satisfy these conditions, the developer is entering into an agreement with the City ensuring its fair share contribution to the above. Condition No. 13 of Subdivision Board Resolution No. 5626 requires the developer to add additional lanes to the existing public streets in the immediate area and to modify a nearby traffic signal prior to the expansion beyond 189,000 square feet of building area. In order to satisfy this condition, the developer is entering into an Agreement for the Assurance of Public Improvements with the City. Coastal Development/Hillside Review and Planned Industrial Development Permit No. 89-0269 requires the developer to design and construct

on-site catchment basins, detention basins, and siltation traps, along with energy dissipating measures at the terminus of storm drains or other similar means. All such facilities shall be maintained by the developer, satisfactory to the City engineer. This requirement will be satisfied by the developer entering into a Facilities Maintenance Agreement with the City.

FILE LOCATION: SUBD - La Jolla Spectrum CONFY93-4

COUNCIL ACTION: (Tape location: A336-376.)

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

\* ITEM-S407: (R-93-836) ADOPTED AS RESOLUTION R-281067

Waiving provisions of Council Policy 100-2, to allow receipt of donations for the Mayoral inaugural program on December 7, 1992;

authorizing the Auditor and Comptroller to establish a special fund to record all revenues and expenditures of the inaugural program and thereafter deposit any excess donations in the General Fund; authorizing the City Manager to execute all contracts necessary regarding the celebration, said contracts to be funded to the extent of monies donated and received by the Auditor and Comptroller; and approving the proposed budget for the inaugural program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A336-376.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 6:07 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E118).