

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, AUGUST 9, 1993  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:07 p.m. Mayor Golding adjourned the meeting at 5:33 p.m. into Closed Session on Tuesday, August 10, 1993 at 9:00 a.m. in the 12th floor Conference Room to discuss pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-excused by R-282677 (personal reasons)
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present  
Clerk-Abdelnour (ll)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Adbelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Russell Plilar of Seedtime and Harvest Non-denominational Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Deputy Mayor Behr.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding Revelator and the Federal Reserve.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A051-074.)

ITEM-PC-2: REFERRED TO CITY MANAGER

Comment by Jim Harnsberger requesting that the City Council establish September 5, 1993 as National Jury Rights Day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A075-105.)

ITEM-PC-3: REFERRED TO CITY MANAGER

Comment by Art Salzberg advising the Council that his car was illegally towed and that he keeps receiving parking

tickets. He also advised that he was not going to pay for any parking fines or violations and requested that the Manager get Mr. Salzberg's car back as soon as possible.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A106-134.)

ITEM-PC-4:

Reynaldo Pisano asked the Council about the status of his request to have the City Attorney look into the Council's action of renaming the Valencia Park Library. Mr. Pisano was advised that Mr. Ken So of the Attorney's office would be getting back to him as soon as possible.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A150-158.)

ITEM-PC-5:

Mrs. Melvina Travis asked the Council about her request of July 27, 1993 regarding item #331 to be reconsidered, which was also concerning the Valencia Park Library. Mayor Golding advised Mrs. Travis that her request had been forwarded to the City Manager and she would be hearing from his office.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A159-176.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Mayor Golding regarding the Home Federal Building and its possible use for the Central Library. The Mayor advised of a blue ribbon task force that has been developed to analyze the feasibility of using this building and will report back to Council.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A180-398.)

ITEM-30: ACKNOWLEDGED

Acknowledging the American Planning Association Awards received by the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A227-293.)

ITEM-31: (R-93-2179) ADOPTED AS RESOLUTION R-282455

Recognizing the accomplishments of Gary Kaku and thanking him for his dedication and service to the people of San Diego; proclaiming August 9, 1993 to be "Gary Kaku Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A294-365.)

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

\* ITEM-50: (O-93-56) ADOPTED AS ORDINANCE O-17951 (New Series)

Amending Chapter II, Article 2, Division 2 of the San Diego Municipal Code to reflect the renumbering of Section 63.02.24 within the text of Section 22.0207; and amending Chapter VI, Article 3 relating to Public Parks, Playgrounds, Beaches, Tide-Lands and Other Property, to provide for and regulate bicycle usage on open space and park lands.

(Introduced on 7/26/93. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-51: (O-93-187) ADOPTED AS ORDINANCE O-17952 (New Series)

Amending Chapter V, Article 2, of the San Diego Municipal Code, by adding a new Division 20 entitled "Targeted Picketing of Residences" and new Sections 52.2001, 52.2002, and 52.2003, to prohibit targeted picketing of residences.  
(Introduced on 7/27/93. Council voted 6-3. Districts 4, 7 and 8 voted nay.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-nay, Vargas-nay, Mayor Golding-yea.

ITEM-52: TRAILED TO AUGUST 10, 1993

Two actions related to Otay Corporate Center North: (RZ-88-1144. Otay Mesa Community Area. District-8. Introduced on 7/27/93. Council voted 5-4. Districts 2, 3, 5, and Mayor voted nay.)

Subitem-A: (O-93-130)

Rezoning the 178.7-acre Otay Corporate Center site, locate north of Otay Mesa Road, between Interstate 805 and Heritage Road, into the Otay Mesa Development District Industrial Subdistrict Zone.

Subitem-B: (O-93-131)

Amending Chapter X, Article 3, Division 11 of the San Diego Municipal Code, by amending Sections 103.1101 and 103.1102 relating to the Otay Mesa Development District.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A507-B134.)

BY COMMON CONSENT ITEM WAS TRAILED TO AUGUST 10, 1993.

\* ITEM-53: (O-93-202 Cor. Copy) ADOPTED AS ORDINANCE O-17953  
(New Series)

Modifying the requirement of Chapter VI, Article 2, Section 62.0208(J) of the San Diego Municipal Code relating to the Genesee Avenue/North Torrey Pines Road Cost Reimbursement District.  
(University Community Area. District-1. Introduced on 7/27/93. Council voted 6-2. Districts 1 and 7 voted nay. District 5 not present.)

FILE LOCATION: STRT CR-19

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

\* ITEM-54: (O-94-5) ADOPTED AS ORDINANCE O-17954 (New Series)

Authorizing a 25 year joint use agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turfied field and recreation facilities at the Scripps Ranch No. 4 Elementary School.

(Scripps Miramar Ranch Community Area. District-5.

Introduced on 7/26/93. Council voted 9-0.)

CITY MANAGER SUPPORTING INFORMATION: The proposed lease agreement provides for a 25 year no-fee joint use facility adjacent to Scripps Ranch Elementary School No. 4 site. The terms of the agreement allow for the development, operation and maintenance of an irrigated, turfied five and one-quarter acre multi-use playing field and hard court areas. The San Diego Unified School District shall fund the design and construction of the improvements and the City shall be responsible for maintaining the improvements.

FILE LOCATION: LEAS-San Diego Unified School District,  
Scripps Ranch No. 4 Elementary School  
LEAS FY94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-55: (O-93-205) INTRODUCED, TO BE ADOPTED SEPTEMBER 7, 1993

Introduction of an Ordinance amending the Memorandum of Understanding between the City and the Metropolitan Transit Development Board, City Document No. 00-15881 and MTDB No. L5506.0-90, for the Old Town Light Rail Transit (LRT) Line. (Centre City, Old Town San Diego, Midway/Pacific Highway Community Areas. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The San Diego Metropolitan Transit Development Board (MTDB), is proceeding with the construction of the Old Town Light Rail Transit (LRT) system in

the public right-of-way from Grape Street north along California Street and the Atchison, Topeka and Santa Fe Railroad right-of-way to the San Diego River. Since much of the LRT system is within the City's right-of-way, the MOU defines the relative roles and responsibilities of both agencies in constructing and operating the LRT system. This second amendment to the MOU amends the limits of the previously approved MOU. The basic information in the original MOU's remain the same but are amended with each new LRT system extension. In the case of the second amendment, the limits of the MOU include the area from Grape Street to the San Diego River. The approval of the second amendment to the MOU is needed to redefine these new limits.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO INTRODUCE. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-100: (R-94-12) ADOPTED AS RESOLUTION R-282456

Authorizing the City Manager to execute a contract with the lowest responsible bidder for North City Water Reclamation Plant Influent Pump Station Substructure; authorizing the City Manager to apply for and accept a Coast Cities Grant for \$44,956,261 for the North City Water Reclamation Plant; authorizing the expenditure of not to exceed \$36,782,395 from Clean Water Program Fund 41509, CIP-42-910.1 as the required matching funds for the grant; authorizing the expenditure of not to exceed \$5.8 million from the Clean Water Program Sewer Fund 41509, CIP-42-910.1, North City Water Reclamation Plant (consisting of funds made available by funding previously unfunded projects from the budgeted fund balance). (BID-K3827/93)  
(University Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The contract packaging





FILE LOCATION: CONT-Purchase-C and M Crane Rental,  
Inc., Superior Crane and Rigging, Inc.,  
Western Welding, Inc., aka Paul's Crane  
Service, Bragg Crane Service  
CONFY 94-4

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-  
yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-102: (R-94-45) ADOPTED AS RESOLUTION R-282458

Awarding a contract to San Diego Trane for furnishing  
maintenance of heating, ventilating and air  
conditioning systems at the Technical Services Division  
Laboratory of Water Utilities, as may be required for a  
period of one year beginning July 1, 1993 through June  
30, 1994, for an estimated cost of \$89,184, including  
terms. (BID-F3831/93)

FILE LOCATION: CONT-Purchase San Diego Trane  
CONFY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-  
yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-103: (R-94-44) ADOPTED AS RESOLUTION R-282459

Awarding a contract to Aztec Landscaping, Inc. for  
furnishing complete landscape maintenance of Torrey  
Highland Park, a mini-park (enhanced open space) and a  
portion of the San Diego Gas & Electric Easement  
adjacent to the park within the Carmel Valley  
Landscape and Lighting Maintenance District (Contract  
3), as may be required for a period of one year

beginning August 1, 1993 through July 31, 1994, for a total estimated cost of \$48,382.76, including terms. (BID-C3786/93) (District-1.)

FILE LOCATION: STRT-M-294 CONT FY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-104: (R-94-47) ADOPTED AS RESOLUTION R-282460

Awarding a contract to Davis Taylor-Jett for the purchase of 4" through 16" PVC water pipe, as may be required for a period of one year beginning July 1, 1993 through June 30, 1994, for a total estimated cost of \$51,400, including tax and terms. (BID-E3887/93)

FILE LOCATION: CONT-Purchase-Davis Taylor-Jett  
CONT FY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-105: (R-94-46) ADOPTED AS RESOLUTION R-282461

Awarding a contract to Morton Equipment and Supply Co., Inc., for furnishing stadium seats and seat replacement parts, as may be required for a period of one year beginning September 15, 1993 through September 14, 1994, for an estimated cost of \$87,604, including tax and terms, with options to renew the contract for three additional one year periods. (BID-I3903/93)

FILE LOCATION:                   CONT-Purchase-Morton Equipment and  
                                  Supply Co., Inc.                   CONT FY 94-1

COUNCIL ACTION:               (Tape location:  A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT.  Second by Roberts.  
Passed by the following vote:  Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-  
yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-106:       (R-94-152)  ADOPTED AS RESOLUTION R-282462

Declaring Chino-Corona Farms, Inc., and its officers  
and principals to be non-responsible bidders and  
ineligible to bid on City projects for a period of  
three years.

CITY MANAGER SUPPORTING INFORMATION:  On June 25, 1990, the City  
of San Diego and Chino-Corona Farms, Inc. (CCF) entered into an  
agreement for a one year period, for the removal and disposal of  
digested sludge from Fiesta Island.  This agreement included a  
provision that allowed the City an option to renew this service  
contract for two additional one year periods.  This provision was  
exercised in 1991 and again in 1992.  The current agreement ended  
July 31, 1993.  During CCF's performance of the contract this  
last year, several actions by CCF convincingly indicates that CCF  
had breached the contract.  First, CCF knowingly disposed of City  
sludge without approval of the City, at an unpermitted site in  
Imperial County.  Secondly, CCF was required to compost the  
sludge which they hauled from Fiesta Island to their site in  
Thermal, CA.  During the last three years they have hauled  
approximately 300,000 wet tons of sludge to this site.  However,  
the majority of that sludge remains at the site in Thermal and  
has not been composted as required by the contract.  
Additionally, CCF was required to provide Certified Weigh Tickets  
for billing purposes.  For a portion of their effort they  
provided documents from Calexico Scales Co.  Payment was made to  
CCF based on this documentation.  It has been determined that  
these documents are not Certified Weigh Tickets as required and  
that the Calexico Scales Company does not exist.  Based on  
information obtained by staff it is clear that CCF's performance  
of the contract was unsatisfactory and their actions indicate a  
lack of business integrity which could directly affect the  
reliability and credibility of performance of CCF on future  
contracts with the City.

WU-P-94-014.

NOTE: See Items 107 and 108 for companion items.

FILE LOCATION: CONT-Purchase-Chino-Corona Farms, Inc.

COUNCIL ACTION: (Tape location: D337-E143.)

MOTION BY STEVENS TO ADOPT AND TO ACCEPT COUNCIL MEMBER VARGAS' REQUEST TO REFER THE POTENTIAL LEGAL ACTION AGAINST THIS COMPANY TO THE CITY ATTORNEY AS WELL AS TO LOOK INTO HOW THE CITY CAN BE MORE SEVERE IN THE DEBARMENT PROCESS FOR VIOLATORS BEYOND THE THREE YEAR CURRENT MUNICIPAL CODE.

Second by Stallings. Passed by the following vote:

Wolfsheimer-not present, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-107: (R-94-153) ADOPTED AS RESOLUTION R-282463

Authorizing a two month extension from August 1, 1993 through September 30, 1993, of the contract with Burns and Sons Trucking, Inc., for removal and disposal of digested sludge as previously authorized by Resolution R-275955, adopted on June 25, 1990; authorizing the expenditure of an amount not to exceed \$2,000,000 from Sewer Revenue Fund 41508 for the purpose of providing funds for the time extension.

CITY MANAGER SUPPORTING INFORMATION: On June 25, 1990, Resolution R-275955 was adopted which authorized a contract for removal and disposal of digested sludge from Fiesta Island. Originally, one contract was awarded to Chino Corona Farms, Inc. and one to Burns and Sons Trucking, Inc. The final option year of these contracts expired on July 31, 1993. A new bid proposal was advertised, but all bids were rejected and a revised proposal with more stringent specifications was readvertised. Because of the time required to readvertise and award a new contract, there is approximately a two month period where the City will not have a contract with any company for the removal and disposal of digested sludge. In order to continue the critical belt filter press sludge processing operation at Fiesta Island an extension of the existing contract with Burns and Sons Trucking, Inc. is needed. Without the continued daily removal of sludge,

stockpiling will be necessary. The area available for stockpiling on Fiesta Island is very limited. The stockpiling of the belt filter press sludge will create operational difficulties, odor problems and visual impacts at the Fiesta Island site. Burns and Sons Trucking, Inc.'s current price to transport the sludge is \$23.02 per ton. However, they have agreed to lower the price to \$22 per ton for the two month period of this contract extension. The only landfill located to accept this material on short notice is Laidlaw Environmental Services. Laidlaw's disposal fee is \$32 per ton plus a County tax of \$3.20 per ton.

Aud. Cert. 9400104.  
WU-P-94-015.

FILE LOCATION: CONT-Purchase-Burns and Sons Trucking,  
Inc. CONT FY 94-1

COUNCIL ACTION: (Tape location: E146-253.)

MOTION BY STALLINGS TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-108: RETURNED TO THE CITY MANAGER

In the matter of awarding a contract for Fiesta Island sludge hauling.

NOTE: See Items 106 and 107 for companion items.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A416-430.)

MOTION BY VARGAS TO RETURN TO THE CITY MANAGER AT THE MANAGER'S REQUEST. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-109:

Two actions related to the Construction of Vermont Street Pedestrian Bridge:  
(Uptown Community Area. District-3.)

Subitem-A: (R-94-10) ADOPTED AS RESOLUTION R-282464

Inviting bids for the Construction of Vermont Street Pedestrian Bridge on Work Order No. 119725; awarding a contract to the lowest responsible bidder; authorizing the expenditure of not to exceed \$1,034,493 from CIP-53-048.0, Fund 30300 (TransNet Fees); authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K94010)  
(Prime Construction Contract \$677,900.)

Subitem-B: (R-94-11) ADOPTED AS RESOLUTION R-282465

Certifying that the information contained in Negative Declaration DEP-91-0633, dated December 31, 1991, in connection with the Construction of Vermont Street Pedestrian Bridge, 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: Capital Improvement Project CIP-53-048.0 provides for the design and construction to reconstruct the Vermont Street Pedestrian Bridge over Washington Street. The bridge will reconnect pedestrian access from the University Heights community to the Uptown community and help alleviate the need for pedestrians to cross Washington Street.

Aud. Cert. 9300722.

FILE LOCATION: W.O. 119725 CONT - L. R. Hubbard  
Construction Co. CONT FY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-110: (R-94-9)

ADOPTED AS RESOLUTION R-282466

Inviting bids for the Construction of Interior/Exterior Rehabilitation of College Ranch Standpipe on Work Order No. 182561; authorizing a contract with the lowest responsible bidder; authorizing the expenditure of not to exceed \$508,716 from Water Revenue Fund 41500 from Annual Allocation - Standpipe and Reservoir Restorations, CIP-73-277.0; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K94008) (Prime Construction Contract \$410,000. San Carlos Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: This contract will provide construction repair services for the removal of the existing protective coating and the application of a new protective coating on the interior of College Ranch standpipe and installation of other related safety equipment to meet current OSHA and EPA safety and water quality standards. The standpipe is currently out of service. Restoration of this water storage facility is necessary to provide an adequate service level to the area. City Forces do not have the specialized equipment or experience for this work. It is, therefore, necessary to utilize the services of an outside contractor who can meet these requirements.

Aud. Cert. 9400069.  
WU-P-93-125.

FILE LOCATION: W.O. 182561 CONT - Robison-Prezioso, Inc.  
CONT FY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-  
yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-111: TRIALED TO AUGUST 10, 1993



Two actions related to the final subdivision map of Kings Row, a 53-lot subdivision located southwesterly of Euclid Avenue and Imperial Avenue:  
(Lincoln Park Community Area. District-4.)

Subitem-A: (R-94-167)

Authorizing the execution of a Subdivision Improvement Agreement with Imperial Center V, a limited partnership, for the installation and completion of public improvements.

Subitem-B: (R-94-166)

Approving the final map.

NOTE: See Item 112 for a companion item.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A398-415.)

MOTION BY VARGAS TO TRAIL TO AUGUST 10, 1993 AT THE REQUEST OF ANNA MAJORS AS THE MATTER HAD NOT BEEN BEFORE THE COMMUNITY PLANNING GROUP. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-112: TRAILED TO AUGUST 10, 1993

Two actions related to the vacation of an excess portion of Oceanview Boulevard:  
(Lincoln Park Community Area. District-4.)

Subitem-A: (R-94-130)

Vacating the excess portion of Oceanview Boulevard in connection with King's Row (TM-92-0442); declaring that this resolution shall not become effective unless and until the final map for King's Row (TM-92-0442) has been approved by Council action and recorded; in the event that the final map is not approved within six years after adoption of this resolution, this resolution shall become void and of no further force or

effect; directing the City Engineer to advise the City Clerk of the completion of the final map.

Subitem-B: (R-94-131)

Certifying that the information contained in Mitigated Negative Declaration EQD-89-0075, in connection with the approval of King's Row Tentative Map and street vacation, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation has been requested by the developer in connection with the final map for King's Row (TM-92-0442). The vacation consists of right-of-way which may be considered excess to City needs upon the extension of Oceanview Boulevard 275 feet east, as proposed by the tentative map. The area-of-vacation is located east of Ozark Street and within the Lincoln Park community.

The vacation is within an R1-5,000 Zone and totals approximately 650 square feet, which will be consolidated with the adjacent property. The tentative map proposes subdivision of 10.14 acres, which includes the area proposed for vacation. The vacation will not affect density. The tentative map was approved by the Subdivision Board on July 3, 1989. Although the vacation was not initiated with the tentative map, the developer is now proposing the vacation prior to consideration of the final map. The Southeast San Diego Development Committee recommended approval of the vacation on August 13, 1990, by a 7-1-2 vote. The area proposed for vacation is partially improved with pavement and does not support public utilities or franchise facilities.

The area-of-vacation will be considered excess right-of-way, surplus to the City's needs, upon approval of the final map for King's Row, which proposes the extension of Oceanview Boulevard 275 feet east.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the community plan, and Council Policy 600-15 and, therefore, may be vacated, conditioned upon recordation of the final map for King's Row (TM-92-0442). The approval of the final map, which includes the extension of Oceanview Boulevard, will establish that there will be no present or prospective public use of the area-of-vacation and that the vacation will not detrimentally affect the facilities for which

the right-of-way was originally provided. The public will benefit through upgrades to Oceanview Boulevard which will be provided as a requirement of the tentative map.

NOTE: See Item 111 for a companion item.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A398-415.)

MOTION BY VARGAS TO TRAIL TO AUGUST 10, 1993 AT THE REQUEST OF ANNA MAJORS AS THE MATTER HAD NOT BEEN BEFORE THE COMMUNITY PLANNING GROUP. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-113: (R-94-172) ADOPTED AS RESOLUTION R-282467

Resolution of Intention to acquire approximately 18.72 acres of Los Penasquitos Canyon Preserve - North No. 8, for the San Diego Open Space Park Facilities District No. 1.  
(District-1.)

COMMITTEE ACTION: Reviewed by PFR on 6/9/93. Recommendation to approve the City Manager's recommendation. Districts 3,5,6 7 and 8 voted yea.

CITY MANAGER SUPPORTING INFORMATION: Los Penasquitos Canyon Preserve is priority number 1 on the Council's adopted open space retention list. It is also identified as "high priority for acquisition" in City Manager's Report CMR P-92-253 addressing preservation of the Del Mar Mesa in the North City Future Urbanizing Area. This 18.72 acre parcel is at the end of a large finger canyon northeast of the Newland tradeland property, and consists mainly of canyon slope, bottom and mesa. On September 15, 1986, Council approved an acquisition plan for this and other land, along with funds to have it appraised for purposes of acquisition for open space. Further, on June 1, 1987, Council established priorities for the acquisition plan which identified this area as the number eight priority. Since available funds are not adequate to proceed with all of the parcels included in this priority, we are returning to Council for approval of funds

in order of established priorities. Funding is now available for the acquisition of this parcel.

Also, this parcel is intended to serve as the first parcel in a "mitigation bank," which is an open space acquisition strategy discussed in Report P-92-253. Acquisition and management costs would be calculated on a per acre basis, and future applicants needing off-site mitigation would reimburse the "bank" for their prorated share. An existing interest-bearing account would hold the funds collected until sufficient funds have accrued for another parcel acquisition. No further public funding will be needed for the "mitigation bank." This request is for \$675,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs.  
Aud. Cert. 9300577.

FILE LOCATION:                   STRT OS-23

COUNCIL ACTION:                (Tape location:  A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT.  Second by Roberts.  
Passed by the following vote:  Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-  
yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-114:       (R-94-80)     ADOPTED AS RESOLUTION R-282468

Authorizing the sale by negotiation of a portion of Quarter Section 73, Rancho de la Nacion, for the amount of \$18,000 to San Diego Trust and Savings Bank; authorizing the execution of a grant deed, granting the property to San Diego Trust and Savings Bank; declaring that no broker's commission shall be paid by the City on the negotiated sale.  
(City of Chula Vista.)

CITY MANAGER SUPPORTING INFORMATION:  The subject site was designated by Council for exclusive sale in April of 1992.  In January of this year Council authorized the City Manager to enter into exclusive sale negotiations with San Diego Trust and Savings Bank.  The Bank purchased its land at 3901 Bonita Road located in the City of Chula Vista, in 1990.  It later discovered that 873 square feet of the east half of its parking lot was encroaching upon City land.  The City acquired this site for part of the original Bonita Pipeline Right-of-Way.  The actual pipeline was

constructed approximately 200 yards to the east. Appraisal of the site has been completed by a qualified private appraiser, and reviewed by staff. It is recommended that the sale of the site to San Diego Trust and Savings Bank be approved. The City's Water Utilities Department has no further need for the site.

FILE LOCATION: DEED F-6107 DEED FY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-115: (R-94-120) ADOPTED AS RESOLUTION R-282469

Authorizing the City Manager to submit a proposal to the National Football League to host the Super Bowl XXXI in 1997 at San Diego Jack Murphy Stadium containing the following components:

- 1) use of San Diego Jack Murphy Stadium at a seating capacity of at least 70,000 at no cost to the NFL;
- 2) press level facilities modified to accommodate a Super Bowl press corps;
- 3) the cooperation of all City resources including Police Department, Fire Department, Stadium, Airports, etc;
- 4) a guarantee that Stadium concession prices will be held at the same price level as that which prevailed during the previous NFL season;
- 5) a guarantee that adequate power and communication facilities will be provided for all necessary services;
- 6) a commitment to cooperate with the NFL to prevent the unauthorized sale of NFL licensed merchandise;
- 7) adequate practice field facilities at no cost to the NFL;
- 8) a guarantee that all concession and parking revenue normally due the City will be passed through to the NFL;
- 9) a commitment by the City to pay for the expansion of the Stadium.

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego has been informed by the National Football League (NFL) that the City

is eligible to submit a proposal to host Super Bowl XXXI in 1997.

The City must commit to provide the above items (1-9) as components of the proposal. Bid proposals are due back by September 10, 1993. A final decision will be announced by the NFL on October 27, 1993.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E630-633.)

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

ITEM-116: (R-94-104) ADOPTED AS AMENDED AS RESOLUTION R-282470

Authorizing the City Manager to enter into exclusive negotiations with the San Ysidro Revitalization Project for the operation of a community center at 663 East San Ysidro Boulevard; approving an amendment to the San Ysidro Public Facilities Financing Plan to include the San Ysidro Revitalization Project; authorizing the expenditure of not to exceed \$45,000 from DIF 79518 and \$55,000 from CAPOTH 302453, for a total of \$100,000 from CIP-36-060.0, for facility renovation (modifications to Old Southern Police Station). (San Ysidro Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The San Ysidro Revitalization Project (SYRP) has approached the City with a request to lease the old temporary police station in San Ysidro at 663 East San Ysidro Boulevard for a community center which would provide in-house services emphasizing economic development, redevelopment and revitalization to the San Ysidro community. SYRP would provide space for a police storefront and other entities such as San Ysidro/Otay Mesa Enterprise Zone, San Ysidro Chamber of Commerce, San Ysidro Business Improvement District, San Ysidro Planning and Development Group, San Diego Consortium, South Western College, Small Business & International Trade Center, and an EDD Outreach station. SYRP has identified certain

repairs which need to be made to the premises. The cost of the repairs is estimated to be in the \$90,000 to \$100,000 range. It is recommended that the City Manager be authorized to enter into exclusive lease negotiations with SYRP for the property, and approve an amount not to exceed \$100,000 to cover necessary repairs. The negotiated lease will be bought back to the City Council for its consideration.

Aud. Cert. 9400108.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A507-B134.)

MOTION BY VARGAS TO ADOPT A PORTION OF THIS ITEM CONCERNING ENTERING INTO EXCLUSIVE NEGOTIATIONS WITH THE SAN YSIDRO REVITALIZATION PROJECT AND RETURN THE REMAINDER OF THIS ITEM TO THE CITY MANAGER AT THE REQUEST OF THE CITY MANAGER.

Second by Roberts. Passed by the following vote:

Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-117:

Three actions related to authorizing Suggestion Awards to the following City employees:

Subitem-A: (R-94-90) ADOPTED AS RESOLUTION R-282471

Erin M. Wilson - Library/Central - \$50.00

Subitem-B: (R-94-91) ADOPTED AS RESOLUTION R-282472

William E. Stielau - Fire Department - \$100.00

Subitem-C: (R-94-92) ADOPTED AS RESOLUTION R-282473

James C. Coleman - Police/Eastern - \$162.00

Subitem-D: (R-94-93) ADOPTED AS RESOLUTION R-282474

Kenneth Martinosky - General Services/Equipment - \$237.70

Subitem-E: (R-94-94) ADOPTED AS RESOLUTION R-282475

William C.L. Tripp - Planning/Development and  
Environmental - \$2,090.40

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-  
yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-118:

Two actions related to the Expansion and Relocation of  
the Total Resources Recovery Program including the San  
Pasqual Aquatic Treatment Facilities:

(San Pasqual Valley Community Area. District-5.)

Subitem-A: (R-94-161) ADOPTED AS RESOLUTION R-282476

Authorizing the execution of Amendment No. 2 to the  
Master Agreement with Black & Veatch,  
Engineers/Architects, for engineering services in  
connection with the San Pasqual Aquatic Treatment  
Facilities, for a cost not to exceed \$3,698,760 to a  
cost not to exceed \$4,583,807 (a total increase of  
\$885,047) for Amendment No. 2; authorizing the  
expenditure of not to exceed \$885,047, as follows:  
\$477,926 from CIP-73-290.0, San Pasqual Water  
Reclamation Facilities, and \$407,121 from CIP-46-151.0,  
San Pasqual Water Reclamation Facilities; authorizing  
the transfer of not to exceed \$570,000 from CIP-44-  
001.0, Annual Allocation, Sewer Main Replacements, to  
CIP-46-151.0, San Pasqual Water Reclamation Facility;  
authorizing the transfer of not to exceed \$597,700 from  
CIP-73-083.0, Annual Allocation Water Main  
Replacements, to CIP-73-290.0, San Pasqual Water  
Reclamation Facility; authorizing the expenditure of  
not to exceed \$264,653, as follows: \$162,879 from CIP-  
46-151.0, and \$119,774 from CIP-73-290.0.

Subitem-B: (R-94-162) ADOPTED AS RESOLUTION R-282477



Stating for the record that the information contained in Environmental Impact Report DEP-87-0750 and in Addendum, DEP-89-0344 has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: On October 8, 1984, the City of San Diego entered into an agreement (RR-261697) with Black & Veatch, Engineers/Architects for Engineering Services for the San Diego Total Resources Recovery (Aquaculture) Program. On July 2, 1990, Amendment No. 1 (RR-276051) to this agreement was also approved by City Council for the design of additional facilities for relocation and expansion for the Water Reclamation Plant and not anticipated in the original program. Additional tasks for design and construction administration were required due to the extended time lapse after completion of design and commencement of construction under Construction Contract No. 1 (refer to RR-277392 on February 25, 1991) and Construction Contract No. 2 (refer to RR-278129 on June 24, 1991) for the San Pasqual Aquatic Treatment Facilities. The City Building Inspection Department and California State Water Resources Control Board had additional requirements to the construction plans and specifications. Other additional tasks are required for additional City-requested tasks and unforeseen construction conditions. It includes coordination of a separate construction contract through the Vista del Lago Development, unforeseen archeological sensitive areas and of expanded scope of the San Pasqual Construction Contracts. The proposed subconsultants, their associated tasks, costs and percentages of the prime consultant's tasks are as follows: Lee and Ro (MBE) Engineering - \$44,657 - 4.8 percent, Dean Ryan (WBE) Engineering, and construction inspection \$186,000 - 20 percent.

Aud. Certs. 9400119/9400120.  
WU-U-94-011.

FILE LOCATION: MEET CCONT FY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-  
yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-119: (R-94-61) ADOPTED AS RESOLUTION R-282478

Authorizing an agreement with Boyle Engineering Corporation, for professional consulting services in connection with the Penasquitos Trunk Sewer Relief - Final Design (formerly Penasquitos Canyon Interceptor Sewer II);

authorizing the City Auditor and Comptroller to return unexpended funds, if, any, in the original contract, to Penasquitos Trunk Sewer Relief, CIP-46-120.0, Object Account 4279;

authorizing the expenditure of an amount not to exceed \$3,393,600 from Sewer Revenue Fund 41506, CIP-46-120.0, Penasquitos Trunk Sewer Relief, for the purpose of providing funds for this agreement, to be expended as follows:

\$2,576,146 from Fiscal Year 1994 appropriations, contingent upon Council approval of funds for this purpose from FY 1994 CIP appropriations;

\$125,043 from Fiscal Year 1995 appropriations, contingent upon Council approval of funds for this purpose from FY 1995 CIP appropriations;

\$284,015 from Fiscal Year 1996 appropriations, contingent upon Council approval of funds for this purpose from FY 1996 CIP appropriations;

\$282,441 from Fiscal Year 1997 appropriations, contingent upon Council approval of funds for this purpose from FY 1997 CIP appropriations;

\$125,955 from Fiscal Year 1998 appropriations, contingent upon Council approval of funds for this purpose from FY 1998 CIP appropriations;

Authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances so warrant.

Authorizing the Auditor and Comptroller to return unexpended funds, if any, in the original contract, to Penasquitos Trunk Sewer Relief, CIP-46-120, Object Account 4279.

(University, Mira Mesa, Miramar Ranch North Community Areas. Districts-1 and 5.)

CITY MANAGER SUPPORTING INFORMATION: On June 8, 1992, the City Council authorized an agreement for engineering services with Boyle Engineering Corporation for an amount not to exceed \$823,878 to analyze two alternative alignments to provide additional sewage capacity for the sewerage area currently served by the existing Penasquitos Canyon Interceptor Sewer. Of these

two alternatives, the combination force main/gravity alignment through Mercy, Black Mountain and Miramar Roads along with a sewer pump station to be located in the vicinity of Interstate 15 and Poway Road, is recommended for Final Design. The contract is for final design of the selected alignment. The MBE/WBE goals for this agreement are 12 percent MBE and 3 percent WBE. The MBE/WBE participation for this agreement is 13.5 percent MBE and 5.8 percent WBE. With this agreement, approximately 25 local jobs would be provided.

Aud. Cert. 9400105.  
WU-CWP-93-134.

FILE LOCATION: MEET CCONT FY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-  
yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-120: (R-94-133) ADOPTED AS RESOLUTION R-282479

Authorizing the execution of an agreement with the San Diego County Water Authority (CWA), for participation in the CWA Public Institutions Conservation Assistance Program and for the receipt of \$98,227 for the purchase of ultra-low flush toilets to be installed in the second phase of the City Facilities Benefit Program.

CITY MANAGER SUPPORTING INFORMATION: On December 11, 1990, the City Council adopted the City of San Diego's Urban Water Management Plan and Conservation Program (Plan). The City Facilities Retrofit Program is one of the Plan's eight integrated and complementary water conservation programs. Through this conservation program, more than 1,800 high volume toilets in 350 City-owned and operated facilities will be replaced over a three year period. The City Facilities Retrofit Program demonstrates the City's support and commitment to water conservation by retrofitting existing City facilities with ultra-low flush toilets (ulft's). In June of 1992, the City entered into an agreement with the San Diego County Water Authority (CWA) to provide funding for the purchase of 783 ulfts for the first phase of this multi-year program. The City Facilities Retrofit Program

will be entering its second phase in Fiscal Year 1994. Approval to enter into an agreement with the CWA, and to accept funding (\$98,227) for the purchase of 599 ultra-low flush toilets to be installed in Phase 2 of this conservation program is being sought with this action. The estimated water savings for the second year of this program is 43,128 gallons per day or 33.2 acre-feet a year. The City Facilities Retrofit Program is implemented jointly by the Water Utilities Department, Water Conservation Program, and the General Services Department, Buildings Division. The ulft's are installed by City forces.

WU-93-161.

FILE LOCATION: WATER-San Diego County Water Authority  
(CWA) CONT FY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-  
yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-121: (R-94-151) ADOPTED AS RESOLUTION R-282480

Authorizing the execution of an agreement with California Neon Products, for the construction and installation of the North Park Community Identification Sign; authorizing the expenditure of \$147,000 from Fund 18528, Department 4022, Organization 2214, Job Order No. 112245, for the North Park Community Identification Sign Project.

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

CITY MANAGER SUPPORTING INFORMATION: In June, 1992, Council approved allocating \$210,000 in Community Development Block Grant (CDBG) funds to the North Park Business Association for a North Park Community Identification Sign and other streetscape improvements. The Business Association, under contract with the City and working closely with staff, hired consultants to prepare design documents for the sign and streetscape improvements. The Business Association proposes that the community sign be placed in a median in University Avenue between 29th Street and 30th Street. A request for proposals for installation of the community sign was mailed to fifteen sign companies, including

all seven MBE/WBE sign companies on file with the Equal Opportunity office, and was noticed in the official City newspaper. Three firms responded to the RFP. A selection committee comprised of representatives of the Business Association, Economic Development Services, sign designer and engineering consultant selected California Neon Products, based on competitive price, specialized expertise and proven experience in implementing similar projects, and the inclusion of three MBE and three WBE subcontractors. Authorization is requested to expend up to \$147,000 for carrying out the project, including \$90,000 for the agreement and additional funds for staff costs and subsequent median construction costs.

Aud. Certs. 9400115/9400116.

FILE LOCATION: MEET CONT FY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-122: (R-94-164) ADOPTED AS RESOLUTION R-282481

Authorizing an agreement with EMCON Associates, to provide professional services for the Underground Storage Tank Management Program; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$50,000 from Equipment Division Fund 50030, (Central Garage/Machine Shop Fund) to Fund 10503 in order to fund CIP-330840, Underground Storage Tank Management Program; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$25,000 from CIP-310011, Annual Allocation - Brown Field, (Fund 10511, Airports Speed Cap Improv. Fund), to CIP-330840, Underground Storage Tank Management Program; authorizing the expenditure of an amount not to exceed \$155,000 from CIP-330840, (\$50,000 from Fund 10503; \$25,000 from Fund 10511; and \$80,000 from Fund 302453 Capital Outlay Other), and \$55,000 from CIP-733020, Lake Hodges and San Vicente Gas Tanks (Fund 41500); authorizing a total expenditure of \$210,000 for Professional Services and related costs, for the above

project.

CITY MANAGER SUPPORTING INFORMATION: EMCON Associates was selected as the City's Underground Storage Tank Management Program Environmental Engineering Consultant in accordance with AR 25.60. Seven candidate firms, shortlisted by the Consultant Nominating Committee, were interviewed on March 25, 1992. The selection committee unanimously ranked EMCON Associates number one. Professional services to be provided under this agreement shall include, but not be limited to: performing site investigations of unauthorized releases; soil and groundwater testing and analysis; assisting in designing and overseeing remediation of contaminated sites; performing Phase I Environmental Audits; and design of new and replacement underground storage tank projects. Projects to be accomplished under this agreement will include the design of fueling facilities for Rose Canyon Operations Yard, and Lake Hodges. Site assessment work will be undertaken at Brown Field Airport, Alvarado Filtration Plant and Barrett Lake. Professional services shall be provided on an as-needed basis to assist the City in meeting all regulatory and statutory deadlines and requirements. This work is mandated by State and Federal law. EMCON Associates will utilize Gary Engineering, Inc., a City certified MBE, for at least 20 percent of the subcontracted mechanical design work.

Aud. Cert. 9400121.

FILE LOCATION: MEET CCONT FY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-123: (R-94-140) ADOPTED AS RESOLUTION R-282482

Authorizing the execution of an agreement with Brian F. Mooney Associates for environmental consultant services in connection with preparation of a program level/project level environmental impact report for the Reclaimed Water Distribution Mater Plan (Northern and Central Service Areas); authorizing the expenditure of

not to exceed \$173,966 from the Water Fund (41500), CIP-70-913.0, Reclaimed Water Distribution Environmental Review, to be expended in the following manner:

\$150,000 from Fiscal Year 1994 appropriations;  
\$23,966 from Fiscal year 1995 appropriations, contingent on Council approval of funds for this purpose in the FY 1995 CIP budget.

Authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances so warrant.

(Districts-1, 2, 3, 5, 6, 7 and 8.)

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego, as Lead Agency, has prepared a Reclaimed Water Distribution Master Plan (RWDMP) (Northern and Central Service Areas), consisting of three phases. Phase Ia consists of facilities to distribute reclaimed water from the North City Water Reclamation Plant and are identified as "fast track" projects to be designed and constructed between 1993-1997. Phase Ib projects are scheduled for design and construction between 1998-2003, and Phases II and III include the remainder with design and construction slated to occur between 2004-2010 and 2011-2050, respectively.

The Environmental Analysis Section of Planning's Development and Environmental Planning Division conducted an initial study for the RWDMP and determined that a Program-level EIR was required for the overall Master Plan. The project also includes specific design elements covering structures and conveyances for the Phase Ia components. Phase Ia projects will be covered at the site-specific level of analysis in the EIR. Cumulative impacts and alternatives will also be addressed. Phase Ib, Phases II and III will be addressed at the broader, Programmatic-level. Certification of the EIR will allow for adoption of the overall Master Plan and approval for construction of the Phase Ia projects. Certification of the EIR will be required prior to release of construction funds for Phase Ia projects.

Additional environmental analysis will be required for Phase Ib and Phases II and III projects. The MBE/WBE goals for this project are 12 percent MBE and 3 percent WBE. MBE and WBE participation under this agreement presently proposed represents 13 percent MBE and 3 percent WBE.

Aud. Cert. 9400090.  
WU-CWP-93-142.

FILE LOCATION: MEET CCONT FY 94-1

COUNCIL ACTION: (Tape location: E501-560.)

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

\* ITEM-124: (R-94-150) ADOPTED AS RESOLUTION R-282483

Authorizing an agreement with PSSI for as-needed sewer televising services; authorizing the expenditure of not to exceed \$100,000 from the Sewer Revenue Fund No. 41506, Reimbursable Services for Sewer Program 70480, Project Account 4222, Miscellaneous Contractual Services.

CITY MANAGER SUPPORTING INFORMATION: A request for two as-needed consultants for sewer televising was advertised on June 8, 1992 in the San Diego Daily Transcript. The City's Consultant Nominating Committee reviewed three letters of interest from qualified consultants and selected all three firms to be interviewed. In conformance with Council Policy 300-7, the firms were interviewed on February 18, 1993 and PSSI was selected as one of the two firms best qualified to perform the as-needed consultant services. An agreement is forthcoming for the other consultant selection. The agreement provides for as-needed sewer televising services on an hourly basis. The total contract shall not exceed \$100,000 for a period of one year from the date of execution by the City Manager. These services will be used for CIP projects, other agency projects within the City, and new subdivisions.

Aud. Cert. 9400077.  
WU-U-93-132.

FILE LOCATION: MEET CCONT FY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.



ITEM-125: (R-94-154) ADOPTED AS RESOLUTION R-282484

Authorizing the execution of a first amendment to agreement to sublease with San Diego Entertainment, Inc., to update the terms of the lease documents of the present sports arena.

(Midway Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: There are currently two lease agreements for the Sports Arena. One for a 1/2 acre portion of the parking lot and one for the remaining 38 acres which includes the Sports Arena facility and approximately 32 acres of parking. San Diego Entertainment, Inc., the City's lessee and operator of the Sports Arena, has requested an amendment to the existing 1/2 acre parking lot agreement which would modify the 1/2 acre agreement to parallel existing conditions in the 38 acre agreement. The items to be modified are standard clauses and the amendment would provide for conformance between the two documents.

FILE LOCATION: LEAS-San Diego Entertainment, Inc.  
LEAS FY 94-1

COUNCIL ACTION: (Tape location: E402-488.)

MOTION BY McCARTY TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-not present, Stevens-not present, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-126:

Two actions related to Construction of the Morena Boulevard Interceptor:

(Clairemont Mesa Community Area. District-6.)

Subitem-A: (R-94-138) ADOPTED AS RESOLUTION R-282485

Approving Change Order No. 7, with Chilcote, Inc. for the Morena Boulevard Interceptor, increasing the contract price by \$1,888,687.88; authorizing the expenditure of not to exceed \$1,959,579 from Sewer

Revenue Fund 41506, Sewer Construction Outlay 70492,  
CIP-43-123.

Subitem-B: (R-94-139) ADOPTED AS RESOLUTION R-282486

Stating for the record that the City Council has reviewed and considered the information contained in the Addendum to DEP-91-0278 and Mitigated Negative Declaration DEP-87-0497, in connection with Change Order No. 7.

CITY MANAGER SUPPORTING INFORMATION: On August 5, 1991, by Resolution Nos. R-278466-1 and R-278466-2, the City Council approved the plans and specifications and authorized execution of a contract for the construction of the Morena Boulevard Interceptor. The construction contract was awarded to Chilcote, Inc. on December 17, 1991. During dewatering operations in preparation for installation of the sewer pipe in Pacific Highway, the contractor encountered indications of a hazardous waste site. Upon further investigations we have discovered a gasoline plume present on the surface of the groundwater. Due to close proximity to the contaminated zone, the contractor has to take extraordinary measures to control the spread of the gasoline plume. Additionally, steps need to be taken to eliminate the movement of the plume subsequent to our pipeline installation. This site condition was unforeseen and beyond the scope of work identified in the contract documents. Change Order No. 7 is for contractor delay costs, and revised method of construction required to be implemented as a result of intercepting and working in the vicinity of the gasoline plume. This change order is for \$1,888,687.88. An additional \$70,891.12 (4 percent) contingency is also being requested for additional site remediation work unknown at this time.

Aud. Certs. 9400072/9400073.  
WU-U-93-147.

FILE LOCATION: CONT-Chilcote, Inc. CONT FY 94-1

COUNCIL ACTION: (Tape location: E364-624.)

MOTION BY STALLINGS TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-127:

Four actions related to State Route 15/40th Street Cooperative Agreement and Amended MOU: (City Heights, Kensington-Talmadge, and Normal Heights Community Areas. District-3. See City Manager Report CMR-93-232.)

Subitem-A: (R-94-111) ADOPTED AS RESOLUTION R-282487

Authorizing the execution of an amended Memorandum of Understanding to amend a Memorandum of Understanding dated September 15, 1992, which supplemented a Memorandum of Agreement dated May 21, 1985 concerning mitigation for State Route 15 (40th Street Corridor), with the State of California, Department of Transportation, to define responsibilities regarding bridge, deck, and freeway enhancements on State Route 15 in Mid-City.

Subitem-B: (R-94-112) ADOPTED AS RESOLUTION R-282488

Authorizing the execution of a Cooperative Agreement with the State of California, acting by and through its Department of Transportation, for improvements and enhancements to State Route 15 in Mid-City.

Subitem-C: (R-94-113) ADOPTED AS RESOLUTION R-282489

Directing the City Manager to request SANDAG to program \$1.25 million State Highway funds as matching funds for the Federal ISTEA grant.

Subitem-D: (R-94-128) ADOPTED AS RESOLUTION R-282490

Withdrawing the previously approved \$5,000,000 of Redevelopment Funds for bridge widenings.

CITY MANAGER'S RECOMMENDATIONS: 1) Execute the Cooperative Agreement and Amended Memorandum of Understanding. 2) Request \$1.25 million in matching funds from SANDAG. 3) Withdraw the previously approved \$5,000,000.

OTHER RECOMMENDATION: The Mid-City Development Corporation

(MCDC) voted unanimously on July 8, 1993, to recommend that \$1,250,000 in redevelopment funds be allocated for the State Route 15 project. These funds are recommended to be allocated only as matching funds for the \$5,000,000 Federal ISTEADemonstration Grant, and only if no other source for the matching funds is available. The SR-15 Construction Oversight Committee voted on June 8, 1993, to take no position regarding the use of redevelopment funds for enhancements to the freeway project.

FILE LOCATION: MEET CONT FY 94-2

COUNCIL ACTION: (Tape location: E259-399.)

MOTION BY HARTLEY TO ADOPT WITH THE DIRECTION THAT THE CONSTRUCTION OVERSIGHT COMMITTEE BE INVOLVED IN REVIEWING THE PROJECT. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-128:

Two actions related to the Old Town Light Rail Transit (LRT) Line:  
(Centre City, Old Town San Diego, Midway/Pacific Highway Community Areas. District-2.)

Subitem-A: (R-93-2148) ADOPTED AS RESOLUTION R-282491

Approving the Old Town LRT Street Design Report dated April 12, 1993.

Subitem-B: (R-93-2147) ADOPTED AS RESOLUTION R-282492

Certifying that the information contained in Old Town Light Rail Transit (LRT) Environmental Impact Report, MTDB Resolution No. 90-5, and the Rail Yard/Maintenance Facility Master Plan Mitigated Negative Declaration, MTDB Resolution No. 91-49, prepared by the Metropolitan Transit Development Board, has been reviewed and considered by the Council.

NOTE: See Item 55 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts.  
Passed by the following vote: Wolfsheimer-not present,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-  
yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-129: (R-94-147) ADOPTED AS RESOLUTION R-282493

Accepting a loan repayment from the Mt. Hope  
Redevelopment Project, \$174,000 in sales tax proceeds;  
appropriating \$174,000 to be loaned back to the  
Redevelopment Agency to be used in the FY 94-94 Central  
Imperial Project budget for implementation costs;  
accepting as a loan repayment from the Mt. Hope  
Redevelopment Project, \$228,081 in Community  
Development Block Grant (CDBG) funds; appropriating  
\$228,081 to be loaned back to the Redevelopment Agency  
to be used in the FY 93-94 project budget for project  
implementation costs to augment the following project  
areas:

- a. The Southcrest Redevelopment Area for \$147,000.
- b. The Central Imperial Redevelopment Area for  
\$80,223.

Transferring to the Redevelopment Agency, \$402,081 as  
an interest-bearing loan, to be used in the FY 93-94  
SEDC Project Budget for implementation costs; directing  
the City Auditor and Comptroller to record the above  
indicated loan of \$402,081, as an interest-bearing loan  
to the Redevelopment Agency, to be repaid soon as  
practicable from tax increment or other appropriate  
revenues.

(See memorandum from SEDC President.)

Aud. Cert. 9400106.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A507-B134.)

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

Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-130: (R-93-2158) ADOPTED AS RESOLUTION R-282494

Authorizing the City Manager to prepare and submit to the United States Department of Housing and Urban Development an application for authorization to establish a Business Loan Program in the amount of \$20,000,000.

(See City Manager Report CMR-93-205.)

COMMITTEE ACTION: Reviewed by RULES on 7/26/93. Recommendation to approve the City Manager's recommendation and forward to Council. Districts 2,3,5,6 and Mayor voted yea.

CITY MANAGER'S RECOMMENDATION: Approve in concept a Business Loan Program and authorize the Manager to submit an application to HUD for Section 108 lending authority of up to \$20 Million.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E638-F036.)

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

ITEM-131: (R-94-116) ADOPTED AS RESOLUTION R-282495

Joining the City of Coronado in support of Senate Bill SB 572 (Killea) Transportation: Toll Bridges: San Diego-Coronado, which is a clean up bill on the provisions of SB 122 (Killea) which was supported by the City, SANDAG and MTDB.

(See Department of Legislative Services Report DLS-93-21.)

COMMITTEE ACTION: Reviewed by RULES on 6/28/93. Recommendation to approved on consent, support and forward to Council.

Districts 2, 3, 5, 6, and Mayor voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F039-043.)

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

\* ITEM-132: (R-94-117) ADOPTED AS RESOLUTION R-282496

Supporting Assembly Constitutional Amendment 26 (Aguiar): State Mandated Local Programs: Costs, which would amend the California Constitution to provide that no local government may be required by the State to implement a new program or higher level of service unless and until the State provides the funds; requesting the Mayor to send letters of support on behalf of the City to the author and to the appropriate legislative committees.  
(See Department of Legislative Services Report DLS-93-22.)

COMMITTEE ACTION: Reviewed by RULES on 6/28/93. Recommendation to support and forward to Council. Districts 2, 3, 5, 6, and Mayor voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-133: (R-94-119 Cor. Copy) ADOPTED AS RESOLUTION R-282497

Adopting Council Policy 900-12 to establish a Business and Industry Incentive Program for revenue generating

developments.

(See City Manager Report CMR-93-223.)

COMMITTEE ACTION: Reviewed by RULES on 7/26/93.

Recommendation to refer to Council with a request for more staff input and the following changes:

- 1) Under Procedure, revise the statement to read, "to provide criterion procedures for a business and industry incentive program";
- 2) Substitute "sales tax generated projects" with "retain major businesses throughout the City";
- 3) Under Policy, add "it should be the policy of the City Council to consider providing assistance to attract businesses";
- 4) Establish a minimum of 150 new jobs within one year of opening and establish a scientific research facility of a minimum of 25,000 square feet.

Districts 2,3,5,6 and Mayor voted yea.

CITY MANAGER'S RECOMMENDATION: Adopt the proposed Council Policy to establish a Sales Tax Incentive Program criteria for City financial assistance to revenue generating developments.

OTHER RECOMMENDATIONS: None.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D103-327.)

MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-134: (R-94-129) ADOPTED AS RESOLUTION R-282498

Authorizing the City Manager to pay the total sum of \$60,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the claim of The Fieldstone Company regarding the Calle Cristobal Assessment District; authorizing the City Auditor and Comptroller to transfer not to exceed \$60,000 from the Public Liability Fund 81140 to Calle Cristobal Advanced Bond Redemption Fund 793761; authorizing the expenditure of not to exceed \$60,000 from Calle Cristobal Advanced



Bond Redemption Fund 793761 for the above mentioned settlement.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the claim of The Fieldstone Company against the City of San Diego as a result of the Calle Cristobal Assessment District formation.

Aud. Cert. 9400075.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A507-B134.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150:

Two actions related to an Adult Entertainment Moratorium:  
(See Chairman Roberts' memos dated 6/15/93 and 4/27/93; and City Manager Report P-93-139.)

Subitem-A: (O-94-14) INTRODUCED, TO BE ADOPTED SEPTEMBER 7, 1993

Introduction of an Ordinance amending Chapter X, Article 1, Division 18, of the San Diego Municipal Code by adding Section 101.1840 as an Interim Moratorium on the issuance of permits for any new adult entertainment establishments within the City.

Subitem-B: (R-94-132) ADOPTED AS RESOLUTION R-282499

Adoption of a Resolution directing the City Manager to coordinate, with staff support from the City Attorney, Planning Department and Neighborhood Code Compliance Department, a study of the City's existing adult entertainment dispersal ordinance to evaluate the ordinance's effectiveness in mitigating the adverse secondary effects caused by adult entertainment

businesses; any proposals or recommendations made by the City Manager shall be consistent with constitutional principles and case law protecting certain types of adult entertainment.

COMMITTEE ACTION: Initiated by T&LU on 6/16/93. Recommendation to direct the City Attorney, Planning Department, and Police Department to review and recommend a Citywide moratorium on the issuance of further permits for adult oriented businesses. This recommendation should be docketed for the City Council within 30 days. Move recommendations #1, 4, 5 and 6 in Chairman Roberts' June 15, 1993, memo with the amendment to change #6 from just the Midway Community to Citywide. In addition, direct the Neighborhood Code Compliance Department to prepare maps detailing areas where adult oriented businesses can locate given existing regulations. Districts 1, 2, 5, 6 and 7 voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B153-460.)

Hearing began 3:00 p.m. and halted 3:35 p.m.

Testimony only in opposition by Rebecca Heldt and Elbert Poppell.

MOTION BY ROBERTS TO INTRODUCE SUBITEM-A ADDING AN INTERIM ORDINANCE FOR ONE YEAR ON THE ISSUANCE OF AND PROCESSING OF PERMITS FOR NEW ADULT ENTERTAINMENT, AND ADOPT SUBITEM-B. DIRECT THE CITY MANAGER TO REFER THE STUDY (STUDY OF THE EXISTING ADULT ENTERTAINMENT ZONING ORDINANCE TO EVALUATE WHETHER IT EFFECTIVELY MITIGATES THE SECONDARY EFFECTS ASSOCIATED WITH ADULT BUSINESSES) TO T&LU ON SEPTEMBER 15, 1993 FOR DISCUSSION OF THE STUDY'S SCOPE AT WHICH TIME A TENTATIVE DATE FOR FURTHER COUNCIL DISCUSSION CAN BE DETERMINED. Second by Vargas. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-151: (R-94-75 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-282500

Approving the following seven new or significantly revised fees for inclusion in the Park and Recreation

Department's Fee Schedule:

- 1) Park Use Permit Application Fee - Coastline Parks
  - 2) Special Equipment Set-Up Fee - Coastline Parks
  - 3) Vessel Disposal
  - 4) City Resident 10-Play Monthly Golf Ticket - Torrey Pines Golf Course
  - 5) City Resident Senior Monthly Golf Ticket - Balboa Golf Course
  - 6) City Resident Senior Monthly Golf Ticket - Torrey Pines Golf Course
  - 7) City Resident Senior Single Round Weekday Ticket - Torrey Pines Golf Course and Balboa Golf Course.
- (See City Manager Report CMR-93-214.)

COMMITTEE ACTION: Reviewed by PFR on 7/14/93.  
Recommendation to send Fee Nos. 1, 2, and 4 to Council with no recommendation; approve Fee No. 3; note that Council had already approved Fee Nos. 5, 6, and 7 on 6/9/93. Districts 6, 7, and 8 voted yea. Districts 3 and 5 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B464-C085.)

MOTION BY STALLINGS TO ADOPT POINTS 3 TO 7 AND SEND POINTS 1 AND 2 BACK TO PF&R. Second by Vargas. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

Motion by Roberts to adopt point 7, the Senior single round weekday ticket at Torrey Pines and Balboa Golf Courses with the amendment that it be good only during the non-peak hours. No second.

MOTION BY ROBERTS TO REFER POINT 7 BACK TO PF&R FOR CONSIDERATION BY THE GOLF ADVISORY COUNCIL AND BRING BACK TO COUNCIL. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-nay, McCarty-nay, Vargas-nay, Mayor Golding-yea.

ITEM-200: (O-94-20) HEARING HELD

First public hearing in the matter of:

Fixing the Tax Rates and Levying Taxes for the Fiscal Year 1993-94.

(See City Manager Report CMR-93-242.)

NOTE: See Item 330 on the docket of Tuesday, August 10, 1993 for the introduction and adoption of the ordinance.

FILE LOCATION:

COUNCIL ACTION: (Tape location: C087-132.)

MOTION BY McCARTY TO APPROVE THE FIRST HEARING. Second by Vargas. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: (R-94-160) ADOPTED AS RESOLUTION R-282501

Authorizing the following 30 agreements with community agencies to operate social service programs during Fiscal Year 1994 at the funding levels recommended by the City Council on July 12, 1993:

AGENCY	PROJECT TITLE	AMOUNT
ACCESS	Out of School Youth Program	\$ 66,657
AIDS Foundation Of San Diego *(Funded by CDBG Funds)	BEST Program	211,527*
Barrio Station *(Funded by CDBG Funds)	Barrio St. Project	253,737*
Barrio Station *(Funded by CDBG Funds)	Street Alternatives and Resources (STAR)	274,902*
Bayside Settlement House Casa Familiar	Bayside Counseling Project Casa Familiar/ Amanecer/Recreation Facility	75,070 118,612
Center for Social Services *(Funded by CDBG Funds)	AIDS Related Counseling	76,832*
Center for Women's Studies and Services	Women's Center	71,586

Centro de Salud de la Comunidad de San Ysidro	San Ysidro Health Center	31,834
Clairemont Friendship Center	Senior Emergency Alert System	44,888
Co. of San Diego	Food Bank	72,091
Co. of San Diego	Senior Counseling	34,263
Co. of San Diego (Extension of FY 93 Agreement)	Senior Nutrition	18,204
Elderhelp of S.D.	Senior Shopping Assistance	\$ 24,256
Episcopal Comm. Services *(Funded by CDBG Funds)	Employment Assist. Program for Downtown Homeless	124,956*
Episcopal Comm. Services	Crime Victim Services Program	49,062
Harmonium, Inc.	Harmonium Project-Mira Mesa & Rancho Penasquitos	83,055
Legal Aid Society *(Funded by CDBG Funds)	Legal Society	264,897*
Neighborhood House Association	Youth Serv. Center	106,638
Neighborhood House Association	Out of School Youth Program	66,657
Ocean Beach Child Care Project	Ocean Beach Child Child Dev. Center	39,755
S.D. Mediation Ctr.	Community Mediation of San Diego	69,990
S.D. Service Ctr. for the Blind	Center for the Blind	38,542
S.D. State Univ. Foundation	KPBS Radio Reading Service	7,209
S.D. Unified School Dist. (Extension of FY 93 Agreement)	Senior Nutrition	73,621
S.D. Urban League	Single Parent Svs.	50,071
S.D. Youth Involvement Project	SIP-Residential & Drop-In Counseling	212,057
San Ysidro School District (Jointly Funded - General Funds: \$12,449; CDBG Funds: \$123,468)	San Ysidro Schools	135,917
Social Advocates for Youth	Linda Vista/Serra	97,789

Mesa/Elliot/South-east Asian Youth Diversion		
United Way of S.D. Co.	Info Line	31,087
United Way of S.D. Co.	Staff Assist. to Regional Task Force on Homeless	30,000
Youth for Progress	Logan Youth & Family Services	77,434
TOTAL		\$2,933,196

Authorizing the City Auditor and Comptroller to transfer \$1,511,052 from the General Fund (Fund 100), to the Human Care Services Special Fund (Fund 19666), and to expend \$1,511,052 to operate 23 social service programs; authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,330,319 from Fund 18529 (19th Year CDBG Entitlement), to operate seven social service programs; authorizing the City Manager to extend two agreements for the operation of the Senior Nutrition Program at their FY 1993 funding level for a period of two months; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$91,825 from the General Fund (Fund 100), to the Human Care Services Special Fund (Fund 19666), and to expend \$91,825 for the above stated Senior Nutrition Program agreements.

CITY MANAGER SUPPORTING INFORMATION: On July 12, 1993, the City Council discussed Fiscal Year 1994 social service funding, and authorized the following: Deletion of \$160,000 for staffing for a needs assessment and review process which was recommended by the Public Services and Safety Committee on June 1, 1993; transfer of funding for the Community Service Center for the Disabled to the Housing Commission; transfer of \$25,000 in funding for the Citizen's Patrol Program to the Police Department's Seized Asset Program; that the remaining \$88,131 reduction in social service programs be accomplished through an across-the-board cut to all social service programs; and that the Manager prepare a report addressing the implications of consolidating the Senior Nutrition Program.

FILE LOCATION: MEET CONT FY 94-32

COUNCIL ACTION: (Tape location: C-134-179.)

MOTION BY HARTLEY TO ADOPT. Second by Stallings. Passed by

the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: (R-94-73) CONTINUED TO SEPTEMBER 13, 1993

(Continued from the meeting of July 26, 1993, Item 103, at the City Manager's request, to allow the owner to be present.)

Declaring Landex Construction Corporation in default of its contract for the Point Loma Wastewater Treatment Plant Maintenance Building Expansion - Phase II; authorizing the Engineering & Development Department, Field Division, to work with Landex Construction Corporation's bonding company to complete the project; authorizing the City Attorney to pursue recovering all costs to the City for completion of the project; declaring Landex Construction Corporation and its officers and principals to be non-responsible bidders and ineligible to bid on City projects for a period of three years.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: On December 31, 1991, the City Manager authorized a contract for \$1,131,513 to Landex Construction Corporation for the Point Loma Wastewater Treatment Plant Maintenance Building Expansion - Phase II. The project is presently in construction and includes remodeling the plant's existing maintenance building. The Notice to Proceed was issued on March 2, 1992 and the specified completion date was February 11, 1993. Construction on the project is less than 90 percent complete and the contractor has been assessed liquidated damages since February 24, 1993 for failure to complete the job within the specified time. Letters from the City Attorney warning Landex and the bonding company of the lack of performance have proved to be futile. Very little progress has taken place in the last few months and Landex is either unable or unwilling to provide the necessary personnel to complete the job in a timely manner. During the month of May, the average number of building workers each day totaled less than four (excluding landscapers). Additionally, Landex has installed more than fifty items in the building that are not in compliance with the Contract Documents, some of which will require much time and work to repair (i.e. gas piping, HVAC equipment and ductwork, electrical transformer). Though documentation shows that Landex has been continually

notified of these deficiencies by the Resident Engineer, the contractor has failed to take action. As a consequence to the contractor's continued lack of performance and failure to comply in good faith on this contract, it is recommended that Landex be declared in default and be debarred from bidding on City projects.

WU-E&D-93-158.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A507-B134.)

MOTION BY McCARTY TO CONTINUE TO SEPTEMBER 13, 1993 AT THE REQUEST OF THE CITY MANAGER WITH TWO CONDITIONS ON THIS CONTINUANCE THAT 1) THE LANDEX CORPORATION COMPLETE ALL OF THE REMAINING WORK BY SEPTEMBER 1, 1993 TO THE SATISFACTION OF CITY STAFF, AND 2) THEY NOT BE ALLOWED TO BID ON CONTRACTS UNTIL THIS MATTER COMES BACK TO COUNCIL ON SEPTEMBER 13, 1993. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

Three actions related to the Balboa Park/Mission Bay Park Capital Improvements Program:  
(See City Manager Report CMR-93-231.)

Subitem-A: (R-94-146) ADOPTED AS RESOLUTION R-282502

Adoption of a Resolution of Intention, pursuant to Section 1.103-18 of the Income Tax Regulations promulgated by the United States Department of the Treasury, to reimburse expenditures of the Balboa Park/Mission Bay Park Capital Improvements Program with the proceeds of this financing.

Subitem-B: (R-94-144) ADOPTED AS RESOLUTION R-282503

Adoption of a Resolution authorizing the sale of not to exceed \$30,000,000 Certificates of Participation by the City; approving a Trust Agreement, Facilities Lease, Site and Facilities Lease, Assignment Agreement, form



of the Official Bid Form, the Notice Inviting Bids, and the Preliminary Official Statement.

Subitem-C: (O-94-18) INTRODUCED, TO BE ADOPTED SEPTEMBER 7, 1993

Introduction of an Ordinance authorizing a Facilities Lease and Site and Facilities Lease with San Diego Facilities and Equipment Leasing Corporation and a Trust Agreement and approving the form of assignment agreement with Meridian Trust Company of California relating to the issuance of Certificates of Participation in an amount not to exceed \$30,000,000 for a term not exceeding 30 years (Balboa Park and Mission Bay Park Capital Improvements Program).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C183-464.)

MOTION BY ROBERTS TO ADOPT SUBITEMS A AND B, INTRODUCE SUBITEM-C AND DIRECT THE CITY MANAGER TO REMOVE THE REFERENCE TO CCDC BEING REIMBURSED FOR A PORTION OF THE COST OF THE REDESIGN AND CONSTRUCTION OF THE MUNICIPAL GYMNASIUM AS INDICATED IN CITY MANAGER REPORT #93-231, AND TO ACCEPT THE REQUEST OF COUNCIL MEMBER STALLINGS TO REFER THE ISSUE OF THE DEMOLITION OF THE HOUSE OF CHARM BACK TO PF&R COMMITTEE. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-204: (O-94-21 Cor. Copy) INTRODUCED, TO BE ADOPTED SEPTEMBER 7, 1993

Introduction of an Ordinance authorizing the issuance and sale of City of San Diego Industrial Development Revenue Bonds (San Diego Gas & Electric Company) in an aggregate principal amount not to exceed \$400,000,000; approving the proposed form of Trust Indenture between the City and the Trustee; approving the proposed form of Loan Agreement between the City and San Diego Gas & Electric Company.

(See City Manager Report CMR-93-238.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: C469-D059.)

MOTION BY STALLINGS TO INTRODUCE AND TO DIRECT THE CITY MANAGER AND SDG&E TO COME BACK TO COUNCIL AFTER A REASONABLE PERIOD OF TIME TO ADVISE HOW THIS ACTION WILL CREATE A REDUCTION IN UTILITY RATES. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400: (R-94-82) ADOPTED AS RESOLUTION R-282504

(Continued from the meeting of August 2, 1993, Item 114, at the City Manager's request, to resolve problems between the contractor and the subcontractor.) Authorizing the City Manager to continue the Ultra-Low Flush Toilet Rebate Program; authorizing an agreement with the San Diego County Water Authority ("CWA") for the receipt of funds from the Metropolitan Water District of Southern California ("MWD") to be used to pay for one-half of the program costs for approximately 14,000 ultra-low flush toilet rebates; authorizing the City Manager to enter into an agreement with the consulting firm of Viewtech, for services associated with the day-to-day operation of the Ultra-Low Flush Toilet Rebate Program in an amount not to exceed \$1,500,000; authorizing the Auditor and Comptroller to increase the annual appropriation in Operating Fund No. 41500, Program 70622, by \$750,000 for the implementation of the City of San Diego's Ultra-Low Flush Toilet Rebate Program; authorizing an expenditure of not to exceed \$1,500,000 from the Water Utilities Operating Fund No. 41500, Administrative Services Program, for the purpose of operating the Ultra-Low Flush Toilet Rebate Program for the contract period ending June 30, 1994.

CITY MANAGER SUPPORTING INFORMATION: The City has been an active participant in the regional Ultra-Low Flush Toilet Rebate Program (Rebate Program) managed by the San Diego County Water Authority (CWA) since May of 1991. City residents have responded

in a very positive way to this voluntary conservation program which provides them with a rebate of up to \$75 for each installed ultra-low flush toilet (ulft). Between May of 1991 and February of 1993, City residents received rebates for more than 30,000 ulft's. The City has been successful in securing matching funds from the CWA and the Metropolitan Water District (MWD) of Southern California for the majority of rebates given to City residents. The day to day operations of the CWA's regional Rebate Program were managed by a firm under contract with the CWA. The CWA's contract with the firm, and their agreement with the City, only encompassed rebates co-funded by the CWA. These CWA co-funded rebates accounted for one-fourth of the total number of rebates that the City had budgeted. The MWD has agreed to provide matching funds for the remaining City rebates. In order for the City to continue the Rebate Program, and avail itself of matching funds currently available from the MWD, the City has undertaken the task of designing its own Rebate Program. A request for proposals was issued and a vendor has been selected to manage the City's own rebate program. With the MWD's co-funding, the City will be able to issue rebates for an estimated 14,000 ulft's. There are currently 4,000 applications on file awaiting rebates. Approval to implement a City of San Diego Rebate Program is being sought with this action.

Aud. Cert. 9400034.  
WU-U-93-148.

FILE LOCATION: WATER-Ultra-Low Flush Toilet Rebate Program  
CCONT FY 94-1, CONT FY 94-1

COUNCIL ACTION: (Tape location: D062-097.)

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

ITEM-S401: (R-94-62) ADOPTED AS RESOLUTION R-282505

(Continued from the meeting of August 2, 1993, Item 107, at the City Manager's request, for proper noticing.)

Vacating the excess portion of Kearny Mesa Road, between Mercury Street and Armour Street.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation has been requested by the applicant in order to enhance the development capabilities of the adjoining properties. The applicant proposes to use the area-of-vacation for off-street parking and landscaping. The subject right-of-way was originally utilized for Kearny Mesa Road. However, the widening of State Route 163 (Old Highway 395) terminated the improvements for Kearny Mesa Road at Mercury Street. The applicant proposes to vacate the remaining unused portion of Kearny Mesa Road, north of Mercury Street. The subject vacation is located in the M-1A Zone and totals approximately 6,500 square feet (0.149 acres) in area. The reversion of acreage would provide additional development entitlements, as allowed by the M-1A Zoning, but would not provide adequate area for any potential additional lots. The Kearny Mesa Community Planning Group and the Planning Department have no objections to this vacation, and the Planning Commission recommended approval, by a vote of 6-0, on April 23, 1992. The area proposed for vacation is unimproved right-of-way and is not needed for access or traffic circulation. It should be noted that the Metropolitan Transit Development Board (MTDB) has indicated that a 15-foot-wide strip of Kearny Mesa Road is needed in order to assure adequate right-of-way for a future Light Rail Transit (LRT) alignment in the SR-163 corridor. For this reason, a 15-foot-wide strip, adjacent to the freeway, will not be vacated. In addition, access rights on Mercury Street, adjacent to the vacation area, are being relinquished as a requirement of this action.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the adopted community plan, and Council Policy 600-15 and may be summarily vacated. 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 utilization of the land and additional off-street parking.

FILE LOCATION: DEED F-6098, STRT-J-2794 DEED FY 94-1

COUNCIL ACTION: (Tape location: A507-B134.)

MOTION BY VARGAS TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-

yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:33 p.m. in honor of the memory of Sylvia Simpson Coleman.

FILE LOCATION:                   AGENDA

COUNCIL ACTION:               (Tape location: F052-061).