

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, SEPTEMBER 23, 1991  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson McCarty at 2:07 p.m. Chairperson McCarty adjourned the meeting at 3:24 p.m. to meet in Closed Session in the 12th floor conference room on Tuesday, September 24, 1991 at 9:00 a.m. to discuss pending litigation and significant exposure to litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-278914  
(Other official City business re Challenger's Cup)
  - (1) Council Member Wolfsheimer-excused by  
R-278744 (Attend Immigration Funding Project  
in Washington, D.C.)
  - (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-not present
- Clerk-Abdelnour (so)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Jeffery Moore,  
Tierrasanta Christian Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member  
Pratt.

FILE LOCATION: MINUTES

ITEM-30: (R-92-196) ADOPTED AS RESOLUTION R-278662

Proclaiming September 21-29, 1991 to be "Cabrillo  
Festival Week" in San Diego and urging all residents to  
join in the celebration ceremonies.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A083-088.)

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

ITEM-31: (R-92-8) ADOPTED AS RESOLUTION R-278663

Declaring July 15, 1991 to be "Child Care Awareness Day" in San Diego; recognizing the members of the Child Care Advisory Board for their expertise and their diligent work in advocating for and helping to address the need for child care in this City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A088-132.)

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

ITEM-50: (O-92-28) ADOPTED AS ORDINANCE O-17683 (New Series)

Amending Chapter II, Article 6, of the San Diego Municipal Code by adding Division 11, concerning the formation of a City Public Utilities Advisory Commission.

(Introduced on 9/9/91. Council voted 6-1. District 5 voted nay. Districts 1 and 8 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A380-440.)

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

ADDITIONAL BUSINESS: (R-92-744) ADOPTED AS RESOLUTION  
R-278783

During consideration of the above regular business item, the following resolution was adopted. Resolution R-278783 memorializing Council's action adopting Ordinance O-17683.

FILE LOCATION: MEET

COUNCIL ACTION: Tape location: A380-440.)

MOTION BY HENDERSON TO ADOPT A RESOLUTION MEMORIALIZING COUNCIL'S ACTION ADOPTING ORDINANCE O-17683 ON CONDITION THAT A PERSON WITH EXPERTISE AND A DEMONSTRATED SPECIAL KNOWLEDGE OF THE CABLE TELEVISION INDUSTRY BE APPOINTED TO THE COMMISSION. Second by Hartley. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-nay, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

\* ITEM-51: (O-92-25) ADOPTED AS ORDINANCE O-17684 (New Series)

Amending Chapter X, Article 3, Division 9, of the San Diego Municipal Code by amending Sections 103.0920, 103.0921, 103.0923, 103.0924, 103.0925 and 103.0927 and by repealing Section 103.0922, all relating to the Barrio Logan Planned District Regulations, Subdistrict C.

(Case-350318. Barrio Logan/Harbor 101 Community Area. District-8. Introduced on 9/9/91. Council voted 8-0. District 8 not present.)

FILE LOCATION: LAND-Barrio Logan Planned District

COUNCIL ACTION: (Tape location: A372-380.)

CONSENT MOTION BY HARTLEY TO DISPENSE WITH THE READING AND ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not

present, Mayor O'Connor-not present.

\* ITEM-52: (O-91-103 Corr.) ADOPTED AS ORDINANCE O-17685  
(New Series)

Amending Chapter X, Article 1, Division 4, of the San Diego Municipal Code by amending Sections 101.0421.1, 101.0423, 101.0426, 101.0426.1, 101.0427, 101.0428, 101.0430 and 101.0432, relating to Property Development Regulations, to require a Planned Commercial Development Permit in commercial zones where residential use is permitted (CR, CO, CN, CV, CC, CA, C-1 and C) when the residential portion of the project is in excess of seventy percent of the total gross floor area of the entire project.

(Introduced on 9/10/91. Council voted 7-0. Districts 4 and 7 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A372-380.)

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

\* ITEM-53: Three actions relative to the Institutional Overlay Zone:

(Districts-2, 3, and 7. Introduced on 9/10/91. Council voted 8-0. District 8 not present.)

Subitem-A: (O-92-30) ADOPTED AS ORDINANCE O-17686 (New Series)

Amending Ordinance No. O-17299 (New Series) by repealing those provisions which applied the Institutional Overlay Zone to property owned by the San Diego Unified School District in the College Area Community.

Subitem-B: (O-92-31) ADOPTED AS ORDINANCE O-17687  
(New Series)

Amending Ordinance No. O-17306 (New Series) by  
repealing those provisions which applied the  
Institutional Overlay Zone to property owned by the San  
Diego Unified School District in the Uptown Community.

Subitem-C: (O-92-29) ADOPTED AS ORDINANCE  
O-17688 (New Series)

Amending Chapter X, Article 1, Division 4, of the San  
Diego Municipal Code, by amending Section 101.0460,  
Institutional Overlay Zone, to provide that the Section  
shall not be applicable to property owned by school or  
community college districts.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A372-380.)

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

\* ITEM-54: (O-91-186) ADOPTED AS ORDINANCE O-17689 (New  
Series)

Establishing a two-hour parking meter zone on the north  
side of "J" Street between Seventh Avenue and Eighth  
Avenue.

(Introduced on 9/9/91. Council voted 7-0. Districts 4  
and 8 not present. Centre City Community Area.  
District-2.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A372-380.)

CONSENT MOTION BY HARTLEY TO DISPENSE WITH THE READING AND  
ADOPT. Second by Behr. Passed by the following vote:

Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

\* ITEM-55: (O-91-187) ADOPTED AS ORDINANCE O-17690  
(New Series)

Establishing a two-hour parking meter zone on Eighth Avenue between Island Avenue and "J" Street.

(Introduced on 9/9/91. Council voted 7-0. Districts 4 and 8 not present. Centre City Community Area. District-2.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A372-380.)

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

\* ITEM-56:

Two actions relative to Mission Trails Regional Park:

(Del Cerro Community Area. District-7. Introduced on 9/9/91. Council voted 7-0. Districts 4 and 8 not present.)

Subitem-A: (O-92-11) ADOPTED AS ORDINANCE O-17691 (New Series)

Setting aside and dedicating a portion of Lot 67 of Rancho Mission of San Diego, for a public park.

Subitem-B: (O-92-12) ADOPTED AS ORDINANCE O-17692 (New Series)

Setting aside and dedicating Lot 83 of Del Cerro Shores Unit No. 1, Map-9704, for a public park.

FILE LOCATION: Subitem-A: DEED F-5678; Subitem-B: DEED F-

COUNCIL ACTION: (Tape location: A372-380.)

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

\* ITEM-100: (R-91-324) ADOPTED AS RESOLUTION R-278664

Authorizing the City Manager to release a portion of the surety issued by the subdivider in the form of a cash bond for the construction of public improvements for Engineering Permit W-38684, so that the same is reduced as follows: 1) For faithful performance, to the sum of \$16,369; 2) For the benefit of the contractor, subcontractor and to persons renting equipment or furnishing labor or materials, to the sum of \$8,184.50.

(Tia Juana River Valley Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On September 6, 1990, the City issued Engineering Permit No. W-38684 for the construction of public improvements for W.O. 881198. A cash bond in the amount of \$49,602 was provided by the subdivider. A time extension of the permit has been granted to March 6, 1992. Eighty-nine 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, 67 percent of the original surety will be released which will reduce the surety to \$16,369.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A440-497.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Behr. Passed



by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor Connor-not present.

\* ITEM-101: (R-92-333) ADOPTED AS RESOLUTION R-278665

Vacating portions of Copley Drive, adjacent to Lots 2, 4, and 5 of Allred-Collins Business Park West, Map-12675, under the procedure for the summary vacation of streets; declaring that this resolution shall not become effective unless and until the filing of a consolidation map or other appropriate map to eliminate the landlocked parcels which will exist upon vacation of the rights-of-way; in the event the above map is not filed within one year following the adoption of this resolution, this resolution shall become void and be of no further force or effect; directing the City Engineer to advise the City Clerk of the completion of the consolidation parcel map.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation has been requested by the applicant to accommodate a boundary adjustment parcel map and modified cul-de-sac design. The vacation consists of portions of Copley Drive which may be considered excess upon the proposed reconfiguration of the right-of-way. The subject vacation is located in the Kearny Mesa area of the Serra Mesa Community Plan area. The area-of-vacation consists of five small parcels that total approximately 2,670 square feet. Additional right-of-way is to be dedicated for the modified cul-de-sac design in two small parcels that total approximately 4,042 square feet. The vacation would not affect density or future development of the adjacent sites which are controlled by Planned Industrial Development (PID) Permit PID-88-0210. The Planning Department has no objections to the proposed vacation. The Kearny Mesa Planning Group recommended approval 11-0 on October 23, 1990, and the Planning Commission recommended approval 5-0 on June 27, 1991. The area-of-vacation is unimproved. Future improvements for Copley Drive propose a modified cul-de-sac. Additional right-of-way, a sight-visibility easement, and easements for existing and future public utilities and franchise facilities are to be granted with the proposed boundary adjustment parcel map.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the community plan, and Council Policy 600-15 and may be summarily vacated, conditioned upon the approval of a boundary adjustment parcel map and dedication of additional right-of-way to accommodate the modified cul-de-sac. Upon approval of a boundary adjustment parcel map, there will be no present or prospective public use for the excess right-of-way and the facilities for which it was originally acquired will not be detrimentally affected. The public will benefit from the vacation through improved utilization of the land and public improvements to Copley Drive.

FILE LOCATION: DEED F-5680, STRT J-2767 DEEDFY92-1

COUNCIL ACTION: (Tape location: A440-497.)

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

ITEM-102: (R-92-350) CONTINUED TO NOVEMBER 25, 1991

Vacating an excess portion of North Torrey Pines Road south of La Jolla Shores Drive in Pueblo Lot 1311, as more particularly shown on Drawing No. 17816-B on file in the office of the City Clerk, under the procedure for the summary vacation of streets and public service easements; reserving and excepting the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature; reserving and excepting the right, from vacation and abandonment, easements, and rights of any public utility, to construct, maintain, operate, replace, remove, renew, and enlarge overhead or underground lines of pipe, conduits, cables, wires, poles, and other structures, equipment, and fixtures for the transportation and distribution of electrical or electronic energy and natural gas, and for incidental purposes, including access to the property from all hazards in, upon, over, and across the above described portions of streets to be vacated and abandoned; declaring that the easement reserved herein is in, under, over, upon, along, and across North Torrey Pines road; declaring that this

resolution shall not become effective unless and until a land transfer of the City's title interest has been approved by City Council action; in the event that the land transfer is not completed within 18 months following the adoption of this resolution, then this resolution shall become void and be of no further force or effect; declaring that the City Engineer shall advise the City Clerk of the completion of the land transfer.

(University City Community Area. District-1.)

MANAGER SUPPORTING INFORMATION: The abutting property owner has requested the proposed vacation in order to implement the completion of a loop road around the University of California, San Diego, (UCSD) campus. The loop road will provide internal campus circulation, which will reduce the number of trips on City streets, thereby improving traffic circulation. Since the City owns the underlying fee to the area-of-vacation, the title is to be transferred to UCSD in exchange for areas of additional right-of-way adjacent to the campus. These areas are needed for future City roadway improvement projects and are to be determined at a later date, pursuant to an agreement which is a companion item. The subject vacation is located in the North University City community, adjacent to the La Jolla Shores Planned District, and is situated in an R1-5000 Zone.

The area-of-vacation totals approximately 45,085 square feet and would not affect density, due to the institutional nature of the UCSD campus. The Planning Department, the University Community Planning Group, and the La Jolla Shores Association have no objections to the proposed vacation, and the Planning Commission recommended approval by a vote of 5-0 on May 9, 1991. The area-of-vacation is unimproved, excess right-of-way, which is landscaped and not required for access nor future circulation. The right-of-way contains public and franchise facilities which will require easement reservations. The existing improvements for North Torrey Pines Road will not be affected.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the community plan, and Council Policy 600-15 and may be summarily vacated, conditioned upon approval by City Council of a land transfer/exchange with UCSD. The excess right-of-way is not required for present or prospective public use, and the facilities for which it was originally acquired will not be detrimentally affected. The public will benefit from the vacation through improved



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 II through IV Underground Utility District was created by the City Council on December 6, 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 November 1, 1991 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 April 1, 1992 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.

FILE LOCATION: STRT K-168

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-104: (R-92-417) ADOPTED AS RESOLUTION R-278668

Amending Resolution R-277006, dated December 10, 1990, to reflect a change in the dates and location of the National League of Cities Conference.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A440-497.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Behr. Passed

by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

\* ITEM-105: (R-92-365) ADOPTED AS RESOLUTION R-278669

Authorizing the issuance of a replacement 1915 Act Bond Number Y066, Bond Series 3671, which has been lost, destroyed or wrongfully taken.

CITY MANAGER SUPPORTING INFORMATION: Prudential-Bache Securities, Inc. sent Bond Number Y066, City of San Diego 1915 Act Limited Obligation Bond for Assessment District No. 4019, Otay International Center, Phase II, Bond Series 3671, Par Value \$20,000, registered in the name of their client, to the City of San Diego Treasurer's Office by certified mail #4786363. The article was never received and cannot be found or produced, and Prudential-Bache Securities, Inc. has requested a replacement bond. A letter of indemnification has been received for double the face value of the bond (\$40,000) to indemnify the City for possible loss due to such action. A Mail Loss Affidavit has also been received.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-106: (R-92-318) ADOPTED AS RESOLUTION R-278670

Approving the Conflict of Interest Code for the Horton Plaza Theatres Foundation Board of Directors.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A440-497.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-

yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,  
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

\* ITEM-107: (R-92-358) ADOPTED AS RESOLUTION R-278671

Establishing a parking time limit of two hours,  
effective between the hours of 8:00 a.m. and 6:00 p.m.,  
Sundays and certain holidays excepted, on the west side  
of La Jolla Boulevard between Forward Street and Midway  
Street; authorizing the installation of the necessary  
signs and markings; declaring that the hereinabove  
imposed regulations shall become effective upon the  
installation of such signs.

(La Jolla Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Over 75 percent of the  
property owners of the following locations requested two-hour  
parking zones:

1. La Jolla Boulevard (west side) between Forward Street  
and Midway Street.
2. La Jolla Boulevard between Birdrock Street and Forward  
Street (both sides).
3. La Jolla Boulevard (west side) between Camino de la  
Costa and Birdrock Street.

The Traffic Engineering Division is recommending that the two-  
hour parking limit be established on the west side of La Jolla  
Boulevard from Forward Street to Midway Street, between the hours  
of 8:00 a.m. to 6:00 p.m. daily, with Sundays and certain  
holidays excepted. This block has an average occupancy of 70.62  
percent and an average duration of 2.82 hours. Staff does not  
recommend installation of two-hour parking zones on La Jolla  
Boulevard between Birdrock Street and Forward Street at this time  
as it did not meet the City's recommended average parking  
occupancy of 75 percent and average parking duration of three  
hours. This block has an average occupancy of 36.5 percent and  
an average duration of 1.5 hours on the west side and average  
occupancy of 52 percent and an average duration of 1.7 hours on  
the east side. Due to construction on the west side of La Jolla  
Boulevard between Camino de la Costa and Birdrock Street, a new  
parking study will be conducted at this location after  
construction completion and occupancy of the site. A two-hour  
parking zone was recently established for the east side of La

Jolla Boulevard between Camino de la Costa and Birdrock Street.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A440-497.)

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

ITEM-108: (R-92-400) ADOPTED AS RESOLUTION R-278672

Authorizing the City Manager to establish a City Retail Store Operation as a pilot project for the Entrepreneurial Program; authorizing the City Manager to issue a Request for Proposal (RFP) for solicitation of firms interested in participating in the project; authorizing the City Manager to evaluate the proposals received in response to the RFP and negotiate contracts; directing the City Manager to forward the negotiated contracts to the Council for approval; authorizing the Auditor and Comptroller to establish an Entrepreneurial Program Enterprise Fund; appropriating \$100,000 from the Transient Occupancy Tax Fund Special Promotional Program from the funds previously encumbered for Air Space America pending litigation (10244/916/680); authorizing the Auditor and Comptroller to transfer the \$100,000 Special Promotional Program allocation to the Entrepreneurial Program Enterprise Fund for the funding of the start up costs of the City Store.

(See City Manager Report CMR-91-406.)  
Aud. Cert. 9200202.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A497-B072.)

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



\* ITEM-109: (R-92-385) ADOPTED AS RESOLUTION R-278673

Authorizing the execution of a participation agreement with Paul T. and Susan I. Sparrow, for the installation of an 8-inch P.V.C. water pipe in Brighton Avenue, Ocean Beach; authorizing the expenditure of an amount not to exceed \$144,897 from the Water Revenue Fund 41502, Water System Construction Program, CIP-73-083.0 for the purpose of providing funds for this project.

(Ocean Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: As a condition of Coastal Development Permit CDP-90-0260, the developer is required to construct approximately 1255 linear feet of 8-inch P.V.C. water pipe to replace an existing 4-inch C.I. water main. The existing main needs to be replaced because of inadequate size and poor condition. This water main will benefit the City as a whole. After City acceptance of the facility, the City will reimburse the developer 100 percent of the cost for design and replacement of the main, except that reimbursement shall not exceed \$144,897.

Aud. Cert. 9200191.

WU-U-91-189.

FILE LOCATION: MEET CONFY92-1

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-110: (R-92-386) ADOPTED AS RESOLUTION R-278674

Authorizing the execution of an amendment to the agreement of March 18, 1991, with Brown and Caldwell, in connection with the Mission Bay Sewage Interceptor System - Phase IV; authorizing the expenditure of an amount not to exceed \$244,343 from Sewer Revenue Fund No. 41506, CIP-46-158.0, for the purpose of providing

funds for this amendment.

(Mission Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The Mission Bay Sewage Interceptor System (MBSIS) is a four phase project intended to improve the water quality of Mission Bay. The MBSIS will intercept low dry weather flows discharged from the storm drains (non-point sources) to Mission Bay and the San Diego River Channel, and direct them to the sanitary sewer system. The City is under Regional Water Quality Control Board Cease and Desist Order No. 87-89 to implement the MBSIS by June 1, 1993. Council authorized an agreement with Brown and Caldwell on March 18, 1991, Resolution R-277506, for the design of MBSIS-Phase IV. The agreement provided for the design of interceptor facilities for storm drains in Quivira Basin, Perez Cove, Ventura Cove, Riviera Point Shores, Crown Point Shores, and Rose Creek, for a fee not to exceed \$446,410. Phase III of the MBSIS encompasses the Mission Beach area and was included within the Engineering and Development Department's Mission Beach Drainage Project. The portion of the Mission Beach Drainage Project in north Mission Beach is currently under construction. However, funding for the remainder of the drainage project, located in mid and south Mission Beach, is currently unidentified.

Therefore, in order to meet the Cease and Desist Order deadline, it is necessary to design interceptor facilities for the storm drains located south of San Juan Place, independent of the Mission Beach Drainage Project. These facilities will be incorporated into the MBSIS-Phase IV project. This amendment, for the study and design of additional interceptor facilities, is for an amount not to exceed \$244,343. The total fee for all remaining facilities within this MBSIS project is therefore increased, not to exceed \$690,753. Project subconsultants for the additional facilities are: Beyaz and Patel (MBE), structural - \$14,000 (6.3 percent); Mark Balan (MBE), electrical - \$26,640 (12.0 percent); and Rick Engr., surveying/mapping - \$14,667.50 (6.6 percent).

Aud. Cert. 9200193.

WU-U-92-024.

FILE LOCATION: MEET CCONFY92-1

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-111: (R-92-369) ADOPTED AS RESOLUTION R-278675

Authorizing the City Manager to sign a Memorandum of Understanding with Urban Water Suppliers, Public Advocacy Organizations and other interested groups regarding urban water conservation in California.

(See City Manager Report CMR-91-378.)

COMMITTEE ACTION: Reviewed by PSS on 9/4/91. Recommendation to approve City Manager Report CMR-91-378. Districts 4, 5, and 7 voted yea. Districts 2 and 3 not present.

WU-92-034.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-112:

Two actions relative to the Public Safety Communications Project:

(San Pasqual Community Area. District-1.)

Subitem-A: (R-92-380) ADOPTED AS RESOLUTION R-278676

Approving Change Order No. 2, issued in connection with the contract with Tower Structures Inc., for the Public Safety Communications Project/Pre-Engineered Buildings, amounting to a net increase in the contract price of \$97,531.25; authorizing the expenditure of an amount

not to exceed \$97,531.25 from Public Communications Project/Pre-Engineered Buildings Fund No. 30244, CIP-333952, for the purpose of providing funds for the above project.

Subitem-B: (R-92-394) ADOPTED AS RESOLUTION R-278677

Certifying that the information contained in Environmental Negative Declaration DEP-91-0559 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: City Manager Report CMR-89-481, dated October 2, 1989, described to Council the imperative nature of the communications system and the elements comprising this multi-phased Public Safety Communications Project. Three contracts were adopted by Council to implement the project; they are filed under Resolution R-276881 (Towers and Monopoles). During the preliminary design phase of the Public Safety Communications Project, six mountain top sites were deemed critical in order to provide adequate police, fire, and paramedic services to the San Diego area. Five of the six sites, San Ysidro, Cowles Mountain, Black Mountain, Encanto, and Mt. Soledad, have been successfully completed and are in partial use at this time. However, land acquisition at the Marylane site (in the San Pasqual area) failed and a new location on the Wild Animal Park was found. This change order is to construct an 18 foot monopole and 10 x 12 foot building on the new site in substitution of Marylane.  
Aud. Cert. 9200125.

FILE LOCATION: CONT - Tower Structures, Inc. CONFY92-1

COUNCIL ACTION: (Tape location: A440-497.)

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

ITEM-200:

(Continued from the meeting of September 9, 1991, Item

125, at the request of David Poole of Pardee Construction Co.)

Five actions relative to the improvement of Black Mountain Road including the Pedestrian Overpass at Galvin Street:

(Mira Mesa Community Area. District-5.)

Subitem-A: (R-92-319) ADOPTED AS RESOLUTION R-278678

Authorizing the City Manager to abandon the Feasibility Study - Black Mountain Road Assessment District Fund No. 79410 and return any surplus funds to the property owners in proportion to their contributions.

Subitem-B: (R-92-320) ADOPTED AS RESOLUTION R-278679

Accepting the petition for the Black Mountain Road Assessment District under the provisions of the Municipal Improvement Act of 1913.

Subitem-C: (R-92-321) ADOPTED AS RESOLUTION R-278680

Authorizing the execution of a Reimbursement Agreement with Pardee Construction Company for the Black Mountain Road Assessment District.

Subitem-D: (R-92-322) ADOPTED AS RESOLUTION R-278681

Authorizing the City Auditor and Comptroller to establish the Black Mountain Road Assessment District Fund (Fund No. 79650); accepting the initial cash advance of \$25,000 from Pardee Construction Company for the purpose of paying the preliminary costs for staff administration.

Subitem-E: (R-92-323) ADOPTED AS RESOLUTION R-278682

Authorizing the City Manager to enter into a Reimbursement Agreement with Pardee Construction for the payment of cash reimbursements in exchange for construction of a pedestrian bridge at Galvin Street across Black Mountain Road.

CITY MANAGER SUPPORTING INFORMATION: On November 16, 1987, Council authorized the City Manager to conduct a feasibility

study for construction of Black Mountain Road through assessment district proceedings between the Mira Mesa and Rancho Penasquitos communities. This section of Black Mountain Road is substantially complete with the exception of that portion within Pardee Construction Company's Westview Subdivision boundary. Pardee is required to construct the roadway in conjunction with development of their subdivision property. Pardee has approached the City requesting that the public improvements be constructed and acquired through assessment district proceedings. A petition was submitted to the City and signed by Pardee, thereby representing 100 percent of the land owners proposed to be assessed. Upon completion of the roadway construction, the City would acquire the improvements through the assessment district public hearing process. Associated with the above project is the construction of a pedestrian bridge across Black Mountain Road at Galvin Street identified in the Council approved Mira Mesa Public Facilities Financing Plan. The community desires that the bridge be constructed prior to opening the remaining portion of Black Mountain Road. Pardee has agreed to coordinate construction of the roadway and bridge such that both projects are completed concurrently. Pardee is willing to accept cash reimbursement from the FBA district as compensation for expenditures on their cost of constructing the pedestrian bridge.

Aud. Cert. 9200153.

FILE LOCATION: STRT D-2290 CONFY92-1

COUNCIL ACTION: (Tape location: B072-161.)

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

ITEM-201: (O-92-17) ADOPTED AS ORDINANCE O-17693 (New Series)

Adoption of an Ordinance authorizing a Fifty-five Year Joint Use Agreement with Del Mar Union School District for a portion of Carmel Del Mar Neighborhood Park.

(Introduced on 9/9/91. Council voted 7-0. Districts 4 and 8 not present. North City West Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The North City West Elementary School/Carmel Del Mar Neighborhood Park is located at 12300 Carmel Park Drive, San Diego, California 92130. The Park is currently developed, maintained and operated by the Park and Recreation Department. The term of this Joint Use Agreement will be for 55 years. The Del Mar Union School District is planning completion of Phase I of the school site in August of 1992. The District will then have exclusive use of the joint-use site and facilities, in Area 1 only, Monday through Friday, from 30 minutes before the beginning of the school day until 30 minutes after the close of the school day on each day that school is in session. The City will have use after school hours, weekends and school holiday periods.

FILE LOCATION: LEAS-Del Mar Union School District- Carmel  
Del Mar Neighborhood Park LEASFY92-1

COUNCIL ACTION: (Tape location: A440-497.)

Hearing began at 3:01 p.m. and halted at 3:02 p.m.

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

ITEM-202:

Two actions relative to the Eagle Crest Project:

(See City Manager Report CMR-91-409. San Pasqual Community Area. District-1.)

Subitem-A: (R-92-347 Cor.) ADOPTED AS RESOLUTION  
R-278683

Authorizing the sale of sewer pipeline easements to the City of Escondido for \$19,725, affecting portions of Sections 20, 29, 30 and 31, Township 12 South, Range 1 West, San Bernardino Meridian, and in portions of Oaks Tract of Rancho San Bernardo, Map-1415, and in portion of Block 265, Rancho Rincon Del Diablo, Map-725; authorizing the sale of the fee interest in a sewer pump station site for \$3,858 to the City of Escondido, affecting a portion of Section 31, Township 12 South,

Range 1 West, San Bernardino Meridian; authorizing the City Manager or his designee to execute deeds conveying to the City of Escondido fee and easement and other property interests; authorizing the sale of City-owned real property interests in portions of the Southeast Quarter and Southwest Quarter of the Southwest Quarter of Section 30, Township 12 South, Range 1 West, San Bernardino Meridian, to Eagle Crest for later transfer to CalTrans; authorizing the City Manager or his designee to execute a deed or deeds, conveying to Eagle Crest, certain property for Highway 78 right-of-way, for \$36,920; setting aside and dedicating a portion of City-owned land, being a portion of Sections 20 and 30, Township 12 South, Range 1 West, San Bernardino Meridian, for public street purposes, and naming the same Cloverdale; setting aside a portion of Section 30, Township 12 South Range 1 West, San Bernardino Meridian, for public street purposes, and naming the same Via Rancho Parkway; setting aside drainage easements appurtenant to Cloverdale and Rockwood Road, in consideration of payment of \$5,123.

Subitem-B: (R-92-348) ADOPTED AS RESOLUTION R-278684

Certifying that the information contained in Environmental Impact Report EIR-87-83, dated March 25, 1988, and EIR-89-09, dated October 18, 1989, have been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and have been reviewed and considered by the Council.  
WU-PR-91-223.

FILE LOCATION: DEED F-5682 DEEDFY92-1

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-400: (R-92-427) ADOPTED AS RESOLUTION R-278685

Canceling the regularly scheduled meetings of the City



Council on September 30 and October 1, 1991, since it is anticipated that a majority of the Council will be out of town and unable to attend, pursuant to Rule 1 of the Permanent Rules of Council, San Diego Municipal Code Section 22.0101.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-S401: (R-92-411) ADOPTED AS RESOLUTION R-278686

Congratulating Hank and June Callahan on the occasion of their 50th wedding anniversary, and designating Friday, September 27, 1991, as "Hank and June Callahan Day" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-S402: (R-92-412) ADOPTED AS RESOLUTION R-278687

Establishing a parking time limit of two hours between the hours of 8:00 a.m. and 4:00 p.m., Saturdays, Sundays and certain holidays excepted, on the north and south sides of Calle Pueblito between Paseo Lucido and Caldas de Reyes; authorizing the installation of the necessary signs and markings; declaring that the regulations shall become effective upon the installation of such signs.

(Rancho Bernardo Community Area. District-5.)

SUPPORTING INFORMATION: This proposed two-hour time limit on Calle Pueblito was petitioned by property owners and the Principal of Bernardo Heights Middle School which together represent 92 percent of the affected frontage property owners.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A440-497.)

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

ITEM-S403: (R-92-387 REV. 1) ADOPTED AS RESOLUTION  
R-278688

(Continued from the meeting of September 16, 1991, Item S405, at the City Manager's request, for further discussion with Councilmember Hartley's office.)

Acknowledging the formation of a subcommittee of the City Heights Project Area Committee for the purpose of making recommendations to the City Council in the matter of the proposed incorporation of a City Heights Development Corporation. (District-3.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B163-226.)

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

\* ITEM-S404: (R-91-295) ADOPTED AS RESOLUTION R-278689

Inviting bids for the San Diego Crime Lab DNA Laboratory Improvements on Work Order No. 111265; authorizing the execution of a contract with the lowest

responsible bidder; authorizing the expenditure of funds not to exceed \$210,184, (\$110,000 from Allocated Reserve Fund 901, \$95,000 from surplus balance of prior year for CAL-ID Fund 100 and \$5,184 anticipated savings from Police Department Crime Lab Operating Budget Fund 100 for tenant improvement and conversion of a portion of 6th floor, Police Department Headquarters to a crime lab and DNA laboratory), for said project and related costs. (BID-K2647/92)

(Centre City Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This project, the remodeling of the San Diego Crime Lab necessary to accommodate the new DNA Lab, will provide for the renovation of interior of a portion of 6th floor, Police Department Headquarters building located at 1401 Broadway. Currently, the City operates a crime lab at the 6th floor location. This lab does not have facilities for DNA laboratory service. This renovation and improvement will enhance the Police Department's ability to identify, apprehend and successfully prosecute serious criminals.

Aud. Cert. 9200211.

FILE LOCATION: W.O. 111265 CONT - Woodburn Construction Co.  
CONFY92-1

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-S405:

Three actions relative to agreements for consultant services:

Subitem-A: (R-92-413) ADOPTED AS RESOLUTION R-278690

Authorizing the execution of an agreement with Safino, Butcher and Ormonde, for consultant services.

Subitem-B: (R-92-414) ADOPTED AS RESOLUTION R-278691

Authorizing the execution of an agreement with California Engineering Corporation for consultant services.

Subitem-C: (R-92-415) ADOPTED AS RESOLUTION R-278692

Authorizing the execution of an agreement with Pountney and Associates for consultant services.

CITY MANAGER SUPPORTING INFORMATION: These three agreements will provide outside expertise for checking of subdivision and parcel map submittals for the City Engineer in order to shorten checking time. The concept was recommended by the Council's Ad Hoc Task Force On Housing Development Processing in its report of March, 1981. Current consultant contracts expired on June 25, 1991. Letters of Interest were solicited from qualified consultants by advertisements appearing in the "Daily Transcript" and the "San Diego Monitor" (minority and women-focused newspaper) on May 3, 1991. After reviewing the data submitted by 27 responding firms, the Design Consultant Nominating Committee recommended 8 firms for further consideration. Staff then interviewed the eight firms and selected Safino, Butcher and Ormonde; California Engineering Corp.; and Pountney and Associates as the recommended consultants.

FILE LOCATION: MEET CCONFY92-3

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-S406:

Two actions relative to the final subdivision map of Westview Unit No. 2, a 5-lot subdivision located northeasterly of Black Mountain Road and Westview Parkway:

(Mira Mesa Community Area. District-5.)

Subitem-A: (R-92-403) ADOPTED AS RESOLUTION  
R-278693

Authorizing the execution of a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of public improvements.

Subitem-B: (R-92-402) ADOPTED AS RESOLUTION R-278694

Approving the final map.

FILE LOCATION: SUBD - Westview Unit No. 2 CONFY92-1

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-S407:

Five actions relative to the final subdivision map of Westview Unit No. 10, a 4-lot subdivision located southeasterly of Black Mountain Road and Mercy Road:

(Mira Mesa Community Area. District-5.)

Subitem-A: (R-92-405) ADOPTED AS RESOLUTION R-278695

Authorizing the execution of a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of public improvements.

Subitem-B: (R-92-404) ADOPTED AS RESOLUTION R-278696

Approving the final map.

Subitem-C: (R-92-406) ADOPTED AS RESOLUTION R-278697

Approving the acceptance by the City Manager of two grant deeds of Pardee Construction Company, granting to the City a portion of Lot 69 of Westview Unit No. 9,

and Lot 72 of Westview Unit No. 10.

Subitem-D: (R-92-407) ADOPTED AS RESOLUTION R-278698

Vacating the City's interest in an unneeded drainage easement affecting a portion of the east half of Section 30, Township 14 South, Range 2 West, San Bernardino Meridian, pursuant to Section 8300 et seq. of the Streets and Highways Code.

Subitem-E: (R-92-408) ADOPTED AS RESOLUTION R-278699

Authorizing the execution of an agreement with Pardee Construction Company for the construction of a traffic signal system at Black Mountain Road and Hillary Drive.

CITY MANAGER SUPPORTING INFORMATION: Condition 19 of Planning Commission Resolution No. 0078-PC required the subdivider to grant negative open space easement over Lots 68 and 72 of the tentative map of Westview. These lots are now a portion of Lot 69 of Westview Unit No. 9 and Lot 72 of Westview Unit No. 10, and are being deeded to the City at no cost at the request of the Park & Recreation Department. These lots abut Canyon Hills Park, which was acquired after the tentative map of Westview was approved. The portion of Lot 69 being deeded to the City is 5.944 acres in size, Lot 72 is 47.006 acres in size. No park fee credit is being granted by this action. The lots are to be used for open space purposes. As a condition of the final maps for Westview, VTM-86-0969, and Mesa del Sol, TM-86-0613, it was agreed during the City Council hearing on January 5, 1988 that the future traffic signal system at Black Mountain Road and Hillary Drive would be funded 50% by Pardee (Westview) and 50% by Shapell (Mesa del Sol) and that both parties would be reimbursed 100% by the Kaiser subdivision when Kaiser is processed.

FILE LOCATION: Subitems-A,B & E: SUBD - Westview Unit No. 10; Subitem-C: DEED F-5685; Subitem-D: DEED F-5686 CONFY92-2; DEEDFY92-2

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-S408: (R-92-420) ADOPTED AS RESOLUTION R-278700

Authorizing the execution of utility agreements with the State of California Department of Transportation, for the relocation and adjustment of water main facilities and sewer facilities within the Interstate I-15/40th Street Highway Improvement Project (Phase I); authorizing the expenditure of an amount not to exceed \$1,160,224 consisting of \$816,719 from Water Revenue Fund 41500, 40th Street/I-15 Utility Relocations, CIP-73-293.0, for Agreement No. 25501, and \$343,505 from Sewer Revenue Fund 41506, 40th Street/I-15 Utility Relocations, CIP-46-153.0, for Agreement No. 25502 for providing funds for these projects; authorizing the use of City Forces for cutting and plugging of existing water lines, the installation of valves, the performance of required testing and operational checks; declaring that the cost of the work shall not exceed \$41,600; authorizing the City Manager to finance or refinance these projects with tax exempt securities if circumstances so warrant.

(District-3.)

CITY MANAGER SUPPORTING INFORMATION: The State Department of Transportation has determined that portions of existing 6-, 12-, and 36-inch water mains and portions of the existing 6- and 12-inch sewer mains are in conflict with the Interstate I-15/40th Street Highway Improvement Project (Phase I) in East San Diego. Future phases of this project will include additional relocations. Two separate agreements will provide financing for the relocation of the conflicting water and sewer mains. All relocation work, except for small amount of work by City Forces, shall be done by the State's contractor. Under these agreements, the State shall fund all of the relocation work, except for betterment, depreciation, and obligations for an existing sewer main in Ward Canyon per State Encroachment Permit No. 1167-U-781.232. This project will increase the size of the Otay second pipeline from 36 inches to 60 inches. This betterment was included to provide water facilities for future demands. Each agency shall fund the utilities engineering work, proportional to their cost responsibility for the construction costs.

Aud. Cert. 9200218.

WU-U-92-033.

FILE LOCATION: MEET CONFY92-1

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-S409: (R-92-436) CONTINUED TO OCTOBER 7, 1991

Holding in abeyance the implementation of the drought related water rate structures set forth in Council Resolution R-278442, adopted on July 30, 1991 until subsequent action of the Council.

CITY MANAGER SUPPORTING INFORMATION: The proposed resolution holds in abeyance the effective date of a new drought-related water rate structure until further discussion by the Council on October 7, 1991. On July 23 and 30, 1991, Council adopted a new water conservation-inducing rate structure that is to become effective on October 1, 1991. In addition, with the assistance of a Citizens' Advisory Committee formed of representatives of various customer classes, the City Manager was directed to develop an amendment to the Municipal Code that would be applied in a fair and equitable manner. An implementation ordinance was to be brought to the Council for discussion on September 23, 1991. During Council discussions on September 9, 1991, of the pass-through of increased water purchase costs from the County Water Authority (CWA) and the Metropolitan Water District (MWD) to the City's rate payers, Council directed that this item be rescheduled for further discussion on October 7, 1991, along with the City Attorney's opinion on the City's relationship with CWA and MWD regarding this matter. It was also requested that on October 7, a report be provided on the State's water supply and that water conservation-inducing rate structures and the Citizens' Advisory Committee recommendations be considered. As the discussion of the new water rate implementation measures will not take place until after the date that the rates were originally scheduled to become effective, it is necessary that the effective date be held in abeyance, and the existing rate structure remain in place until subsequent action by the Council.

WU-U-92-045.



FILE LOCATION: --

COUNCIL ACTION: (Tape location: A142-364.)

MOTION BY HARTLEY TO CONTINUE TO OCTOBER 7, 1991 WITH THE FOLLOWING DIRECTIVES TO THE CITY MANAGER:

1. BRING BACK MODIFICATIONS TO THE SEWER RATE STRUCTURE FOR THE COMMERCIAL AND RESIDENTIAL RATES THAT WENT INTO EFFECT ON JULY 1, 1991, AND PRESENT INPUT FROM THE CITIZENS ADVISORY COMMITTEE;
2. DIRECT THE WATER UTILITIES DEPARTMENT TO INFORM THE PUBLIC THAT THE COUNCIL WILL BE REVIEWING THIS WHOLE STRUCTURE ON OCTOBER 7, 1991, AND IN THE MEANTIME THERE IS A VARIANCE AND APPEALS PROCESS THAT CAN BE USED WITH REGARD TO THE CONCERNS OF THE MAGNITUDE OF SEWER RATE INCREASES; AND
3. LOOK AT BOTH THE WATER AND THE SEWER RATES WITH REGARD TO THE POSSIBILITY OF CHANGING THE BASE RATE AND ALTERNATE STRUCTURES SO THAT THE PUBLIC IS NOT PENALIZED IN THE PROCESS.

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

\* ITEM-S410: (R-92-455) ADOPTED AS RESOLUTION R-278701

Accepting the low base bid of \$7,734,000 and awarding a contract to Western Summit Constructors, Inc. for Metro Pump Station #2 installation of 8th pump and engine drive; authorizing the Auditor and Comptroller to transfer funds within Sewer Fund 41506 from CIP-46-134.0, Point Loma Sedimentation Basins 11 and 12, in the amount of \$400,000 to CIP-46-101.0, Metro Pump Station No. 2 - Additional Pumps; authorizing the Auditor and Comptroller to expend funds for the construction of CIP-46-101.0, Metro Pump Station No. 2 - Additional Pumps, Installation of Eighth Pump and Engine Drives (Resolution R-278377), by \$424,000, and reduce previous authorizations to expend funds for the construction of CIP-46-101.0, Metro Pump Station No. 2 - Additional Pumps, for pre-purchased equipment as follows: \$859,090.16 from R-277520; \$89,091.41 from R-

277521; and \$82,549.43 from R-278341 for a total of \$1,030,731; authorizing the expenditure of these funds for the purpose of supplementing Resolution R-278377 including assignment of the pre-purchase contracts to the contractor, Western Summit Constructors, Inc., for said project and related costs. (BID-K2532/92)  
(Pacific Highway Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Metro Pump Station N. 2, located on North Harbor Drive, pumps all of the City and Metro sewage flows to the Point Loma Wastewater Treatment Plant. It was originally constructed in 1962 with four pumps, with built-in provisions for a total of eight pumps. The fifth and sixth pumps were installed in 1986. The City retained the services of Brown & Caldwell, Consulting Engineers, to perform engineering studies for the installation of the seventh and eighth pumps. Their study determined that complete loss of electrical power for a fraction of a second could result in the shutdown of all motor-driven pumps and a water-hammer surge could rupture the interceptor system in several locations. For reliability, two of the electric motor-driven assemblies need to be installed with natural gas fueled engines. The change of scope has put the project on a compressed schedule and increased the budget from \$3.4 to \$13.4 million. This project has a mandated completion date of December 31, 1992 under the terms of the City-EPA Consent Decree. By Council action on July 22, 1991, authorization was given to advertise for a contractor for the installation of the eighth pump and engine drive. Certain equipment requires a long lead time to manufacture. The City pre-purchased the equipment by prior authorization. The current request will authorize the award of the contract to Western Summit Constructors, Inc. in the amount of \$7,734,000. This amount includes the cost for previously purchased equipment. The current request will transfer authorized funds for the equipment to those funds authorized July 22 for the remainder of the contract. Three bids were received. An additional \$424,000 in funds is also needed to execute the contract. Re-advertising would not likely reduce the bids, and only jeopardize the timely completion of the project by its consent decree deadline of December 31, 1992.

Aud. Cert. 9200223.

WU-P-92-041.

FILE LOCATION:           CONT - Western Summit Constructors, Inc.  
                          CONFY92-1

COUNCIL ACTION: (Tape location: A440-497.)

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

\* ITEM-S411: (R-92-426) ADOPTED AS RESOLUTION R-278702

Authorizing the execution of a Right of Entry Permit and a Tunnel Easement Deed with San Diego County Water Authority for pipeline/tunnel installation within portions of Mission Trails Regional Park.

(Mission Trails Regional Park Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: The San Diego County Water Authority (SDCWA) proposes to improve distribution and service to the region. SDCWA will construct an 11-mile pipeline (Pipeline 4 Extension Phase I) through the cities of San Diego, San Carlos, La Mesa, Lemon Grove and Spring Valley. A portion of the pipeline will extend through portions of Cowles Mountain and Mission Trails Regional Park. Cowles Mountain is owned jointly by the City and County. SDCWA will need to tunnel through Cowles Mountain. No aboveground structures are proposed. SDCWA will pay fair market value for the easement and will perform all required mitigation. However, due to scheduling constraints on the project, a short-term Right of Entry Permit is necessary for SDCWA. SDCWA has requested an appraisal, and, as soon as the appraisal is completed, SDCWA will pay the fair market value for the easement. The easement has been reviewed and approved by the Mission Trails Regional Park Task Force, the Park and Recreation Department, and the Planning Department's Division of Environmental Planning.

FILE LOCATION: DEED F-5687 DEEDFY92-1

COUNCIL ACTION: (Tape location: A440-497.)

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

ITEM-S412: (O-92-50) INTRODUCED, TO BE ADOPTED  
OCTOBER 21, 1991

Authorizing the execution of an agreement with San Diego Hall of Champions, Inc. for a fifty-five year lease of the Federal Building in Balboa Park.

(Balboa Park Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: On October 30, 1989, Council adopted Resolution R-274646 allocating future exclusive tenancy in the Federal Building to the Hall of Champions providing that, within 180 days of the date of adoption of the resolution, that the Hall of Champions confirm that the Federal Building suits its needs. The Hall of Champions has made such determination in a timely manner. The 55 year lease which is before Council today for approval describes the mutual responsibilities of the parties for operation and maintenance of a public museum. The lease agreement becomes effective upon completion of a new municipal gymnasium at the Nobel Athletic area which will accommodate all of the uses now housed in the Federal Building. The new facility is expected to come on line in 1994 at which time the Hall of Champions will occupy the Federal Building.

NOTE: 6 votes required, pursuant to Section 99 of the City Charter.

FILE LOCATION: -- LEASFY92-1

COUNCIL ACTION: (Tape location: A440-497.)

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

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Council Member McCarty regarding a report the City Manager will present in 30 days on funding for the Neil Good Day Care Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B226-233.)

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO CITY MANAGER

Comments by Ronald Bociling requesting Council to ask the Air Force for permission to store two historic airplanes (one B-24 and one B-36 intercontinental bomber) designed in San Diego in 1941.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B233-340.)

PUBLIC COMMENT:

ITEM-PC-2:

Comments by Don Stillwell on why people didn't get out and vote.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B340-380.)

ADJOURNMENT:

By common consent the meeting was adjourned by Chairperson McCarty at 3:24 p.m. in honor of the memory

of Marcus Cummings, Michael D. Knight, Ronald W. Davis,  
Sheri Lee Smith and David Eisenberg.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B380-450).