

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 24, 1989
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. The meeting was recessed by Mayor O'Connor at 4:48 p.m. The meeting was reconvened by Mayor O'Connor at 4:57 p.m. with all Council Members present. Mayor O'Connor adjourned the meeting at 5:21 p.m. to meet in Closed Session on Tuesday, July 25, 1989, at 9:15 a.m. in the twelfth floor conference room.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member McColl-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksmma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (eb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

ITEM-10: INVOCATION

Invocation was given by Pastor Ron Barker, Calvary
Southern Baptist Church.

FILE LOCATION: MINUTES

Jul-24-1989

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Wolfsheimer.

FILE LOCATION: MINUTES

Jul-24-1989

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

- 6/19/89
- 6/20/89
- 6/20/89 Special Joint Meeting
- 6/26/89
- 6/27/89

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A040-046.)

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

* ITEM-50: (O-89-241) ADOPTED AS ORDINANCE O-17327 (New Series)

Amending Chapter VI, Article 4 of the San Diego Municipal Code by adding Division 8, Sections 64.01801-64.0810, relating to the establishment of a Water Reclamation Master Plan and implementing procedures for the City of San Diego.

(Introduced on 7/10/89. Council voted 6-0. Districts 3, 4 and 8 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A148-192.)

CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-89-2498) ADOPTED AS RESOLUTION R-274018

Accepting the low bid of \$545,000 and awarding a contract to James Chase and Associates for the construction of Pump Station No. 2 Storage and Equipment Building; authorizing the City Auditor and Comptroller to transfer \$60,950 within the Sewer Revenue Fund 41506, from the Unallocated Reserve 70697 to the Metropolitan Wastewater Construction Program 70292, CIP-46-108, Metro Pump Station No. 2 - Storage Building and Equipment Shop; authorizing the expenditure of an amount not to exceed \$60,950 from Sewer Revenue Fund 41506, CIP-46-108, Metro Pump Station No. 2 - Storage Building and Equipment Shop, to supplement funds previously authorized by Resolution R-273229, adopted on April 17, 1989, 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-0581/89)

(Pacific Highway Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This project will provide a 3,250 square foot building adjacent to the existing Metro Pump Station No. 2. This new building will be used for existing parts storage, equipment repair and locker/employee areas which are being moved from the existing building to provide room for additional pumps and pump controls. Seventy-eight bid packages were issued and four bids were received on May 18, 1989. The low bid of \$545,000 from James Chase and Associates was 9 percent over the estimate of \$500,000. It is felt that readvertising for bids would not result in securing a lower bid and would only delay the project. Therefore, it is recommended that the low bid of James Chase and Associates be accepted.

Aud. Cert. 8901103.

WU-P-89-196.

FILE LOCATION: CONT-James Chase and Associates
CONFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-101: (R-89-2493) ADOPTED AS RESOLUTION R-274019

Awarding a contract to Parkson Corporation to refurbish one traveling screen at the Metro Wastewater Treatment Plant for a total cost of \$68,699.35, including tax.

(BID-0829/89)

Aud. Cert. 8901019 Rev.

FILE LOCATION: MEET CONFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-102: (R-90-39) ADOPTED AS RESOLUTION R-274020

Awarding a contract to Omni Mega Security Patrol Service for guard service at the Miramar Landfill, as may be required for a period of one year beginning November 1, 1989 through October 31, 1990, for an estimated cost of \$58,401.36, with options to renew the contract for four additional one year periods with price escalations not to exceed 20 percent of the prices in effect at the end of the prior year; in the event the contractor is unable to perform in accordance with the specifications, authorizing the Purchasing Agent to terminate the contract and to award to the next low responsible and responsive bidder, and to subsequent bidders, if necessary, until a bidder is found who complies with the specifications. (BID-0669/89)
(District-5.

FILE LOCATION: MEET CONTFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-103: (R-90-47) ADOPTED AS RESOLUTION R-274021

Awarding contracts for furnishing tires and tubes, as may be required for a period of one year beginning September 1, 1989 through August 31, 1990, for an estimated cost of \$511,010.60, including tax and terms, as follows:
(BID-0798/89)

1. General Tire Service for Group I - Passenger Car/Compact Truck; Group IV - Medium/Heavy Duty Truck, and Group V - Off Road Tires;
2. Talin Tire Inc. for Group II - Police High Speed and Group III - Light Truck Tires;
3. Dapper Tire Co. Inc. for Group VI - Fire Department Truck Tires;
4. Geo. F. Kennedy, Inc., dba Kennedy's For Tires, for Group VII - Inner Tubes.

FILE LOCATION: MEET CONTFY90-4

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-104:

Four actions relative to the Construction of Sail Bay Improvements - Phase III:

(Mission Bay Park Community Area. District-6.)

Subitem-A: (R-90-41) ADOPTED AS RESOLUTION R-274022

19890724

Inviting bids for the Construction of Sail Bay Improvements - Phase III on Work Order No. 119128/171151; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$500,000 from the Sail Bay Phase III Grant Fund No. 39032 to CIP-22-031.2, Sail (Crescent) Bay Development, Phase III; authorizing the expenditure of an amount not to exceed \$1,190,250 from CIP-22-031.2, Sail (Crescent) Bay - Development, Phase III, 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; authorizing the expenditure of an amount not to exceed \$126,211 from the Sewer Revenue Fund 41506, CIP-46-158, Mission Bay Sewage Interceptor System, 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-0837/89)

Subitem-B: (R-90-42) ADOPTED AS RESOLUTION R-274023

Certifying that the information contained in Environmental Mitigated Negative Declaration EMND-88-1071, dated January 23, 1989, in connection with the Construction of Sail Bay Improvements - Phase III, 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.

Subitem-C: (R-90-43) ADOPTED AS RESOLUTION R-274024

Certifying that the information contained in Environmental Negative Declaration END-88-0901, dated August 29, 1988, in connection with the Construction of Sail Bay Improvements - Phase III, 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.

Subitem-D: (R-90-44) ADOPTED AS RESOLUTION R-274025

Certifying that the information contained in Environmental Mitigated Negative Declaration EMND-89-0576, dated June 7, 1989, in connection with the Construction of Sail Bay Improvements - Phase III, 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 II extended storm drains and widened the beach along Sail Bay from Verona Court on the west to Moorland Drive on the east. The proposed Sail Bay Development Phase III project will provide a small park on Fanuel Street and a concrete walkway along the beach. The walkway will have widened areas called nodes at several points and will extend from Verona Court to West Briarfield Drive and from East Briarfield Drive to the stairway near Moorland Drive. A future project will provide a bridge across Briarfield Cove. The park at Fanuel Street will have a parking lot, a comfort station, a lawn area, landscaping and a sand filled play area with equipment.

Aud. Cert. 9000077.

FILE LOCATION: Subitems A, B, C, D W.O.119128/171151
CONT - Citadel Construction Inc. CONTFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-105:

Three actions relative to the Improvement of Valencia Parkway - Between Skyline Drive and Imperial Avenue:
(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-90-31) ADOPTED AS RESOLUTION R-274026

19890724

Inviting bids for the Construction and Improvement of

Valencia Parkway - Between Skyline Drive and Imperial Avenue on Work Order No. 122400; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$29,000 from Capital Outlay Fund 30245, CIP-52-301, Nautilus Street - Avenida La Reina to Avenida De Las Pescas, and \$71,000 from Capital Outlay Fund 30245, CIP-58-004, Annual Allocation - Miscellaneous Requirements - City Streets, to CIP-52-121.3, Radio Drive - Valencia Parkway - Division Street to Imperial Avenue; authorizing the expenditure of an amount not to exceed \$2,214,100 from Capital Outlay Fund 30245, CIP-52-121.3, Radio Drive - Valencia Parkway - Division Street to Imperial Avenue, Gas Tax Fund 30219 and Prop "A" Fund 30300, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K0845/90)

Subitem-B: (R-90-32) ADOPTED AS RESOLUTION R-274027

Authorizing the use of City Forces to make connections and perform operational checks as required in connection with the Construction and Improvement of Valencia Parkway - Between Skyline Drive and Imperial Avenue; declaring that the cost of the work shall not exceed \$26,500.

Subitem-C: (R-90-33) ADOPTED AS RESOLUTION R-274028

Certifying that the information contained in Environmental Mitigated Negative Declaration EMND-88-0726, dated May 15, 1989, in connection with the Construction and Improvement of Valencia Parkway - Between Skyline Drive and Imperial Avenue, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: This project is consistent with the General Plan and the adopted Southeast San Diego Community Plan. The Southeast San Diego/Paradise Hills area is in need of a north-south major street route.

Construction of Valencia Parkway, a major street, between Skyline Drive and Imperial Avenue will satisfy this need. The proposed improvements include two through lanes in each direction, a decorative raised median, curbs, gutters, and sidewalks, a storm drain system, a Class II bikeway, street

lights, and traffic signals at Imperial Avenue and Valencia Parkway and at Skyline Drive and Valencia Parkway. Completion of this project will reduce out-of-direction travel through residential areas which, in turn, will provide better access and safety to the community.

Aud. Cert. 8901114.

FILE LOCATION: Subitems A, B, and C W.O.122400 CONT - Commercial Contractors, Western Div., Inc. CONTFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-106:

Two actions relative to the Otay 2nd Pipeline Phase II:
(Mid-City Community Area. District-3.)

19890724

Subitem-A: (R-90-37) ADOPTED AS RESOLUTION R-274029

Inviting bids for Otay 2nd Pipeline - Phase II on Work Order No. 181121; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$1,847,500 from the Water Revenue Fund 41502, Water Systems Construction Outlay Program 70592, CIP-73-286, Otay Second Pipeline Improvements, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K0846/90)

Subitem-B: (R-90-38) ADOPTED AS RESOLUTION R-274030

Authorizing the use of City Forces to make connections and perform operational checks as required in connection with Otay 2nd Pipeline - Phase II; declaring that the cost of the work shall not exceed \$20,000.

CITY MANAGER SUPPORTING INFORMATION: The Otay Second Pipeline is a vital transmission line that links the service areas of the Alvarado and Otay Filtration Plants. It conveys water northward from the Otay Filtration Plant and the southern terminus of the San Diego County Aqueduct System to the communities of Skyline/Paradise Hills and South Bay Terraces. It also supplies Alvarado Filtration Plant water to the communities of Mid-City and Southeast San Diego. This 40-inch

and 36-inch steel cylinder pipeline was constructed in the late 1920s and has recently experienced a series of breaks due to deterioration. A portion of the line is presently out of service due to a break west of Chollas Operation Station. Alternate pipelines are currently used to meet existing area demands. The Capital Improvement Program Project (CIP-73-286.0) has been divided into three phases. Construction of Phase I has been previously authorized (R-272904). This second phase consists of the replacement of 3,200 feet of 42-inch pipe along 54th Street and College Grove Drive. Completion of Phase II will reestablish the linkage between Alvarado and Otay Filtration Plant service areas, and provide assurance that adequate water supply and appropriate pressure levels are maintained in the east areas of the City during periods of peak demands. Phase III of the project, currently in the planning stage, will replace the remaining portions of the old pipeline. Aud. Cert. 9000059.
WU-P-89-166.

FILE LOCATION: Subitems A and B W.O.181121

CONT - Ham Bros. Construction, Inc. CONTFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-107:

Two actions relative to the Construction of Sewer and Water Main Replacement Group 87:
(Pacific Beach Community Area. District-6.)

Subitem-A: (R-90-35) ADOPTED AS RESOLUTION R-274031
19890724

Inviting bids for the Construction of Sewer and Water Main Replacement Group 87 on Work Order Nos. 170951/180611; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$1,262,000 (\$1,057,500 from the Sewer Revenue Fund 41506, CIP-44-001, Annual Allocation - Sewer Main Replacements and \$204,500 from the Water Revenue Fund 41502, CIP-73-083, Annual Allocation - Water Main Replacements), for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K0843/90)

Subitem-B: (R-90-36) ADOPTED AS RESOLUTION R-274032

Authorizing the use of City Forces to make connections and perform operational checks as required in connection with the Construction of Sewer and Water Main Replacement Group 87; declaring that the cost of said work shall not exceed \$33,000.

CITY MANAGER SUPPORTING INFORMATION: Sewer and Water Main Replacement Group 87 is a portion of the continuing Annual Capital Improvement Program Allocation to replace old and deteriorated concrete sewer mains within the City of San Diego. This project will construct 6,916 feet of 8-inch and 504 feet of 6-inch sewer mains as part of an accelerated program to replace old sewer lines in the Pacific Beach Community within a seven-year period. As part of this project 1,643 feet of 8-inch and 40 feet of 6-inch new water mains will also be constructed in the Pacific Beach area to replace old and deteriorated cast iron pipes. Addendum No. 1 to Cease and Desist Order No. 87-89, adopted by the Regional Water Quality Control Board (RWQCB) on August 24, 1987, identifies specific actions and completion dates through 1993 required of the City of San Diego to reduce potential sewage spills into Mission Bay and the San Diego River Channel. On June 7, 1989, the Public Services and Safety Committee received the sixth and seventh Mission Bay Quarterly Status Reports addressing the progress of scheduled work for the period of November 1988 to April 30, 1989, with respect to this Cease and Desist Order. Sewer and Water Main Replacement Group 87 is included in the list of projects of this Cease and Desist Order. With the additions of this project and Group Replacements 61, 88 and 92 also scheduled for this fiscal year, 29.4 miles of concrete mains or 74 percent will have been replaced or under construction.

Aud. Cert. 9000054.

WU-P-89-175.

FILE LOCATION: Subitems A and B W.O.170951/180611

CONT - COL-IND-CON CONFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

ITEM-108: (R-90-34) ADOPTED AS RESOLUTION R-274033

19890724

Inviting bids for the Alvarado Filtration Plant - Joint Laboratory Facility - Construction of Traffic Signal at

Lake Murray Boulevard and Kiowa Drive on Work Order No. 170291/180231; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$175,750 (\$105,450 from the Sewerage Revenue Fund 41506, CIP-46-124, Alvarado Filtration Plant - Joint Laboratory Facility and \$70,300 from the Water Revenue Fund 41502, CIP-73-258, Alvarado

Filtration Plant - Joint Laboratory Facility), 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-K0844/90)

(Navajo Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: This project will construct a traffic signal at the intersection of Lake Murray Boulevard and Kiowa Drive in the City of La Mesa. In September of 1987, the City of San Diego, at the request of the City of La Mesa, conducted a traffic study of the subject area. The study included traffic generations by the proposed Training Facility (CIP-46-123 and CIP-73-257), Joint Laboratory (CIP-46-124 and CIP-73-258), and an increased in recreational activities at Lake Murray Reservoir and Mission Trails Park. The study recommended the installation of the subject traffic signal to accommodate the projected increased traffic loads. The traffic signal will provide safe egress and ingress to vehicles entering and exiting the water filtration plant site, Lake Murray Reservoir, Mission Trails Park, and the residents of Kiowa Drive. Kiowa Drive will be the main access road to the water filtration plant site.

Aud. Cert. 8901110.

WU-P-89-185.

FILE LOCATION: W.O.170291/180231 CONT - Southwest Traffic Signal Service, Inc. CONTFY90-1

COUNCIL ACTION: (Tape location: A206-218.)

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

* ITEM-109: (R-90-40) ADOPTED AS RESOLUTION R-274034

19890724

Inviting bids for the Collier Community Park Comfort

Station on Work Order No. 119223; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$111,000 from CIP-29-674, Collier East Community Park - Comfort Station, 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-K0849/90)

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This project will construct a comfort station at Collier Community Park. The 16.5 acre park is located at 2312 Famosa Boulevard in the Peninsula Community area.

Aud. Cert. 8901123.

FILE LOCATION: W.O.119223 CONT - Hyprotech Inc. CONTFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-110: (R-90-80) ADOPTED AS RESOLUTION R-274035

Approving the final subdivision map of Brookview Square Unit No. 2, a 2-lot subdivision located northeasterly of I-15 and Poway Road.

(Sabre Springs Community Area. District-1.)

FILE LOCATION: SUBD-Brookview Square Unit No. 2

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-111:

Six actions relative to the final subdivision map of Otay Mesa Industrial Park, a 22-lot subdivision located northeasterly of Otay Mesa Road and La Media Road:
(Otay Mesa Community Area. District-8.)

Subitem-A: (R-90-24) ADOPTED AS RESOLUTION R-274036

Authorizing the execution of a Subdivision Improvement Agreement with Otay Mesa Investments for the installation and completion of public improvements.

Subitem-B: (R-90-23) ADOPTED AS RESOLUTION R-274037

Approving the final map.

Subitem-C: (R-90-25) ADOPTED AS RESOLUTION R-274038

Setting aside street and drainage easements in City-owned land, in a portion of the Southeast Quarter of Section 27, Township 18 South, Range 1 West, San Bernardino Meridian, for street purposes; dedicating said land as and for a public street, and naming the same Otay Mesa Road.

Subitem-D: (R-90-26) ADOPTED AS RESOLUTION R-274039

Authorizing the execution of an agreement with Otay Mesa Investments for construction of a traffic signal system at the intersection of La Media Road and Windsock Street.

Subitem-E: (R-90-27) ADOPTED AS RESOLUTION R-274040

Authorizing the execution of an agreement with Otay Mesa Investments for payment of fees for public facilities.

Subitem-F: (R-90-28) ADOPTED AS RESOLUTION R-274041

Authorizing the execution of an agreement with Otay Mesa Investments for reimbursement of costs for drainage facilities; authorizing the expenditure of an amount not to exceed \$65,854 from CIP-58-001.0, Annual Allocation - New Developments Fund No. 30245, contingent upon approval of the FY 90 C.I.P. Budget, for providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: In addition to the standard Subdivision Agreement, the developer is entering into three other agreements. The first is an agreement to satisfy Condition Nos. 21 and 22 of Planning Commission Resolution No. 6581, requiring the payment of fees to provide for public facilities, which also includes a drainage study. The second

agreement satisfies Condition 13, which requires the developer to participate in the cost of the construction of a traffic signal system at the proposed intersection of La Media Road and Windsock Street.

A bond in the amount of \$50,000 has been posted to assure the developer's share of the construction. The third agreement provides for reimbursement by the City for the cost of construction of a portion of drainage facilities for a total amount not to exceed \$65,854. These drainage facilities are required for the development of Otay Mesa Industrial Park but are for the benefit of the City as whole.

Brown Field Airport is setting aside City-owned land to be used for street and drainage easement purposes. This land has been valued at \$30,084; a deposit in that amount has been made (Receipt No. 728215). The street easement is to be dedicated and named Otay Mesa Road. The street easement dedication of Otay Mesa Road is required to provide sufficient width to the street. The storm drain easement being set aside is required to enable the subdivider to complete the public improvements as required per Engineering Drawing 23316-D.

Aud. Cert. 9000060.

FILE LOCATION: Subitems A, B, D, E, and F SUBD-Otay Mesa
Industrial Park, Subitem-C DEED F-4980
CONTFY90-4 DEEDFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-112: (R-90-63) ADOPTED AS RESOLUTION R-274042

Granting an extension of time to November 1, 1989 to Appel Development Corporation, subdivider, to complete the improvements required in Villa Colina Unit No. 2.

(Located southeasterly of Calle Mariselda and Santo Road.
Tierrasanta Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: On March 31, 1981, the City entered into an agreement with Tierrasanta Norte, a California Partnership, for the construction of public improvements for Villa Colina Unit No. 2. The agreement expired March 31, 1983. On June 20, 1988, the original Subdivision

Improvement Agreement was amended by Resolution R-271195 to substitute Appel Development Corporation as the new subdivider, and by Resolution R-271196, the new subdivider was granted an extension of time until May 1, 1989 in which to complete the work. The subdivider has requested an extension of time to November 1, 1989 in which to complete the required improvements. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Villa Colina Unit No. 2

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-113: (R-90-62) ADOPTED AS RESOLUTION R-274043

Authorizing the City Manager to release a portion of the surety issued by the Insurance Company of the West in connection with the Subdivision Improvement Agreement for Brown Field Business Park Unit No. 1, in the form of Performance Bond No. 112 73 62, so that the same is reduced as follows:

1. For faithful performance, to the sum of \$674,009.
2. For the benefit of the contractor, subcontractor and to persons renting equipment or furnishing labor or materials, to the sum of \$337,004.50.

(Located southeasterly of Otay Mesa Road and Britannia Boulevard. Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On December 20, 1988, the City entered into an agreement with Turnberry Associates for the construction of public improvements for Brown Field Business Park Unit No. 1. Performance Bond No. 112 73 62, issued by Insurance Company of the West in the amount of \$2,228,128, was provided by the subdivider. The agreement expires December 12, 1990. Ninety-three 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, 69.75 percent of the original surety will be released which will reduce the surety to \$674,009.

FILE LOCATION: SUBD-Brown Field Business Park Unit No. 1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-114: (R-90-83) ADOPTED AS RESOLUTION R-274044

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of an Underground Utility District to be known and denominated as the 54th Street (Laurel Street to Streamview Drive) Underground Utility District.

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

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on 54th Street between Laurel Street and Streamview Drive. This is a scheduled project in the Calendar Year 1990 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. The total number of affected properties in this district is 42. Council Policy 800-2 provides for the use

of San Diego Gas and 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-190

COUNCIL ACTION: (Tape location: A192-206.)

CONSENT MOTION BY PRATT TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not

present, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-115: (R-90-74) ADOPTED AS RESOLUTION R-274045

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of an Underground Utility District to be known and denominated as the Governor Drive (Regents Road to Genesee Avenue) Underground Utility District.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Governor Drive between Regents Road and Genesee Avenue. This is a scheduled project in the calendar year 1990 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. The total number of affected properties in this district is 22. 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-189

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-116:

Two actions relative to the Marina "I" Blocks (Pacific Highway to India Street, Market Street to "E" Street) Underground Utility District:
(Centre City Community Area. District-2.)

Subitem-A: (R-90-7) ADOPTED AS RESOLUTION R-274046

Designating August 15, 1989, as the date upon which all

property in the Marina "I" Blocks (Pacific Highway to India Street, Market Street to "E" Street) Underground Utility District must be ready to receive underground service and October 15, 1989 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-90-8) ADOPTED AS RESOLUTION R-274047

Authorizing the City Auditor and Comptroller to open Fund No. 78039 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Marina "I" Blocks (Pacific Highway to India Street, Market Street to "E" Street) Underground Utility District; authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company; authorizing payment to all property owners in the Underground Utility District as reimbursement for electrical service underground conversion work done on private property whenever the required length of trenching exceeds 15 feet; authorizing the City Auditor and Comptroller to return to San Diego Gas & Electric Company any undisbursed funds upon written notice from SDG&E to the City that all electric service conversions within a particular district have been completed.

CITY MANAGER SUPPORTING INFORMATION: The Marina "I" Blocks Underground Utility District was created by the City Council on July 28, 1987. The Resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set August 15, 1989 as the Customer Ready Date, which will require that, upon this date, all affected customers within the Underground Utility District must have their services prepared to receive service from the new underground system. This action will also establish October 15, 1989 as the Pole Removal Date, which will require that, upon this date, all overhead facilities within the Underground Utility District must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. The property owner remains responsible for all remaining conversion costs.

Aud. Cert. 9000042.

FILE LOCATION: Subitems A and B - STRT K-174

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-117:

Two actions relative to Nimitz Boulevard Phase I - (North Harbor Drive to Chatsworth Boulevard) Underground Utility District:

(Peninsula Community Area. District-2.)

Subitem-A: (R-89-2677) ADOPTED AS RESOLUTION R-274048

Designating August 15, 1989, as the date upon which all property in the Nimitz Boulevard Phase I - (North Harbor Drive to Chatsworth Boulevard) Underground Utility District must be ready to receive underground service and May 15, 1990 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-89-2678) ADOPTED AS RESOLUTION R-274049

Authorizing the City Auditor and Comptroller to open Fund No. 78040 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Nimitz Boulevard Phase I - (North Harbor Drive to Chatsworth Boulevard) Underground Utility District; authorizing the City Treasurer to receive these funds from the San Diego Gas and Electric Company; authorizing payment to all qualified property owners as reimbursement for electrical service underground conversion work done on private property, whenever the required length of trenching exceeds 15 feet; authorizing the City Auditor and Comptroller to return to San Diego Gas and Electric Company any undisbursed funds upon written notice from SDG&E to the City that all electric service conversions within a particular district have been completed.

CITY MANAGER SUPPORTING INFORMATION: The Nimitz Boulevard Phase I (N. Harbor Dr. to Chatsworth Blvd.) Underground Utility District was created by the City Council on December 16, 1986. The Resolution creating the district left the matter of the

actual dates for converting services and removing overhead facilities to be established later. This action will set August 15, 1989, as the Customer Ready Date, which will require that, upon this date, all affected customers within the Underground Utility District must have their services prepared to receive service from the new underground system.

This action will also establish May 15, 1990 as the Pole Removal Date, which will require that, upon this date, all overhead facilities within the Underground Utility District must be removed. The Utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. The property owner remains responsible for all remaining conversion costs.

Aud. Cert. 9000041.

FILE LOCATION: Subitesm A and B STRT K-168

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-118: (R-90-70) ADOPTED AS RESOLUTION R-274050

Authorizing the expenditure of an amount not to exceed \$124,991 from Gas Tax Fund 32191, CIP-37-028, Annual Allocation, Undergrounding of City Utilities, as payment to San Diego Gas and Electric Company for the purchase and installation of 34 new street lights to replace existing pole mounted street lights in the Rosecrans Street (Canon Street to Tennyson Street) Underground Utility District.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: As part of the City's Utility Undergrounding Program, existing pole-mounted street lights must be replaced with new street lights when the overhead utilities are removed. Since the City now owns all street lights, 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 \$124,991, if installed by their contractor. The

City has the option of purchasing and installing these street lights through a City contract. The City cost estimate for this project is \$131,180, which is more than SDG&E's cost estimate. Aud. Cert. 9000061.

FILE LOCATION: STRT K-171

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-119: (R-90-29) ADOPTED AS RESOLUTION R-274051

Authorizing the expenditure of an amount not to exceed \$15,052 from Gas Tax Fund 32191, CIP-37-028, Annual Allocation, Undergrounding of City Utilities, as payment to San Diego Gas and Electric Company for the purchase and installation of two new street lights to replace existing pole mounted street lights in the Mission Gorge Road (Princess View Drive to Margerum Avenue) Underground Utility District.

(Navajo Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: As part of the City's Utility Undergrounding Program, existing pole-mounted street lights must be replaced with new street lights when the overhead utilities are removed. Since the City now owns all street lights, 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 \$15,052, if installed by their contractor. The City has the option of purchasing and installing this street

light through a City contract. The City cost estimate for this project is \$17,340, which is more than SDG&E's cost estimate. Aud. Cert. 9000064.

FILE LOCATION: STRT K-167

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-120: (R-90-69) ADOPTED AS RESOLUTION R-274052

Approving the acceptance by the City Manager of a street easement deed of Chevron U.S.A., Inc., granting to the City an easement for public street purposes in a portion of Parcel 1 of Parcel Map PM-516; dedicating said land as and for a public street, and naming the same Shawline Street. (Located northwesterly of Clairemont Mesa Boulevard and Shawline Street. Serra Mesa Community Area. District-5.)

FILE LOCATION: DEED F-4993DEEDFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-121: (R-90-21) ADOPTED AS RESOLUTION R-274053

Authorizing the execution of a deed conveying to San Diego Gas and Electric Company, an easement for electrical conversion from overhead to underground service

affecting a portion of Mercy Mira Mesa No. 2 subdivision; authorizing the execution of a quitclaim deed, quitclaiming to the City an existing overhead line easement affecting a portion of Mercy Mira Mesa No. 2 subdivision.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: A new easement in favor of SDG&E is needed in order to meet the Subdivision Map requirements for Mercy Mira Mesa No. 2, to convert all existing overhead utilities to underground. The final tie-in pole position for the conversion was preapproved with the City's Engineering and Development Department. As the tie-in pole position involves part of City-owned open space land, the Open Space Management Division of the Park and Recreation Department has had input and now approves the action requested today. Upon receipt of this new easement, SDG&E can complete the underground conversion and remove the existing overhead line. SDG&E is to quitclaim the existing overhead easement back to the City.

FILE LOCATION: DEED F-4994 DEEDFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-122: (R-90-91) ADOPTED AS RESOLUTION R-274054

Approving the acceptance by the City Manager of that deed of A & A Construction Company, Inc. and Augusto Angelucci, conveying to the City a floodwater storage easement in portions of Lot 2 of Lusk Mira Mesa Business Park East 1 Unit No. 5, Map-12281; authorizing the execution of a quitclaim deed, quitclaiming to A & A Construction Company, Inc. all the City's right, title and interest in the above easement.

(Located at the southerly terminus of Mesa Rim Road. Mira Mesa Community Area. District-5.)

FILE LOCATION: DEED F-4995 DEEDFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-123: (R-89-2497) ADOPTED AS RESOLUTION R-274055

Approving and adopting Council Policy 100-14 which addresses the Purchase of Recycled Products.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-124: (R-90-104 Rev.1) ADOPTED AS RESOLUTION R-274056

Excusing Mayor Maureen O'Connor from attending the regularly scheduled Housing Commission meetings of June 5,

and 19, 1989, the City Council meeting of June 19, 1989, and the Rules Committee meeting of July 5, 1989, due to other official City business.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-125: (R-90-82) ADOPTED AS RESOLUTION R-274057

Excusing Council Member Ron Roberts from attending the afternoon portion of the Council meeting of July 11, 1989, for vacation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-126: (R-90-115) ADOPTED AS RESOLUTION R-274058

A Resolution approved by the City Council in Closed Session on Tuesday, June 20, 1989 by the following vote:

Wolfsheimer-yea; Roberts-yea; McColl-yea; Pratt-not present; Struiksma-yea; Henderson-yea; McCarty-yea; Filner-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$200,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Jeffrey Dickenson (Superior Court Case No. 572318, Jeffrey C. Dickenson v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$200,000 made payable to Jeffrey Dickenson and his attorney, John Metz, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claim of

Jeffrey Dickenson against the City of San Diego as a result of the incident of May 19, 1984.
Aud. Cert. 9000094.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-127: (R-90-116) ADOPTED AS RESOLUTION R-274059

A Resolution approved by the City Council in Closed Session on Tuesday, June 27, 1989 by the following vote:
Wolfsheimer-yea; Roberts-not present; McColl-yea;
Pratt-yea; Struiksmay-yea; Henderson-nay; McCarty-yea;
Filner-not present; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$145,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the bodily injuries to Antonio, Francisco and Rogelio Pena (Superior Court Case No. 592914, Antonio Pena, et al. v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$145,000 made payable to Antonio, Francisco and Rogelio Pena and their attorney, Michael Marrinan, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of all claims by Antonio, Francisco and Rogelio Pena against the City of San Diego as a result of the incident which occurred on January 16, 1987.
Aud. Cert. 9000093.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-128: (R-90-14) ADOPTED AS RESOLUTION R-274060

A Resolution approved by the City Council in Closed Session on Tuesday, June 27, 1989 by the following vote:
Wolfsheimer-yea; Roberts-yea; McColl-yea; Pratt-yea;
Struiksma-yea; Henderson-yea; McCarty-yea; Filner-not present; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$260,034.45 in the settlement of each and every claim against the City, its agents and employees, resulting from a water main break which occurred on October 13, 1988 to Sandor Shapery and San Diego 109, a joint venture, et al.; authorizing the City Auditor and Comptroller to issue three checks, one in the amount of \$154,200 made payable to Dillingham Construction Company; one in the amount of \$60,000 made payable to Paramount Technical Products; and a third check in the amount of \$34,479.46 made payable to Roel Construction Company, in full and final settlement of all claims; authorizing the City Auditor and Comptroller to transfer \$260,034.45 from the Water Revenue Fund 41502 Unallocated Reserve (70679) to the Water Operating Fund Watermain Maintenance Program (70540).

CITY MANAGER SUPPORTING INFORMATION: The present authorization will constitute the complete and final settlement of the Sandor Shapery and San Diego 109, a joint venture, et al., claim against the City of San Diego as a result of the water main break which occurred on October 13, 1988. Funding is available from the Water Revenue Fund Unallocated Reserve. Aud. Cert. 8901117.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-129: (R-90-77 Rev.1) ADOPTED AS RESOLUTION R-274061

19890724

A Resolution approved by the City Council in Closed Session on Tuesday, April 25, 1989 by the following vote:
Wolfsheimer-yea; Roberts-yea; McColl-yea; Pratt-yea;
Struiksma-not present; Henderson-yea; McCarty-yea;

Filner-not present; Mayor-yea.
Authorizing the City Manager to pay the total sum of \$40,000 in the settlement of each and every

claim against the City, its agents and employees, resulting from water damages to the apartment complex at 2005-2065 Alaquinas Drive, San Ysidro (Superior Court Case No. 580721, San Ysidro Development Company v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the amount of \$40,000 made payable to Western of San Diego Fund Control, Inc. (escrow company), in full settlement of the lawsuit and of all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes complete and final settlement of San Ysidro Development Company's property damage claim as a result of the incident of February 1, 1985.

Aud. Cert. 8901119.

WU-R-89-199.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-130: (R-90-89 Rev.1) ADOPTED AS RESOLUTION R-274062

19890724

A Resolution approved by the City Council in Closed Session on Tuesday, June 20, 1989 by the following vote:

Wolfsheimer-yea; Roberts-yea; McColl-yea; Pratt-not present; Struiksma-yea; Henderson-yea; McCarty-yea; Filner-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$269,500 in the settlement of each and every claim against the City, its agents and employees, resulting from the damages to Summer House Properties (Superior Court Case No. 88-0762K(IEG), Summer House Properties, Ltd. v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the amount of \$269,500 made payable to Summer House Properties, Ltd. in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of Summer House Properties property damage claim as a result of the incident of March 23, 1988.

Aud. Cert. 9000076.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

ITEM-131: CONTINUED TO AUGUST 1, 1989

Four actions relative to in lieu taxes and standby charges:

(See City Manager Report CMR-89-354.)

Subitem-A: (R-90-99)

Electing to pay a sum not to exceed \$8,000,000 out of Municipal funds, said sum being 100 percent of the amounts to be levied by the San Diego County Water Authority in lieu of taxes which would otherwise be levied upon property within the City, in lieu charges as a condition of service, and in lieu payments for water standby availability charges for property within the City for the fiscal year beginning July 1, 1989, and ending June 30, 1990.

Subitem-B: (R-90-98)

Declaring the City of San Diego's intention to pay out of its Municipal funds the whole of the amount of taxes to be derived from that area of the Metropolitan Water District of Southern California which is within the City for the fiscal year beginning July 1, 1990, in an amount to be fixed in August, 1990, by Resolution of the Board of Directors of the District.

Subitem-C: (R-90-101)

Declaring the City of San Diego's intention to pay out of Municipal funds the whole of the amount of taxes, in lieu charges as a condition of service, and in lieu payments for water standby availability charges, to be derived from that area of the San Diego County Water Authority that is within the City of San Diego, for the fiscal year beginning July 1, 1990 in the amounts to be fixed in August, 1990 by Resolution of the Board of Directors of the Authority.

Subitem-D: (R-90-100)

Electing to pay a sum not to exceed \$7,300,000 out of Municipal funds, said sum being 100 percent of an amount in lieu of taxes which would otherwise be levied upon property within the City by the Metropolitan Water District of Southern California for the fiscal year beginning July 1, 1989 and ending June 30, 1990, and appropriating such in lieu amount.

Aud. Cert. 9000087.
WU-S-90-003.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A220-292, D495-550.)

MOTION BY STRUIKSMA TO REFER THE MATTER TO THE PUBLIC SERVICES AND SAFETY COMMITTEE FOR DISCUSSION. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY STRUIKSMA TO RECONSIDER COUNCIL'S ACTION. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY STRUIKSMA TO CONTINUE TO AUGUST 1, 1989, AT THE CITY MANAGER'S REQUEST FOR A REPORT FROM THE CITY MANAGER ON THE IMPLICATIONS AND REFER TO THE PUBLIC SERVICES AND SAFETY COMMITTEE THE SUBJECT OF THE IN LIEU TAXES FOR WATER STANDBY AND RELATED SERVICES BY THE SAN DIEGO COUNTY WATER AUTHORITY FOR SUBSEQUENT YEARS FOR REVIEW. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-132: (R-90-118) ADOPTED AS RESOLUTION R-274063

Authorizing application to the Mortgage Bond Tax Credit Allocation Committee for allocation of private activity bonds for the Multifamily Housing Bond Program, to finance the Creekside Village Multifamily Rental Housing Project.

(See Housing Commission Report HCR-89-008CC.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-133: (R-90-13) ADOPTED AS RESOLUTION R-274064

Establishing a truck parking prohibited zone on the north and south sides of Activity Road from Clayton Drive to Camino Ruiz; authorizing the installation of the necessary signs and markings; declaring that the hereinabove imposed regulations shall become effective upon the installation of such signs.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: A truck parking prohibition along the north and south sides of Activity Road between Clayton Drive and Camino Ruiz was petitioned by the property owners. Staff's field investigation revealed that many large trucks park along Activity Road within the limits noted above. Trucks parked along streets may obstruct the sight distance of oncoming traffic for motorists exiting driveways. Many of these trucks are using the public street as a temporary storage area. It is recommended that vehicles with an excess gross vehicle weight rated capacity of 10,000 pounds be prohibited from parking along the north and south sides of Activity Road between Clayton Drive and Camino Ruiz as requested.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-134: (R-90-19) ADOPTED AS RESOLUTION R-274065

Authorizing the execution of an agreement with John S. Murk Engineers, Inc. for engineering consultant services in connection with Sewer Main Replacement Groups 72 and 80; authorizing the expenditure of an amount not to exceed \$208,982 from Sewer Revenue Fund No. 41506, Annual Allocation for Sewer Main Replacements (CIP-44-001),

consisting of \$98,222 for Sewer Main Replacement Group 72 and \$110,760 for Sewer Main Replacement Group 80, for the purpose of providing funds for the above services.

(Mission Hills Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The proposed agreement provides construction design services for two separate sewer main replacement projects which will replace or rehabilitate old deteriorated concrete sewers in the canyons northeast of Mission Hills, as part of the City's annual replacement program.

Approximately 13,300 linear feet of sewer line are included in Groups 72 and 80. An initial study to determine alternative alignments and replacement methods, incorporating in-pipe video inspection, is necessary, due to the large number of private encroachments and the environmentally sensitive canyon areas within these projects. We recommend that a consultant be contracted to design this project due to the specialized nature of the initial study. Proposed consultant services for these projects were advertised on March 11, 1988 in the San Diego Daily Transcript. The City's Consultant Nominating Committee selected six firms, which were interviewed in conformance with Council Policy 300-7. John S. Murk Engineers, Inc. was selected. Under this agreement John S. Murk Engineers, Inc. will perform an initial study and prepare plans, specifications, and cost estimates for the construction of Sewer Main Replacement Groups 72 and 80. The subconsultants are: Kercheval Engineers (MBE) for \$18,867 (11.3 percent); San-Lo for

\$7,535 (4.5 percent); RBR & Associates for \$2,750 (1.7 percent); and See Inc. for \$14,700 (8.8 percent).

Aud. Cert. 9000097.

WU-U-89-169.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-135:

Three actions relative to as-needed construction inspection services agreements:

Subitem-A: (R-90-65) ADOPTED AS RESOLUTION R-274066

Authorizing the execution of an agreement with NBS/Lowry Engineers and Planners for construction inspection services.

Subitem-B: (R-90-66) ADOPTED AS RESOLUTION R-274067

Authorizing the execution of an agreement with BSI Consultants, Inc. for construction inspection services.

Subitem-C: (R-90-67) ADOPTED AS RESOLUTION R-274068

Authorizing the execution of an agreement with Luke-Dudek Civil Engineers, Inc. for construction inspection services.

CITY MANAGER SUPPORTING INFORMATION: These agreements will provide professional as-needed construction inspection services for cast-in-place concrete pipe construction on private contract work as required by the Standard Specifications for Public Works Construction (1988 Edition) documented September 30, 1988. Letters of interest were solicited from qualified

consultants by advertisements appearing in the "San Diego Daily Transcript". Staff interviewed the five firms recommended by the consultant nominating committee and recommended that (1) NBS/Lowry Engineers and Planners, (2) BSI Consultants, Inc., and (3) Luke-Dudek Civil Engineers, Inc. be selected. This agreement is for a 12-month period at a maximum fee of \$25,000 per year.

FILE LOCATION: MEET CCONFY90-3

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-136: (R-90-103) ADOPTED AS RESOLUTION R-274069

Authorizing the execution of a third amendment to the agreement of August 18, 1986 with the American Red Cross/San Diego Imperial Counties Chapter, to provide wheelchair lift-equipped transportation for the City's Dial-A-Ride Program; authorizing the expenditure of an amount not to exceed \$198,430 from Fund No. 19631, Object

Account No. 4223, for the purpose of providing funds for the above services; authorizing the Auditor and Comptroller, upon advice from the administering department, to remit unexpended funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION: The American Red Cross is under contract to the City of San Diego to provide lift-equipped transportation to eligible Dial-A-Ride passengers in the central area of the City including Mira Mesa. The current agreement was entered into August 18, 1986 for 10 months and extended for one year, through June 30, 1988, by the City Manager (Document No. C02393), dated December 16, 1987). This third amendment continues the existing agreement for service through June 30, 1990, decreases the maximum per hour compensation rate from \$27.94 to \$26.82, and increases total compensation for the 3 year period to \$567,714. In addition, we are enlarging the contract service area to include Mira Mesa in response to increased requests for service there. The hourly compensation rate decrease is a result of discontinuation of service on Saturdays due to lack of sufficient demand to justify

scheduling of service. The City, however, reserves the right to restore Saturday service if demand increases. Saturday service will increase the maximum overall hourly compensation rate back to \$27.94.

Aud. Cert. 9000084.

FILE LOCATION: MEET CONFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-137: (R-90-20) ADOPTED AS RESOLUTION R-274070

Approving Change Order No. 4 to the contract with Engicon Corporation, dated March 3, 1988, issued in connection with Sewer and Water Main Replacement Group 63, to reflect a net savings to the City of \$54,454.66.

(Uptown, Uptown Medical Complex, and Greater Golden Hills Community Areas. Districts-3 and 8.)

CITY MANAGER SUPPORTING INFORMATION: The City Council authorized advertising of Sewer and Water Main Replacement Group

63 on January 11, 1988. The City Manager awarded a contract for \$1,321,000 to the Engicon Corporation on March 3, 1988. This contract was 24.9 percent under the engineer's estimate of \$1,760,000. Change Order No. 4, consisting of 39 separate cost items, has 26 cost increases and 13 cost decreases for a total net contract reduction of \$54,454.66. Construction costs for the sewer portion of this contract resulted in a savings of \$85,363.90. After trenches were excavated, inspection of the existing laterals found that 220 of the sewer services could be reconnected to the main rather than being replaced. This resulted in a contract reduction of \$109,700 in sewer laterals alone. The need for additional pipe, imported backfill and temporary resurfacing diminished the savings for the sewer portion by more than \$24,000. Construction costs for the water portion of this contract amounted to an increase of \$30,909.24. A decrease of over \$16,000 was attributed to 24 water services that did not require replacement. The increased costs to the water portion of this contract were all associated with

complications arising from the numerous leaks and breaks in the old, deteriorated water mains in and around University Avenue. WU-U-89-188.

FILE LOCATION: CONT-Engicon Corporation CONTFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-138: (R-90-86) ADOPTED AS RESOLUTION R-274071

Approving Change Order No. 10, dated May 3, 1989, issued in connection with the contract with Chilcote Construction Company, Inc., for the Construction of the First San Diego River Improvement Project (FSDRIP) amounting to a net increase in the contract price of \$196,273.15; authorizing the expenditure of an amount not to exceed \$196,273.15 from Fund 79364, for the purpose of providing funds for the above project.

(Mission Valley Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On June 23, 1987, the City Council awarded a construction contract for \$20,800,000 to Chilcote, Inc., for the construction of the First San Diego

River Improvement Project (FSDRIP). This flood protection project will construct an earthen channel with landscaping from State Route 163 to Stadium Way. Funding for construction, design consultants, and consultant services during construction is from an assessment district formed by the adjacent property owners. The owners selected Nasland Engineering as design consultant, who in turn employed Woodward-Clyde as a subconsultant to perform preliminary soils engineering during design and soils engineering services during construction in order to assure conformance to the design and to the contract specifications. This change order will provide for a variety of miscellaneous items including changes in bid item quantities and for additional work required by CalTrans under State Route 163. Where bid items are not appropriate, the work is being paid for by negotiated prices.

Aud. Cert. 9000071.

FILE LOCATION: STRT D-2256

COUNCIL ACTION: (Tape location: A192-206.)

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

ITEM-200: (O-89-181 Rev.) CONTINUED TO SEPTEMBER 11, 1989

(Continued from the meeting of July 10, 1989, Item 50, at Council Member Roberts' request, to allow for the final revision of the Ordinance.)

Amending Chapter III, Article 3, of the San Diego Municipal Code by amending and renumbering Section 33.1406.1, relating to Hours for Soliciting, by prohibiting door to door solicitation from the beginning of sunset to 8:00 a.m.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A110-128.)

MOTION BY ROBERTS TO CONTINUE TO SEPTEMBER 11, 1989, AT THE REQUEST OF COUNCIL MEMBER ROBERTS FOR FURTHER REVIEW. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-not present,

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

ITEM-201: (R-89-2473) CONTINUED TO AUGUST 1, 1989

(Continued from the meetings of June 26, 1989, Item 106 and July 10, 1989, Item 203; last continued at the City Manager's request, for further review.)

Awarding contracts for the purchase of sewer and water flow monitoring systems, for a total cost of \$172,086.76, including tax, terms and freight, as follows:

(BID-0678/89)

1. Montedoro-Whitney Corporation for Item 1;
 2. Omnidata International, Inc. for Item 2.
- Aud. Cert. 8901051.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C133-412.)

Motion by Struiksma to award the contract to ADS Services.

Second by McCarty. No vote.

The hearing was closed.

MOTION BY STRUIKSMA TO CONTINUE TO AUGUST 1, 1989 FOR FURTHER REVIEW. Second by McCarty. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-202: (R-90-111 REV. 1) ADOPTED AS AMENDED AS RESOLUTION R-274099

Authorizing the City Manager to solicit proposals to retain a consultant to assist the City Council in redistricting.

(See City Manager Report CMR-89-355.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C412-D137, D590-E228.)

Motion by McCarty to approve the alternative which is to direct the City Manager not to go forward with the RFP for redistricting at this time and place on the ballot next June a proposal to permit redistricting after the census information is delivered and for the next ten years thereafter. Second by

Wolfsheimer. No vote at this time.

The matter was trailed for the Council to meet in Closed Session for the purpose of receiving advice from the City Attorney pertinent to the matter.

After reconvening and subsequent discussion, Council voted on the motion by McCarty stated above. Failed by the following vote: Yeas-1,7,8. Nays-2,3,4,5,6,M.

MOTION BY ROBERTS TO CONTINUE THE ISSUE OF THE REDISTRICTING TO OCTOBER 2, 1989, AND DIRECT THE CITY MANAGER AND CITY ATTORNEY TO MEET WITH MR. HARO TO DISCUSS THE REDISTRICTING PROCESS AND REPORT BACK TO COUNCIL ON OCTOBER 2, 1989, ADOPT THE RESOLUTION DIRECTING THE CITY MANAGER TO GO OUT FOR REQUESTS FOR PROPOSALS, AND DIRECT THE CITY MANAGER TO BRING BACK THE RECOMMENDATION FOR

THE CONSULTANT TO COUNCIL ON OCTOBER 2, 1989. Second by Henderson. The motion was divided.

The vote on continuing the issue of redistricting to October 2, 1989, and directing the City Manager and City Attorney to meet with Mr. Haro passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

The vote on the portion of the motion adopting the resolution directing the City Manager to go out for proposals for a consultant and directing the City Manager to bring back the recommendations for the consultant on October 2, 1989, passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-nay, Filner-nay, Mayor O'Connor-yea.

ITEM-203: (R-89-1948) RETURNED TO THE CITY MANAGER

(Continued from the meetings of April 24, 1989, Item 117, May 22, 1989, Item 204 and June 26, 1989, Item 209; last continued at Council Member Henderson's request, for further review.)

Authorizing the execution of a consultant agreement with Jaykim Engineers, Inc., to provide construction documents for Napa Street; authorizing the expenditure of an amount not to exceed \$59,300 from Proposition "A" Fund 30300, CIP-52-430, for the purpose of providing funds for the above project.

(Linda Vista Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: This project will widen Napa Street from Linda Vista Road to Morena Boulevard,

including right-of-way (ROW) acquisition, sidewalks, drainage improvements, and traffic signal modifications at the intersections of Napa Street with Linda Vista Road, and Napa Street with Morena Boulevard. Napa Street is presently a substandard, 40-foot wide, four-lane street with 60 feet of ROW that carries over 19,000 vehicles per day. Preliminary design has been performed by City staff, including lane widths and

alignment which will have the least impact on existing commercial property on the easterly side of Napa Street at the lowest estimated project cost. It is now proposed to utilize the services of a consultant to design the detailed plans since City staff are already fully committed to other projects. The consultant would submit right-of-way drawings in late June in order to proceed with property acquisition in FY 1990 as scheduled in the FY 1989 CIP. Detailed plans will be completed about December 1989 in order to advertise and award a construction contract in July 1990 following right-of-way acquisition. Consultants submitted letters of interest, and three firms were interviewed in conformance with Council Policy 300-7. The firm of Jaykim Engineers, Inc., was selected and is hereby recommended to Council for this project. If approved, they would be responsible for the preparation of construction drawings, specifications, and construction cost estimate.
Aud. Cert. 8900837.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A100-110.)

MOTION BY HENDERSON TO RETURN TO THE CITY MANAGER AT THE CITY MANAGER'S REQUEST. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-204: (O-89-216) CONTINUED TO NOVEMBER 20, 1989

(Continued from the meeting of June 20, 1989, Item 339, at Council Member Henderson's request, to allow the City Attorney time to review the 1987 Sacramento, California Federal District Court decision which invalidated a monopoly cable TV franchise in that community, and to present a written analysis to the Council. Also to allow the Attorney time to re-draft the franchise and bring it back with acceptable language.)

Introduction of an Ordinance amending Ordinance 0-12543 N.S., adopted January 2, 1979, by granting a franchise to Cox Cable San Diego, Inc., to provide cable television service to a portion of the City of San Diego until the year 2029. It further provides definitions and a formula for computation of franchise fees, specifies that Franchisee shall pay any possessory

interest taxes and deletes reference to rate regulation by the City.

(Districts 2, 3, 4, parts of 7 and 8.)

FILE LOCATION: FRAN Cox Cable

COUNCIL ACTION: (Tape location: A293-C120.)

Hearing began 2:24 p.m.

Hearing halted 3:34 p.m.

Testimony in favor by Robert McRann.

Testimony in opposition by Yvonne Wylie, Howard Jaffe, Scott Hildebrand, Martin Altbaum, Brad Dessery, Ray Foster, and Robin Shelley.

The hearing was closed.

MOTION BY HENDERSON TO CONTINUE FOR 120 DAYS AND REFER COUNCIL MEMBER HENDERSON'S MEMO TO THE RULES COMMITTEE AND THE CITY ATTORNEY FOR A REPORT BACK. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-205:

Three actions relative to the Mira Mesa Facilities Benefit Assessment:

(Mira Mesa Community Area. District-5.)

Subitem-A: (R-89-2303 REV. 1) ADOPTED AS AMENDED AS
RESOLUTION R-274072

Designating an area of benefit in Mira Mesa and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to said Public Facilities Projects, the method for apportioning the costs of said Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary

automatic annual increases in Facilities Benefit

Assessments, and proceedings thereto, and ordering the proposed Public Facilities Project in the matter of the Mira Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-89-2328) ADOPTED AS RESOLUTION R-274073

Declaring the assessment fee schedule contained in the Mira Mesa Public Facilities Financing Plan to be an appropriate and applicable development impact fee for all properties within the Mira Mesa Community that have either never been assessed under the Mira Mesa Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council.

Subitem-C: (R-89-2268) ADOPTED AS RESOLUTION R-274074

Approving the document entitled "Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, February, 1989."

NOTE: Subitem C was continued from the meeting of June 20, 1989, Item 501A, at Council Member Struiksma's request, to allow the City Manager to comply with directives issued on June 20, 1989.

FILE LOCATION: Subitems A, B, and C STRT FB-12

COUNCIL ACTION: (Tape location: D142-479.)

Hearing began 4:11 p.m.

Hearing halted 4:40 p.m.

Testimony in opposition by Steve Royce and Ta Li.

MOTION BY STRUIKSMA TO ADOPT SUBITEMS A, B, AND C, AS AMENDED TO STATE OVERRULING THE TWO PROTESTS AND APPROVING THE "MIRA MESA PUBLIC FACILITIES FINANCING PLAN AND FACILITIES BENEFIT ASSESSMENT, FEBRUARY, 1989 AS REVISED JULY, 1989." Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S400: (R-90-142) ADOPTED AS RESOLUTION R-274075

Recognizing Barry Wagner, a San Diego Fire Fighter, for his unflinching courage and dedication to duty, when a

Navy SH-60B Seahawk helicopter crashed after take off from North Island Naval Air Station.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A046-A100.)

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

ITEM-S401: (R-90-143) ADOPTED AS RESOLUTION R-274076

Recognizing Gregory Smith, a Carlsbad physician, for his unflinching courage and dedication to duty, in administering CPR to a helicopter pilot when a Navy SH-60B Seahawk helicopter crashed after take off from North Island Naval Air Station.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A046-100.)

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

* ITEM-S402: (R-90-97) ADOPTED AS RESOLUTION R-274077

A Resolution approved by the City Council in Closed Session on Tuesday, July 11, 1989 by the following vote:

Wolfsheimer-yea; Roberts-not present; McColl-yea; Pratt-not present; Struiksma-yea; Henderson-yea; McCarty-yea; Filner-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$440,000 in the settlement of the claims of Gilbert B. and Mary P. Myers against the City, its agents and employees, resulting from damages due to land subsidence to the real property at 1938 Nautilus Street (Superior Court Case No. 588101, Myers, et al. v. City of

San Diego, et al.); authorizing the City Auditor and

Comptroller to issue one check in the amount of \$440,000 made payable to Gilbert B. and Mary P. Myers and their attorney of record, Richard Elliott of McInnis, Fitzgerald, Rees, Sharkey & McIntyre in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the property damage claim of Gilbert and Mary Myers.
Aud. Cert. 9000116.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-S403: (R-90-133) ADOPTED AS RESOLUTION R-274078

Designating the City Manager as the City's Authorized Representative in all actions required to apply for and receive a loan from the State Water Resources Control Board Water Reclamation Loan Program; declaring that such designation shall be effective for both
Fiscal Years 1989 and 1990.

CITY MANAGER SUPPORTING INFORMATION: The State of California's Water Reclamation Loan Program of 1988 provides \$30 million for loans to public agencies for the design and construction of water reclamation facilities. Loans are available at an interest rate equal to 50 percent of the rate paid by the State on the most recent sale of general obligation bonds with a maximum payback period of 20 years. Discussions with State Water Resources Control Board staff indicate that the Water Reclamation portion of the Aquaculture facility to be located in the San Pasqual Valley may be eligible for a loan under this program. The State requires the designation of an authorized representative to apply for and receive loans under this program. Therefore, it is requested that the City Manager be designated as the City's authorized representative for this purpose.

WU-U-90-009.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-S404: (R-90-113) ADOPTED AS RESOLUTION R-274079

19890724

Authorizing the execution of an agreement with CSI Resource Systems, Inc. for the evaluation of the Comprehensive Waste Management System Vendor Proposals; authorizing the expenditure of an amount not to exceed \$85,000 (\$50,000 from Fund No. 41200, Dept. No. 751, Account No. 4151, Job Order No. 7321 and \$35,000 from Fund No. 41200, Dept. No. 752, Account No. 4227, Job Order No. 4329), for the purpose of providing funds for the above project.

(See City Manager Report CMR-89-307.)

COMMITTEE ACTION: Reviewed by PSS on 6/21/89.

Recommendation to approve the City Manager's recommendation.

Districts 2, 3, 4, 6, and 7 voted yea.

Aud. Cert. 9000085.

FILE LOCATION: MEET CCONFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-S405: (R-90-117) ADOPTED AS RESOLUTION R-274080

Authorizing the execution of an agreement with the County of San Diego for a Waste Composition and Market Study; authorizing the expenditure of an amount not to exceed \$45,000 from Fund No. 41200, Dept. No. 751, Object Account No. 4151, Job Order No. 7401, for the purpose of providing funds for the above project; authorizing the City Auditor and Comptroller, upon advice from the administering department, to credit unexpended funds, if any, to the appropriate reserves.

(Miramar Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On July 25, 1988, the

City Council adopted a Recycling and Waste Reduction Plan with a goal of recycling 25 percent of the City's municipal wastestream by 1992. The Plan includes development of a database on recyclable materials through waste composition studies and analysis at the Miramar Landfill. In February 1989 the City Council approved City participation in one sampling period of the County of San Diego year-long waste composition and market study. The study provided information on the types and quantities of recoverable materials in the wastestream and the markets for materials recovered through recycling programs. The County has approved the final report and will continue the study in Fiscal Year 1990. The proposed continuation of City participation will provide information on the fluctuations of waste composition on a seasonal basis, facilitate the development of a regional database and further define marketing options for materials generated from City programs.
Aud. Cert. 9000065.

FILE LOCATION: MEET CONFY90-1

COUNCIL ACTION: (Tape location: A192-206.)

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

* ITEM-S406: (R-90-150) ADOPTED AS RESOLUTION R-274081

A Resolution approved by the City Council in Closed Session on Tuesday, July 11, 1989 by the following vote:

Wolfsheimer-yea; Roberts-not present; McColl-yea; Pratt-not present; Struiksmayea; Henderson-yea; McCarty-yea; Filner-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$225,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the damages due to land subsidence to the real property at 1686 Nautilus Street, (Superior Court Case No. 557237, Jon E. Icardo, et al. v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$225,000 made payable to Jon E. Icardo, Jack Icardo and Elizabeth R. Icardo and their attorney, David T. Pursiano of Duke, Gerstel, Shearer & Bregante, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the

complete and final settlement of the property damage claim of
Jon E., Jack and Elizabeth Icardo.
Aud. Cert. 9000117.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A192-206.)

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

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Rose Lynne regarding applying synergetics and
the Code of Ethics for City officials.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E249-277.)

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 5:21 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E278).