

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 29, 1991
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:02 p.m. Chairperson Wolfsheimer adjourned the meeting at 2:46 p.m. to meet in Closed Session in the 12th floor conference room on Tuesday, July 30, 1991 at 9:15 a.m. on pending litigation.

ATTENDANCE DURING THE MEETING:

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

ITEM-10: INVOCATION

Invocation was given by Reverend Ken Squires of La Mesa/Casa de Oro Faith Chapel.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wolfsheimer.

FILE LOCATION: MINUTES

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

7/1/91

7/2/91

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A140-144.)

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

* ITEM-50: (O-91-198) INTRODUCED, TO BE ADOPTED SEPTEMBER
9, 1991

Introduction of an Ordinance amending Chapter III,
Article 3, of the San Diego Municipal Code by amending
Section 33.3302, relating to Peep Show Establishments.
(See City Manager Report CMR-91-332.)

COMMITTEE ACTION: Reviewed by PSS on 7/17/91. Recommendation
the approve City Manager Report CMR-91-332. Districts 3, 4, 5
and 7 voted yea. District 2 voted nay.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A121-138.)

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

* ITEM-51: (O-92-5) INTRODUCED, TO BE ADOPTED SEPTEMBER
9, 1991

Introduction of an Ordinance authorizing the execution
of an amendment to the agreement of July 23, 1990, on
file in the office of the City Clerk as Document No.
OO-17503-2, with the San Diego Unified School District,
for construction, maintenance and lease of turf field
and recreation facilities at Adams Elementary School;

authorizing the City Auditor and Comptroller to
transfer an amount not to exceed \$81,000 from Mid-City
Park Development Fund No. 39094 to CIP-29-710.0, Adams
Avenue Park - Development; authorizing the expenditure
of an amount not to exceed \$81,000 from CIP-29-710.0,
Adams Avenue Park - Development, for the purpose of
providing funds for this project.

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

CITY MANAGER SUPPORTING INFORMATION: On July 23, 1990, the City
Council approved an agreement with the San Diego Unified School

District for the construction, operation, maintenance and lease of turfed fields and recreation facilities at the Adams Elementary School site. On February 19, 1991 and March 4, 1991 the City Council discussed the matter of additional funding which would be needed for the design and construction of the Adams Joint Use Park. City Manager memorandum to the Honorable Mayor and City Council dated March 1, 1991 described the funding sources needed to complete the entire project, which included undergrounding of overhead electrical utilities by SDG&E at significantly reduced costs, and the identification of surplus CDBG funds from the Wilson Middle School turfing project. The City Auditor and the Community Services Department, however, do not recommend utilizing these funds for the Adams project due to complexities involved with Federal guidelines for the use of CDBG funds. Mid-City Park Development funds have been identified and are recommended for use in supplementing this project. This proposed amendment to the agreement increases the funding for the project to \$580,000 for design and construction of the school/park.

Aud. Cert. 9100976.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A121-138.)

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

* ITEM-100: (R-92-62) ADOPTED AS RESOLUTION R-278404

Awarding contracts to The Fine Art Store, H.G. Daniels, and Minnesota Western for the purchase of miscellaneous graphics supplies, as may be required for a period of one year beginning July 1, 1991 through June 30, 1992, for an estimated cost for the initial primary contract of \$35,800, including tax and terms. (BID-E2235/91)

FILE LOCATION: CONT - Purchase - The Fine Art Store, H.G. Daniels, and Minnesota Western CONT FY92-3

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-101: (R-92-37) ADOPTED AS RESOLUTION R-278405

Inviting bids for the Construction of Seismic
Retrofitting to Harbor Drive Bridge over Chollas Creek
on Work Order No. 119741; authorizing the execution of
a contract with the lowest responsible bidder;
authorizing the expenditure of an amount not to exceed
\$295,306 from FAU Fund No. 38508, Seismic Retrofit for
Harbor Drive Bridge over Chollas Creek, and \$73,260
from CIP-53-037.0, Capital Outlay Fund 30245,
Earthquake Restrainers for Bridges, for providing funds
for said project and related costs. (BID-K2518/92FA)

(Barrio Logan Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This project will provide
for seismic retrofit improvement of the Harbor Drive Bridge over
Chollas Creek. The principal design features include (1) new
bearing walls at abutments, and (2) providing longitudinal
restrainers and beam seats at hinges, and (3) constructing
reinforced concrete infill walls between columns.

This is the ninth of several construction projects proposed to
increase the seismic resistance of City bridges to today's state-
of-the-art in regard to structural stability during a strong
earthquake.

Aud. Cert. 9100694.

FILE LOCATION: W.O. 119741 CONT - ROCA Construction Co.
CONT FY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-102: (R-92-38) ADOPTED AS RESOLUTION R-278406

Inviting bids for the Construction of Seismic Retrofitting to Adams Avenue Bridge over Texas Street on Work Order No. 119740; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of \$216,134 from FAU Fund 38510, Seismic Retrofit for Adams Avenue Bridge over Texas Street, and \$55,782 from CIP-53-037.00, Capital Outlay Fund 30245, Earthquake Restrainers for Bridges, for providing funds for said project and related costs. (BID-K2519/92FA)

(Greater North Park Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: This project will provide for seismic retrofit improvements of the Adams Avenue Bridge over Texas Street. The principal design features include (1) construction of reinforced concrete diaphragm bolsters/shear keys, and (2) installation of restrainer assemblies. This is the tenth of several construction projects proposed to increase the seismic resistance of City bridges to today's state-of-the-art in regard to structural stability during a strong earthquake.

Aud. Cert. 9100693.

FILE LOCATION: W.O. 119740 CONT-ROCA Construction Inc.
CONT FY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-103: (R-92-39) ADOPTED AS RESOLUTION R-278407

Inviting bids for the Construction of Seismic Retrofitting of the West Mission Bay Drive Bridge over the San Diego River and the Morena Boulevard Bridge over San Diego River and Friars Road on Work Order No. 119738/119739;

authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to establish Capital Outlay-Grant Fund (FAU) No. 38509 and Capital Outlay-Grant Fund (State Seismic) No. 38511, Seismic Retrofit of Morena Boulevard Bridge over San Diego River and Friars Road and West Mission Bay Bridge over San Diego River, within CIP-53-0370, Earthquake Restrainers for Bridges; authorizing the City Auditor and Comptroller to increase the funds in CIP-53-037.0, Earthquake Restrainers for Bridges, with \$804,528 from Capital Outlay-Grant Fund (FAU) No. 38509 and \$203,472 from Capital Outlay-Grant Fund (State Seismic) No. 38511, Seismic Retrofit of Morena Boulevard Bridge over San Diego River and Friars Road and West Mission Bay Bridge over San Diego River; authorizing the expenditure of an amount not to exceed \$1,526,884 from CIP-53-037.0, Earthquake Restrainers for Bridges; \$804,528 from Capital Outlay-Grant Fund (FAU) No. 38509; and \$203,472 from Capital Outlay-Grant Fund (State Seismic) No. 38511, Seismic Retrofit of Morena Boulevard Bridge over San Diego River and Friars Road and West Mission Bay Bridge over San Diego River; and \$518,884 from CIP-53-037.0, Proposition "A" Fund 30300, Earthquake Restrainers for Bridges, for providing funds for said project and related costs. (BID-K2520/92FA)

(Mission Bay Park Community Area. Districts-2 and 6.)

CITY MANAGER SUPPORTING INFORMATION: This project will provide for seismic retrofit improvements of the Morena Boulevard Bridge over the San Diego River. Principal design features include (1) construction of reinforced concrete bolsters/shear keys, and (2) construction of diaphragm keeper assemblies, and (3) installation of expansion joint restrainer assemblies. These are the sixth and seventh bridges of several construction projects proposed to increase the seismic resistance of City bridges to today's state-of-the-art in regard to structural stability during a strong earthquake.

Aud. Cert. 9100982.

FILE LOCATION: W.O. 119738/119739 CONT - Commercial Contractors Inc., dba Commercial Contractors, Western Division, Inc. CONT FY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-104:

Two actions relative to the construction of the
Canyonside Community Park Recreation Building and
Additional Ballfields:

(Penasquitos East Community Area. District-1.)

Subitem-A: (R-92-45) ADOPTED AS RESOLUTION R-278408

Inviting bids for the construction of the Canyonside
Community Park Recreation Building and Additional
Ballfields on Work Order No. 119012; authorizing the
execution of a contract with the lowest responsible
bidder;

authorizing the City Manager to rescind Resolution R-
275455, adopted April 10, 1990; authorizing the City
Auditor and Comptroller to combine CIP-29-644 and CIP-
29-410.2 into CIP-29-410.2, Canyonside Community Park -
Recreation Center Building and Additional Ballfields;

authorizing the expenditure of \$3,290,556 from CIP-29-
410.2, Canyonside Community Park - Recreation Building
and Additional Ballfields, \$907,556 from Penasquitos
Park Development Fund No. 39085, \$1,489,000 from FBA
Fund No. 79004, \$79,350 from PSD Fund No. 11130,
\$314,650 from PSD Fund No. 122000, and \$500,000 from
SAFCO Grant Fund No. 39031, 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-
K1382/90B)

Subitem-B: (R-92-46) ADOPTED AS RESOLUTION R-278409

Certifying that the information contained in
Environmental Negative Declaration END-87-1080, dated

January 4, 1987, in connection with Canyonside Community Park Multipurpose Building, 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: Canyonside Community Park is a 42.9 acre park located on the west side of Black Mountain Road just north of Mercy Road. The proposed project includes the construction of an 18,000 square foot recreation building, a seven acre lighted multipurpose field, additional parking, concrete walkways, landscaping and related irrigation systems. Advertising for bids was approved by the City Council on April 16, 1990. A bid opening was held on June 27, 1990 and again on October 25, 1990. Bids were rejected twice because the apparent low bidders failed to meet the Equal Opportunity Program's goals. During the extended bidding period, the Building Permit application expired. A second Building Permit application was required and the plans and specifications were modified to meet the current building code. Council action is requested to approve the new plans and specifications, to advertise for bids, to authorize the project's financing and the award of a construction contract by the City Manager. Resolution R-275455 is being rescinded because it pertains to the project defined by the old plans and specifications.
Aud. Cert. 9200032.

FILE LOCATION: W.O. 119012 CONT - KVAAS Construction Co.,
Inc. CONT FY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-105: (R-92-40) ADOPTED AS RESOLUTION R-278410

Inviting bids for the Canyon Hills Park Erosion Control Planting on Work Order No. 891008; authorizing the execution of a contract with the lowest responsible bidder;

authorizing the expenditure of \$65,400 from CIP-29-728, Canyon Hills Park, previously authorized by Resolution R-274259, 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-K2523/92)

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The undeveloped site for Canyon Hills Park is located in the southwest quadrant of the intersection of Mercy Road and I-15 in the Mira Mesa Community Planning Area. The site was acquired in 1989 from Barratt American Incorporated after the site had been partially graded for residential development. Council authorized an expenditure of \$547,500 to reimburse Barratt American Incorporated for the work required to re-grade the site. Part of that work is planting the disturbed areas with native plant material to expedite regrowth and minimize erosion. The remedial grading work was to be completed in mid-summer of 1990.

Hydroseeding the site in mid-summer would not provide the new plant material with the natural moisture required to survive; therefore, the hydroseeding work was deleted and will be performed by a separate City contract. The proposed project will provide the hydroseeding work, such that winter rains can provide the required moisture for plant growth.
Aud. Cert. 9100833.

FILE LOCATION: W.O. 891008 CONT - Hydrosprout, Inc. CONT
FY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-106:

Two actions relative to the East Clairemont Athletic Area - Development, Phase I:

(Clairemont Mesa Community Area. District-5.)

Subitem-A: (R-92-41) ADOPTED AS RESOLUTION R-278411

Inviting bids for East Clairemont Athletic Area - Development, Phase I on Work Order No. 119316; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$81,650 from CIP-29-257.0, Keiller Neighborhood Park - Development, Capital Outlay-Other Fund No. 302453, to CIP-29-688, East Clairemont Athletic Area - Development, Phase I; authorizing the transfer of \$17,400 from Allied Gardens/Mira Mesa Community Park - Gym Floor Reconstruction, CIP-29-691.0, Prop 70 Per Capita Fund No. 38006, to CIP-29-688.0, East Clairemont Athletic Area - Development, Phase I; authorizing a budget increase of \$295,500 from Public Resources Account Grant Fund No. 38020 for CIP-29-688.0, East Clairemont Athletic Area;

authorizing the expenditure of \$651,100 from CIP-29-688.0, East Clairemont Athletic Area - Development, Phase I, \$80,550 from PSD Fund No. 13000, \$81,650 from Capital Outlay Fund No. 302453, \$176,000 from DIF Fund No. 79521, \$295,500 from the Public Resources Account Grant Fund No. 38020 as received, and \$17,400 from Prop 70 Per Capita Fund No. 38006, for the purpose of executing this contract 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-K2528/92)

Subitem-B: (R-92-42) ADOPTED AS RESOLUTION R-278412

Certifying that the information contained in Environmental Negative Declaration DEP-89-1401 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: The East Clairemont Athletic Area is located at the intersection of Mt. Acadia Blvd. and Mt. Abbey Avenue in the Clairemont Mesa Community Planning Area. The proposed project will provide a comfort station, a

concrete plaza area, bleachers, a parking lot, and landscaping adjacent to the existing league fields.
Aud. Cert. 9100888.

FILE LOCATION: W.O. 119316 CONT - ROCA Construction, Inc.
CONT FY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-107: (R-92-122) ADOPTED AS RESOLUTION R-278413

Authorizing the sale by negotiation for the processing fee of a water easement in Lot 99 of Lusk Industrial Park Unit 3, Map-10361 to First Edition, Limited Partnership;

authorizing the execution of a quitclaim deed, granting to First Edition, Limited Partnership, all that portion of the water easement in Lot 99 of Lusk Industrial Park Unit 3, Map-10361; declaring that no broker's commission shall be paid on the negotiated sale.

(Sorrento Valley Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: Application has been received by the Engineering and Development Department for the abandonment of a portion of a water easement that the City acquired in 1990 at no cost. This easement is located east of Lusk Boulevard between McKellar Court on the north and Barnes Canyon Drive on the south in the Sorrento Valley Area. It is necessary that a 2.5-foot portion of the easement be abandoned in that a building encroaches 2.5 feet onto the existing 10-foot easement granted to the City. The easement is presently in use and will continue to serve its easement function with the remaining 7.5 feet of the original 10-foot easement. The abandonment of this 2.5-foot portion of the water easement has been reviewed by all affected City departments and the local community planning committee and there is no objection to the abandonment.

WU-PR-91-199.

FILE LOCATION: DEED F-5639 DEED FY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-108: (R-92-115) ADOPTED AS RESOLUTION R-278414

Excusing Councilmember Wolfsheimer from attending the
Rules Committee meeting of July 5, 1991 due to personal
reasons.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-109: (R-92-138) ADOPTED AS RESOLUTION R-278415

Excusing Councilmember Wolfsheimer from attending the
City Council and Redevelopment Agency meetings on
Tuesday, July 16, 1991, due to her attendance at the
Coastal Commission meeting.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-110: (R-92-133) ADOPTED AS RESOLUTION R-278416

Authorizing the reproduction or facsimile of the Seal of the City of San Diego for commercial purposes by H.G.I. Marketing Services, Inc., in connection with development of a board game based on information contained in the "San Diego Trivia" book.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-111:

Two actions relative to the application to the State Coastal Conservancy for the Ocean Beach Beachfront Improvement Project:

(Ocean Beach Community Area. District-2.)

Subitem-A: (R-91-2294) ADOPTED AS RESOLUTION R-278417

Approving the application and assurances for grant funds under the Coastal Conservancy Access Program for the Ocean Beach Beachfront Improvement Project.

Subitem-B: (R-91-2295) ADOPTED AS RESOLUTION R-278418

Certifying that the information contained in Negative Declaration EQD-90-0285 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Negative Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: In July of 1990, the Park and Recreation Board approved the Ocean Beach Beachfront Plan which would provide various improvements to the Ocean Beach

community. Included are a boardwalk, seawall (as necessary), street piers, improvements to the Ocean Beach Fishing Pier and lifeguard stations, landscaping, a park area and additional parking. The State Coastal Conservancy has expressed considerable interest in the boardwalk component of the plan since it would enhance coastal and handicapped access to the shoreline. Coastal access is a funding priority for the Conservancy. They have encouraged the City to apply for a coastal access grant in the amount of \$300,000. The total project cost for the boardwalk is estimated at \$500,000. Approximately \$150,000 has been identified in other grant funds, which, when combined with the potential Conservancy grant, would be funding of \$450,000. It is recommended that the grant be applied for with a \$450,000 project budget for Phase I. The remaining \$50,000 would need to be identified at a later date for Phase II in order to complete construction.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-112:

Two actions relative to the 1992 Fuel Efficient Traffic Signal Management Grant Program:

(College Area, Mid-City, Pacific Beach, Rancho Penasquitos and University Community Areas. Districts-1, 2, 3, 6 and 7.)

Subitem-A: (R-92-12) ADOPTED AS RESOLUTION R-278419

Authorizing the City Manager to apply for and accept a Fuel Efficient Traffic Signal Management Grant from the California Department of Transportation for a traffic signal optimization project.

Subitem-B: (R-92-13) ADOPTED AS RESOLUTION R-278420

Authorizing the execution of an agreement with the California Department of Transportation, providing that the City will re-time 160 signals in five systems in accordance with the Fuel Efficient Traffic Signal Management guidelines.

CITY MANAGER SUPPORTING INFORMATION: The California Department of Transportation provides funding to local governments for traffic signal optimization projects through the Fuel Efficient Traffic Signal Management (FETSIM) grant program.

The City of San Diego received \$177,172 for the 1991 FETSIM cycle for the retiming of 223 signals in the Downtown and Washington Street/El Cajon Boulevard systems. This year, funding for five systems totaling 160 signals is being requested: Golden Triangle/Torrey Pines (58 signals), Pacific Beach (43 signals), Rancho Penasquitos (28 signals), University Avenue (21 signals), and Montezuma Road (10 signals). The benefits of traffic signal optimization are improved traffic flow, reduced fuel consumption, reduced vehicle operating costs, reduced air pollution emissions, and improved safety due to smoother flow.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-113: (R-92-151) ADOPTED AS RESOLUTION R-278421

A Resolution approved by the City Council in Closed Session on Tuesday, July 16, 1991 by the following vote:

Wolfsheimer-not present; Roberts-yea; Hartley-not present; Pratt-yea; Behr-yea; Henderson-not present; McCarty-yea; Filner-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$75,000 in the settlement of each and every claim

against the City, its agents and employees, resulting from the personal injuries to Camille Bascus, Printis Robinson and Corres Robinson (Superior Court Case No. 634452, Camille Bascus, et al. v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$75,000 made payable to Camille Bascus, Printis Robinson, Corres Robinson, and their attorney of record, Robert S. Kilborne, IV, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claims of Camille Bascus, Printis Robinson and Corres Robinson against the City of San Diego resulting from an incident which occurred on June 6, 1990.

Aud. Cert. 9200048.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-114: (R-92-120) ADOPTED AS RESOLUTION R-278422

Authorizing the execution of an agreement with ERC Environmental and Energy Services Company, in connection with a Multiple Species Conservation Program plan prior to December 31, 1993; authorizing the expenditure of an amount not to exceed \$1,600,922 from the Clean Water Program Sewer Revenue Fund 41509, CIP-45-910.3, Program Planning and Studies Activities, to fund Phase I (the date of execution of the agreement through July 31, 1992), of this program.

(See City Manager Report CMR-91-323 and Legislative Specialist Analysis PSS-91-23.)

COMMITTEE ACTION: Reviewed by PSS on 7/17/91. Recommendation to approve CMR-91-323 and Legislative Specialist Analysis PSS-91-23.

Report back on alternative funding issues due back in 60 days.
Districts 3, 4, 5 and 7 voted yea. District 2 not present.

Aud. Cert. 9200031.

WU-CWP-91-188.

FILE LOCATION: MEET CCONT FY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-115: (R-91-2292) ADOPTED AS RESOLUTION R-278423

Establishing a parking time limit of two hours on both
sides of Addison Street between Rosecrans Street and
Scott Street, effective between the hours of 8:00 a.m.
and 6:00 p.m., Sundays and certain holidays excepted;
authorizing the installation of the necessary signs and
markings; declaring that the regulations imposed shall
become effective upon the installation of such signs.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The proposed two-hour
parking time limit zone was requested by the property owners
representing 100 percent of the frontage involved. A parking
study was conducted and revealed an average occupancy of 114.4
percent (vehicles were parked in front of a driveway), an average
duration of 5.42 hours and an average turnover of 2.11 parkers
per space. Two-hour parking limitations exist throughout the
area, and they receive a very high level of enforcement. The
results of this study meets the City Council Policy 200-4
requirements for the installation of two-hour Time Limit Parking
Zones.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A145-193.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Pratt.

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

* ITEM-116: (R-92-102) ADOPTED AS RESOLUTION R-278424

Authorizing the execution of an agreement with San Diego Bond-MBM Associates, LTD., for the design and construction of modifications to the existing traffic signal at the intersection of Mission Center Road and the eastbound off-ramp to Friars Road; authorizing the expenditure of an amount not to exceed \$30,000 from CIP-68-001.0 (Prop A Fund 30300), for the above purposes.

(Mission Valley Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This Cooperative Agreement is for the design and construction of modifications to the existing traffic signal at the intersection of Mission Center Road and the eastbound off-ramp to Friars Road. San Diego Bond-MBM Associates, Ltd., has been required to construct certain off-site improvements as set forth in Special Permit No. 88-0501 for the development of properties owned by Mission Valley West/MBM Development. The off-site improvements are to be made at the intersection of Mission Center Road and Friars Road. Specifically, the developer is required to widen the off-ramps from Friars Road to Mission Center Road in accordance with the FSDRIP Specific Plan and the Mission Valley Community Plan. The City Engineering and Development Department has determined that certain additional minor signal improvements to the existing traffic signal at that intersection beyond the scope of the development requirements are desirable and that these additional improvements should be constructed at the same time as the developer improvements. The developer has agreed to construct these additional signal improvements and to be reimbursed for the cost of their design and construction by the City of San Diego. The estimated cost of these additional improvements has been estimated to be \$25,320. However, the total cost to the City shall not exceed \$30,000.

Aud. Cert. 9200028.

FILE LOCATION: MEET CCONT FY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-117: (R-92-5) ADOPTED AS RESOLUTION R-278425

Authorizing the execution of a Second Amendment to Flat Rate Lease with the San Diego Chargers for office space at Jack Murphy Stadium, changing the rent commencement date from June 1, 1991, to commencement of construction or January 1, 1992, whichever first occurs; authorizing the City Manager, at his discretion, to extend the effective date of rent for a period of up to two years from the date of execution of this amendment.

(Mission Valley Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: In April 1990, the City Council approved a lease with the San Diego Chargers, which allowed the Chargers to expand their office space by 3,200 square feet. The lease required that the Chargers construct additional office space within the concrete shell of Level 1-A of the Stadium. The monthly rent of \$3,615.70 was scheduled to commence on June 1, 1990. Rent was not payable until exhaustion of the rent credit granted for the estimated construction costs.

Other concerns kept the Chargers from pursuing the expansion and the effective date of rent was delayed until commencement of construction, but not later than June 1, 1991, by a lease amendment approved by Council earlier this year. The monthly rental rate has since been adjusted to \$3,760.33 in accordance with the lease. The Chargers have been further delayed in pursuing the expansion and have requested that the commencement of rent again be delayed. The amendment provides that rent commence upon start of construction, but not later than January 1, 1992. The amendment also provides that the City Manager may, at his discretion, extend the effective date of rent for a period of up to two years from the execution of the amendment, if the Chargers are further delayed in office space construction. The amendment was unanimously approved by the Stadium Authority at its May 2, 1991 meeting.

FILE LOCATION: LEAS - San Diego Chargers; 61 (Stadium)
LEASFY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

* ITEM-118: (R-92-137) ADOPTED AS RESOLUTION R-278426

Approving Change Order No. 3, dated May 7, 1991, issued in connection with the contract with ABC Construction Company, Inc. for construction engineering for the construction of Ardath Road Median Barrier, amounting to a net increase in the contract price of \$75,342.74; authorizing the City Auditor to transfer \$134,964 from CIP-52-182.0, Fairmount Avenue - Federal Boulevard to Home Avenue to CIP-62-288.0, Construction of Ardath Road Median Barrier, for the purpose of funding this change order; authorizing the expenditure of an amount not to exceed \$134,964 from CIP-62-288.0, Construction of Ardath Road Median Barrier, for the above project.

(La Jolla Shores Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On November 19, 1990, a contract was awarded to ABC Construction Company for the construction of Ardath Road Median Barrier. At the time this project was in the design phase, polyethylene pipe was being considered by the City as an alternate type of storm drain pipe. City staff subsequently determined that the manufacturer's quality control of the material was unacceptable and the material could not be approved for installation in the public right-of-way. Slotted corrugated metal pipe is a City of San Diego approved material and will be substituted in the project specifications for the polyethylene pipe. This will result in an added cost of \$75,342.74 to the project. Also, additional funds in the amount of \$59,621.26 are necessary to cover additional surveying operations for the new slotted corrugated metal pipe and also for field inspection at night since most of the construction is being conducted at night due to the high volume of traffic on Ardath Road during the daytime.

Aud. Cert. 9200033.

FILE LOCATION: W.O. 119265 CONT - ABC Construction Company,
Inc. CONT FY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

ITEM-200: (R-92-150) ADOPTED AS RESOLUTION R-278427

Amending Council Policy 000-09, entitled "Claims
Against the City," to provide more specific guidance
regarding limitations on and source of funds for
payment of claims.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-144.)

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

ITEM-S400: RECOGNIZED

(Continued from the meeting of July 23, 1991, Item
S501, at Mayor O'Connor's request.)

Recognizing Fern James for her community work.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A048-076.)

ITEM-S401: (R-92-142 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-278428

Amending Resolution R-276664 to authorize the Dusty Rhodes Memorial Park Recreation Council to use the surplus funds in the Dusty Rhodes Memorial Trust Fund to purchase additional playground equipment or other park related equipment; expressing appreciation to Mrs. Lois Rhodes and the friends of Dusty Rhodes for their generosity in making funds available for these purposes.

(District-2.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A193-219.)

MOTION BY ROBERTS TO ADOPT AS AMENDED TO ADD ACTIVITIES ASSOCIATED WITH THE DEDICATION CEREMONY. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S402: (R-91-1426 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-278429

(Continued from the meetings of July 8, 1991, Item 150 and July 22, 1991, Item 150; last continued at the City Manager's request, for Council to review supplemental information.)

Approving the Twenty-Year Capital Facilities Plan - Transportation.
(See City Manager Reports CMR-91-351 and CMR-91-206; Legislative Specialist Analysis TLU-91-28.)

COMMITTEE ACTION: Reviewed by TLU on 6/24/91. Recommendation to accept the City Manager's report by approving the program on an interim basis. The Committee referred the City Manager's proposal and TLU Committee Consultant's proposal to the City Form Workshop scheduled for October, including the proposed policy concept addressing as highest priority maintenance and safety, traffic management, transit improvements, and internal traffic improvements or major traffic improvements designed to advance public transit development. The Committee also requested an assessment of the impact of public infrastructure impact fees on the community and the City's economic development. Districts 1,

4 and 5 voted yea. Districts 2 and 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A221-312.)

MOTION BY BEHR TO ADOPT AS AMENDED TO FILE PREVIOUS COUNCIL DIRECTIONS, DELETE THE BRIDGE ACROSS THE PENASQUITOS CROSSING AT CAMINO RUIZ AND DELETE ANY REFERENCE TO THE WIDENING OF POMERADO ROAD FROM A TWO-LANE TO A FOUR-LANE ROAD. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S403:

(Continued from the meetings of July 8, 1991, Item 109, and July 22, 1991, Item 203; last continued at Councilmember Hartley's request, for a report from staff on the phase the City is in now, and to work out the transfer of funds and to work with the Community.)

Two actions relative to Wilson Middle School - Acquisition:

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

Subitem-A: (R-91-2240) DENIED, REPLACED WITH
RESOLUTION R-278430 (R-92-218)

Authorizing the transfer of an amount not to exceed \$300,000 CDBG Fund 18523 from CIP-29-574.1, Paradise Hills Community Park - Phase I, to CIP-29-636.0, Wilson Middle School - Acquisition, CDBG Fund 18523, Dept. 5633, Org. 3306, J.O. 000001; authorizing the transfer of an amount not to exceed \$300,000 Open Space Bond Fund 79103 from CIP-29-636.0, Wilson Middle School - Acquisition, to Open Space Bond 79103; authorizing the transfer of an amount not to exceed \$100,000 from Mid-City Park Fees Fund 39094 into CIP-29-636.0, Wilson Middle School - Acquisition;

authorizing the expenditure of an amount not to exceed

\$600,000 from CIP-29-636.0, Wilson Middle School - Acquisition, consisting of \$500,000 from CDBG Fund 18523, Dept. 5633, Org. 3306, J.O. 000001, and \$100,000 from Mid-City Park Fees Fund 39094, for the acquisition of real property and related costs.

Subitem-B: (R-91-2241) NOTED AND FILED

Certifying that the information contained in Environmental Negative Declaration END-87-0011, in connection with the acquisition of property for the Wilson Middle School project, together with any comments received during the public review process, has been completed in compliance with the California Environmental Quality Act of 1970 as amended, and State guidelines, and that said Report has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: Authorizing the acquisition of four parcels of land located on the north side of Orange Avenue between 39th Street and 40th Street in the Mid-City area will help create a greenbelt consisting of landscaping and a meandering path which will connect Wilson Middle School, Central Elementary School and the cut and cover project over Highway 15. This project is consistent with the Mid-City Community Plan and is in accordance with the City's General Plan Guidelines. The transfer of \$300,000 CDBG Funds from CIP-29-574.1, Paradise Hills Community Park Phase I to CIP-29-636.0, Wilson Middle School - Acquisition, is necessary to fully restore the CIP project to fund the acquisition for the Wilson Middle School project. The transfer of \$300,000 Open Space Bond Funds from CIP-29-636.0, Wilson Middle School - Acquisition to Open Space Bond Fund 79103 is necessary as funds are now required for current open space acquisitions and debt service.
Aud. Cert. 9100988.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A376-520.)

MOTION BY HARTLEY TO DENY SUBITEM-A AND TO NOTE AND FILE SUBITEM-B. ADOPT RESOLUTION R-278430 TO REPLACE SUBITEM-A APPROVING A TRANSFER OF FUNDS IN CONCEPT AND AUTHORIZING THE FOLLOWING FUNDING: 1) ALLOCATE APPROXIMATELY \$333,000 FOR SITE IMPROVEMENTS BETWEEN 43RD AND 44TH STREETS ON EL CAJON BLVD.; 2) ALLOCATE AN ADDITIONAL \$100,000 TO THE LABOR SECURITY PROGRAM; 3) ALLOCATE AN ADDITIONAL \$70,000 TO THE

MID-CITY CLINIC; (FUNDING FOR THESE PROGRAMS IS FOR BRICKS AND MORTAR ONLY) AND 4) ALLOCATE \$100,000 FOR ACQUISITION OF BUILDINGS FOR A PARK AT 39TH AND ADAMS. DIRECT CITY STAFF TO RETURN WITH THE EXACT AMOUNT OF FUNDS TO BE TRANSFERRED. DIRECT CITY STAFF TO PREPARE THE PROPER DOCUMENTS FOR A PUBLIC HEARING AND THE TRANSFER OF FUNDS, AND RETURN TO COUNCIL WHEN THE APPROPRIATE PAPER WORK IS COMPLETED. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S404: (R-92-192) ADOPTED AS RESOLUTION R-278431

Proclaiming July 29, 1991, to be "Navajo Bobby Sox Day," in San Diego.

(District-7.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A076-118.)

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

* ITEM-S405: (R-92-160) ADOPTED AS RESOLUTION R-278432

Authorizing the execution of a five-year agreement with the State Department of Rehabilitation, Business Enterprise Program, for blind vendors to operate the coffee shop in the Police Headquarters building.

CITY MANAGER SUPPORTING INFORMATION: Since 1986, the City has participated in the State's Business Enterprise Program, whereby the cafeteria in the Police Headquarters Building is operated by a visually handicapped vendor who is trained, supervised and equipped by the State Department of Rehabilitation. The City subsidizes the cafeteria by making the space available on a rent-free basis, by paying all utility costs, and by performing some of the janitorial work. Justification for this subsidy is that

it helps a worthwhile rehabilitation program, provides employer/employee advantages by virtue of somewhat lower prices, and the availability of the cafeteria within the confines of the actual work site. The present five-year agreement between the City and State will expire on July 31, 1991. The provisions of the proposed agreement are essentially the same as the previous one, including the 30-day termination clause. A review of the last six months' State approved financial statements for this cafeteria established that the vendor's monthly net profit has averaged \$1,144. Because of this low monthly net profit factor, the City will continue providing the same subsidies that were provided in the previous agreement.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A145-193.)

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

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Wolfsheimer reported that synchronized traffic signals will begin in the Golden Triangle, Torrey Pines and Rancho Penasquitos areas.

FILE LOCATION: Minutes

COUNCIL ACTION: (Tape location: A170-193.)

ITEM-CC-2:

Council Member McCarty asked staff to report back on Channel 10's Perspective regarding Business License Taxes.

FILE LOCATION: Minutes

COUNCIL ACTION: (Tape location: A623-638.)

ITEM-CC-3:

Council Member Pratt referred to the City Manager the issue of the need for a stop sign at Brookhaven and Meadowbrook because of a high accident record.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: A604-622.)

ITEM-CC-4:

Council Member Pratt directed the City Manager, the City Attorney and the Planning Department to prepare a status report and to take action on blatant health and safety code violations at 3260 E. Virgo.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: A623-638.)

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding dishonesty on the Council.

FILE LOCATION: Minutes

COUNCIL ACTION: (Tape location: A528-580.)

ADJOURNMENT:

The meeting was adjourned by Chairperson Wolfsheimer at 2:46 p.m.

FILE LOCATION: Minutes

COUNCIL ACTION: (Tape location: A647).