

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 8, 1993
AT 5:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 5:09 p.m.
Mayor Golding adjourned the meeting at 9:08 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-excused by
R-283132 (ill)
- (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 Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-not 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 James D. Smith of Clairemont Immanuel Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wolfsheimer.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding public education and the rights of jurors.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A053-107.)

ITEM-PC-2:

Invitation by C. Michael Mann to the Mayor and Council to attend a public meeting on the Pacific Beach Boardwalk Coalition being held on December 1, 1993.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A107-120.)

COUNCIL COMMENT:

ITEM-CC-1:

Mayor Golding and Council Members thanked Chief Osby and the fire department for their efforts during the recent wild fires. Deputy Mayor Behr also relayed thanks for their efforts in Rancho Bernardo and Poway. Council Member Stevens welcomed the new Assistant Fire Chief, Allen Thomason.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A121-195.)

ITEM-CC-2:

Deputy Mayor Behr commented that television viewers watching the Council meetings actually did phone his office to respond to his request to do so while chairing last week's Council meetings.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A245-257.)

ITEM-CC-3:

Council Member McCarty commented on the struggle between the Planning Department and Fire Department concerning brush clearing and controlled burn, as a result of the recent fires. Mayor Golding advised that she intended to docket this matter for PS&S.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A257-287.)

ITEM-CC-4:

Mayor Golding advised the Council of the results of her recent visit to Washington, D. C. and her meeting with the President. The Mayor advised that she was asked to be one of four mayors to comment on the Empowerment and Enterprise Zone legislation. She also reported that President Clinton made a commitment to continue to make sure that the government is involved with the sewage clean up at the border; and that Senator Barbara Boxer indicated that real progress is being made in the area of the Clean Water Act and its effects on San Diego as a coastal city.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A287-321.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:
09/27/93 Special Night Meeting
10/11/93
10/12/93
10/12/93 Special Joint Meeting
10/18/93 Adjourned
10/19/93 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A330-464.)

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

ITEM-31: PRESENTED

Presentation by the Water Utilities Department to SDG&E for excellence and innovation in water and energy conservation and efficiency.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A198-242.)

Deputy Mayor Behr also thanked SDG&E for providing the "bucket" that lifted him up to replace the statue struck by lightning recently, and for their assistance.

* ITEM-50:

SUBJECT: Amending the North City Future Urbanizing Area Planned Residential Development Ordinance.
(North City Future Urbanizing Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on 10/26/93 (Council voted 8-0. Mayor-not present):

(O-94-22 Cor. Copy) ADOPTED AS ORDINANCE O-18008 (New Series)

Amending Chapter X, Article 1, Section 101.0901 of the San Diego Municipal Code, relating to Planned Residential Development, to reflect modifications requested by the California Coastal Commission.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-51:

SUBJECT: Establishing New Classes of Pump Station Operator Trainee, Pump Station Operator and Pump Station Operations Supervisor.

(See Personnel Director's Report dated 9/3/93.)

PERSONNEL DIRECTOR'S RECOMMENDATION:

Introduce the following ordinance:

(O-94-31) INTRODUCED, TO BE ADOPTED NOVEMBER 29, 1993

Amending Ordinance O-17915 (New Series), as amended, entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1993-94," by amending the personnel authorization of the Water Utilities Department (700) by creating and adding three new classes entitled "Pump Station Operator Trainee" and "Pump Station Operator" in the Maintenance and Labor Unit Group and "Pump Station Operations Supervisor" in the Supervisory Bargaining Unit Group;
Establishing salary rates for the new positions in the classified service;
Amending Resolution R-281921 to approve and declare the newly created classes eligible for premium rate overtime by placing the new positions in Group A of the Addendum to the Personnel Manual Section H-4, entitled "Overtime";
Amending Resolution R-281922 to include Pump Station Operator Trainee and Pump Station Operator in the Maintenance and Labor Bargaining Unit and Pump Station Operations Supervisor in the Supervisory Bargaining Unit.

FILE LOCATION: None.

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-52:

SUBJECT: Park Dedication - Mission Bay Park Northern Wildlife Preserve.
 (Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-94-42) INTRODUCED, TO BE ADOPTED NOVEMBER 29, 1993

Setting aside and dedicating a portion of City-owned land being the northerly 200 feet of Acre Lot 74 of Pacific Beach, Map-854, for a public park.

CITY MANAGER SUPPORTING INFORMATION:

The Park and Recreation Director has requested the dedication of 2.66 acres of land located in Pacific Beach for expansion of the Mission Bay Park Northern Wildlife Preserve. This action is part of an ongoing project to dedicate various City-owned parcels in accordance with Charter Section 55 and Council Policy 700-17. The Park and Recreation Board recommends dedication of this parkland.

FILE LOCATION: None.

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-100:

SUBJECT: Awarding a Contract for Structural Improvements to Balboa Park Botanical Building.
(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-448) ADOPTED AS RESOLUTION R-282924

Awarding a contract to Augustine Company for structural repair to Balboa Park Botanical Building, in the amount of \$395,016;

Authorizing an additional expenditure of \$195,492 to supplement funds previously authorized by Resolution R-

281721 for structural repair to Balboa Park Botanical Building, adopted on April 12, 1993;
Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserve.
(BID-K3700/93)

CITY MANAGER SUPPORTING INFORMATION:

The Botanical Building is located in Balboa Park, east of the Museum of Man. The steel in the Botanical Building structure exhibits serious corrosion and requires improvement. This project is a sublet project of CIP-21-834.0, "Balboa Park/Mission Bay Park Requirements." The original estimated cost of this project was \$321,486, of which \$39,500 for professional services has previously been authorized and financed from Capital Outlay/Other Fund 302453.

Resolution R-281721 authorized funding in the amount of \$281,986 from the San Diego Facilities and Equipment Leasing Construction Fund 91101. An additional \$195,492 is required due to higher contractor bids associated with existing lead base paint hazardous waste removal not anticipated nor included in the original estimate.

Aud. Cert. 9400382.

FILE LOCATION: CONT-Augustine Company CONT FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-101:

SUBJECT: Awarding a contract for Anionic Polymer.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-300) ADOPTED AS RESOLUTION R-282925

Awarding a contract to Neutron Products for the purchase of anionic polymer, as may be required for a period of one year beginning November 1, 1993 through October 31, 1994, for an estimated cost of \$307,358, including tax, with options to renew the contract for four additional one year periods;
Declaring that in the event the contractor fails to provide material or perform in accordance with specifications, the Purchasing Agent is authorized to terminate the contract and either re-award to the next low bidder or to obtain this material on the open market until the contract can be rebid.
(BID-B3964/94)

FILE LOCATION: CONT-Purchase-Neutron Products
 CONT FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-102:

SUBJECT: Awarding a contract for Miscellaneous PVC Items.
CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-301) ADOPTED AS RESOLUTION R-282926

Awarding a contract to Major Irrigation Supply, Inc., for the purchase of Miscellaneous PVC Items, as may be required for a period of one year beginning September 1, 1993 through August 31, 1994, for an estimated cost of \$66,175, with options to renew the contract for four additional one year periods.
(BID-H3955/94)

FILE LOCATION: CONT-Purchase-Major Irrigation Supply,
 Inc. CONT FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-103:

SUBJECT: Awarding Contracts for the Purchase of Semi-Automatic Pistols.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-305) ADOPTED AS RESOLUTION R-282927

Awarding contracts to L.C. Action and San Diego Police Equipment Co. for semi-automatic pistols, as may be required for a period of one year beginning October 1, 1993 through September 30, 1994, for a total estimated cost of \$71,731, including tax and terms.
(BID-I3995/94)

FILE LOCATION: CONT-Purchase-L.C. Action and San Diego Police Equipment Co. CONT FY 94-2

COUNCIL ACTION: (Tape location: A330-464.)

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

ITEM-104:

SUBJECT: Awarding a contract for Janitorial Services at Various City Libraries.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-302) ADOPTED AS RESOLUTION R-282928

Awarding a contract to Aztec Landscaping, Inc., for janitorial services at various City libraries, Schedules 1 and 2, as may be required for a period of one year beginning November 1, 1993 through October 31, 1994, for an estimated cost of \$91,561, including terms, with options to renew the contract for four additional one year periods, at a cost not to exceed CPI at end of prior contract periods;
Declaring that in the event the contractor fails to perform in accordance with specifications, the Purchasing Agent is authorized to terminate the contract and re-award to the next low responsible and responsive bidder. (BID-F4000/94)

FILE LOCATION: CONT-Purchase-Aztec Landscaping, Inc.
CONT FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-105:

SUBJECT: Three actions related to inviting bids for the Construction of Water Main Replacement Group 470.
(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-445) ADOPTED AS RESOLUTION R-282929

Inviting bids for the Construction of Water Main Replacement Group 470 on Work Order No. 180801;
Authorizing a contract with the lowest responsible bidder;
Authorizing the expenditure of \$1,348,800 from Water Revenue Fund 41500, CIP-73-083, Annual Allocation for

Water Main Replacement and \$34,000 from Sewer Revenue Fund 41506, CIP-44-001, Annual Allocation for Sewer Main Replacement, for providing funds for said project and related costs. (BID-K94063)

Subitem-B: (R-94-446) ADOPTED AS RESOLUTION R-282930

Authorizing the use of City Forces to do all the work to make connections and perform operational checks in connection with the above construction; declaring that the cost of the work shall not exceed \$191,880.

Subitem-C: (R-94-447) ADOPTED AS RESOLUTION R-282931

Certifying that the information contained in Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, DEP-90-0275, dated December 16, 1991, in connection with the Construction of Water Main Replacement Group 470, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the Declaration has been reviewed and considered by the council.

CITY MANAGER SUPPORTING INFORMATION:

Water Main Replacement Group 470 proposes to replace old, deteriorated cast iron water mains in the Linda Vista community area. The project costs of the replacement of approximately 10,700 linear feet of water main and associated appurtenances, and 110 linear feet of sewer main which conflicts with the proposed location of the new water main. This project is part of the City of San Diego's on-going water main replacement program.

Aud. Cert. 9400400.
WU-P-94-016.

FILE LOCATION: W.O. 180801 CONT- Ortiz Corporation
CONT FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-106:

SUBJECT: Three actions related to Catalina Boulevard Underground Utility District.
(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-589) ADOPTED AS RESOLUTION R-282932

Designating December 1, 1993, as the date upon which all property in the Catalina Blvd. (Catalina Place to Voltaire Street) Underground Utility District must be ready to receive underground service and April 1, 1994, as the date for the removal of all overhead utility facilities.

Subitem-B: (R-94-590) ADOPTED AS RESOLUTION R-282933

Authorizing the City Auditor and Comptroller to open Fund No. 78065 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Catalina Blvd. (Catalina Place to Voltaire Street) Underground Utility District;
Authorizing the City Treasurer to receive these funds from the San Diego Gas and Electric Company;
Authorizing payment to all property owners in the Catalina Blvd. (Catalina Place to Voltaire Street) Underground Utility District as reimbursement for electrical service underground conversion work done on private property whenever the required length of trenching exceeds 1 foot;
Authorizing the City Auditor and Comptroller to return to SDG&E any undisbursed funds upon written notice that all electric service conversions within a particular district have been completed.

Subitem-C: (R-94-591) ADOPTED AS RESOLUTION R-282934

Authorizing the expenditure of an amount not to exceed \$24,123 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, Capital Outlay Fund 30245, for administering the Catalina Blvd. (Catalina Place to

Voltaire Street) Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The Catalina Boulevard (Catalina Place to Voltaire Street) Underground Utility District was created by the City Council on April 23, 1991. 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 December 1, 1993 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, 1994 as the Pole Removal Date, which will require that, upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. The property owner remains responsible for all remaining conversion costs.

Aud. Cert. 9400316.

FILE LOCATION: STRT K-196

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-107:

SUBJECT: Acquisition of Lot 3 of Carroll Canyon Centre (Fire Station No. 44).
(Mira Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-655) ADOPTED AS RESOLUTION R-282935

Approving the acceptance of a grant deed, to be subsequently executed by CalMat Company, conveying to the City Lot 3 of Carroll Canyon Centre, being a 1.64-acre unimproved site identified as Assessor Parcel No. 341-330-01;

Authorizing the expenditure of not to exceed \$556,000 from CIP-33-083.0, Fire Station No. 44, Fund 79006, Mira Mesa FBA, for the acquisition of the property and related costs.

CITY MANAGER SUPPORTING INFORMATION:

Authorizing the expenditure will provide for land acquisition of a 1.64-acre site for the construction of a 6,500-square-foot fire station to serve the Miramar Road area. The station will house a one engine company and provide for future expansion of a truck and ten additional personnel. A station in this vicinity will ensure that Council Policy required response times are met, including four minutes to target hazards and six minutes to residential occupancies.

Aud. Cert. 9400434.

FILE LOCATION: DEED F-6155 DEED FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-108:

SUBJECT: Sale of a Portion of City Property to CalTrans for State Route 78. (District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following resolution, which was approved in Closed Session on 10/26/93 (Council voted 8-0. Mayor Golding not present):

(R-94-674) ADOPTED AS RESOLUTION R-282936

Authorizing the City Manager to execute an appropriate deed conveying to the State of California a portion of City-owned property to be utilized for State Route 78, for the appraised value of the property of \$10,300 plus interest from the date of value.

FILE LOCATION: DEED F-6156 DEED FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-109:

SUBJECT: Grant of Electrical Easement to SDG&E - South Clairemont Park & Recreation Center.
(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-654) ADOPTED AS RESOLUTION R-282937

Authorizing the execution of a deed conveying to San Diego Gas and Electric Company, an easement for underground electrical facilities in a portion of Pueblo Lot 1210 of the Pueblo Lands of San Diego, for electrical service to South Clairemont Park and Recreation Center.

CITY MANAGER SUPPORTING INFORMATION:

In order to comply with the City's request to underground the existing overhead lines along Clairemont Drive, SDG&E is required to obtain an easement. This easement provides for a transformer site, located at 3605 Clairemont Drive to maintain electrical service to the South Clairemont Park and Recreation Center building. The easement area is three feet on each side of the transformer facility. The Park & Recreation Department has approved the easement.

FILE LOCATION: DEED F-6157 DEED FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-110:

SUBJECT: Two actions related to an Electrical Easement to service Sherman Heights Community Center.
(Greater Golden Hill Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:
Adopt the following resolutions:

Subitem-A: (R-94-609) ADOPTED AS RESOLUTION R-282938

Authorizing the execution of a deed conveying to SDG&E an easement for underground electrical facilities in Lots 11, 12 and 13, Block 10, Sherman's Addition Refiled, Map-856, for service to Sherman Heights Community Center.

Subitem-B: (R-94-610) ADOPTED AS RESOLUTION R-282939

Certifying that the information contained in Negative Declaration DEP-91-0038BG, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City as Lead Agency, and that the declaration has been reviewed and considered by the Council in connection with the approval of the grant of the easement.

CITY MANAGER SUPPORTING INFORMATION:

SDG&E wishes to acquire an easement from the City in order to provide underground electric service to Sherman Heights Community Center at 2260 Island Avenue. This easement is 6 feet in width, 180 feet in length, and runs along the western and southern property lines. The current lease with the community center provides for the City's right to grant utility easements on the

property.

FILE LOCATION: DEED F-6158 DEED FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-111:

SUBJECT: Setting aside and restricting use of 240-acres of City-owned land in Boden Canyon.
(District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-601) ADOPTED AS RESOLUTION R-282940

Setting aside and restricting for use as a biological conservation reserve, 240-acres of City-owned land located in Boden Canyon.

CITY MANAGER SUPPORTING INFORMATION:

On February 23, 1993, the City Council passed Resolution R-281518 authorizing the acquisition of 240 acres of canyon land in Boden Canyon, east of San Pasqual Valley. This property was purchased as "off-site" mitigation for the City's West Miramar Refuse Disposal Facility Phase II (CIP-37-056.0) in order to comply with requirements of the U.S. Fish and Wildlife Service, as identified within the July 7, 1992 "Revised Environmental Assessment for Aggregate Material Extraction at the City of San Diego's West Miramar Landfill Phase II." As part of the approval, Council directed the Waste Management Department, upon acquisition, to place a conservation easement on the subject property. This action provides for the designation of the 240-acre mitigation property, purchased on April 28, 1993, as a "Biological Conservation Preserve" thereby setting the property aside and restricting its use. This action is being taken in order to comply with the City Council's direction in Resolution R-281518 for the purchase of the Boden Canyon property.

FILE LOCATION: DEED F-6159 DEED FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-112:

SUBJECT: Emergency Response Equipment Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-651) ADOPTED AS RESOLUTION R-282941

Accepting and expending grant funds from the State of California Department of Toxic Substance Control for the acquisition of Emergency Response Equipment.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Fire Department has applied for and received grant funding from the State of California Department of Toxic Substance Control Fund for the purchase of an emergency response vehicle. This vehicle will replace OES (Department of Emergency Services) vehicle SB618, which is state-owned and scheduled to go to Mendocino County. Purchase of a new vehicle will allow the San Diego Fire Department's Hazardous Materials Response Team (HIRT) to respond more effectively to hazardous materials incidents throughout San Diego. In addition, the equipment will be used to provide training to other first responder agencies. Equipment purchased as a result of this grant becomes the property of the City of San Diego.

Aud. Cert. 9400435.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A330-464.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by

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

* ITEM-113:

SUBJECT: Settlement of the claims of Juanita Williams-Woodson and Sheri Colvin.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following resolution:

(R-94-608) ADOPTED AS RESOLUTION R-282942

A Resolution approved by the City Council in Closed Session on Tuesday, October 12, 1993 by the following vote: Wolfsheimer-yea; Roberts-not present; Hartley-not present; Stevens-yea; Behr-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$59,300 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Juanita Williams-Woodson and Sheri Colvin (Superior Court Case No. 658073, Juanita Williams, et al. v. City of San Diego, et al.); Authorizing the City Auditor and Comptroller to issue two checks: one in the amount of \$32,800 made payable to Juanita Williams-Woodson and Alanna Supernor, her attorney of record, and one in the amount of \$26,500 made payable to Sheri Colvin and Alanna Supernor, her attorney of record, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claims of Juanita Williams-Woodson and Sheri Colvin against the City of San Diego, its agents and employees, resulting from an incident which occurred on June 7, 1992.

Aud. Cert. 9400432.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-114:

SUBJECT: Settlement of the claim of Stanley Buchanan, et al.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following resolution:

(R-94-624) ADOPTED AS RESOLUTION R-282943

A Resolution approved by the City Council in Closed Session on Tuesday, September 14, 1993 by the following vote: Wolfsheimer-not present; Roberts-not present; Hartley-not present; Stevens-yea; Behr-not present; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$135,000 in the settlement of each and every claim against the City, its agents and employees, U.S. District Court Case No. 91-CV-0150H (M), Shanetha Renee Buchanan, et al. v. City of San Diego, et al. resulting from the personal injury to Stanley Buchanan, et al.; Authorizing the City Auditor and Comptroller to issue three checks: 1) one check made payable to Safeco Assigned Benefits Service Company in the amount of \$74,931, 2) one check made payable to Michael R. Murrinan In Trust for Tyler Roberson in the amount of \$11,500, and 3) one check made payable to Michael R. Murrinan In Trust for Shanetha Buchanan and Sharvesha Buchanan in the amount of \$48,569, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Stanley Buchanan, et al. against the City of San Diego as a result of an incident which occurred on April 22, 1989.

Aud. Cert. 9400433.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-115:

SUBJECT: Excusing Mayor Susan Golding from the Council Meetings of 10/25/93 and 10/26/93.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:
(R-94-706) ADOPTED AS RESOLUTION R-282944

Excusing Mayor Susan Golding from attending the regularly scheduled Council meetings of October 25 and 26, 1993, to meet with the NFL's Site Selection Committee to urge the Committee to select San Diego as a future Super Bowl site.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-116:

SUBJECT: Excusing Councilmember George Stevens from attending the 10/5/93 Council meeting.

COUNCILMEMBER STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-94-630) ADOPTED AS RESOLUTION R-282945

Excusing Councilmember George Stevens from attending the regularly scheduled Council meeting of October 5, 1993, to attend and participate in the District activity on the NYE Elementary School site.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-117:

SUBJECT: Excusing Councilmember Abbe Wolfsheimer from attending the Council meeting of 10/25/93.

COUNCILMEMBER WOLFSHEIMER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-702) ADOPTED AS RESOLUTION R-282946

Excusing Councilmember Abbe Wolfsheimer from attending the regularly scheduled Council meeting of Monday, October 25, 1993, due to illness in her family.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-118:

SUBJECT: Congratulating Crandallyn Graham on being a recipient of the 1993 Milken Family Foundation National Educators Awards.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-94-585) ADOPTED AS RESOLUTION R-282947

Congratulating Crandallyn Graham on being a recipient of the 1993 Milken Family Foundation National Educators Awards.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-119:

SUBJECT: Welcoming Janet and Tom Wing back to San Diego.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-94-586) ADOPTED AS RESOLUTION R-282948

Welcoming Janet and Tom Wing back to San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-120:

SUBJECT: Amending the Conflict of Interest Code for the Water Utilities Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-593) ADOPTED AS RESOLUTION R-282949

Amending the Conflict of Interest Code for the City of San Diego's Department of Water Utilities.

CITY MANAGER SUPPORTING INFORMATION:

The Political Reform Act of 1974 (Government Code Section 87300, et seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On April 27, 1977 Council approved the Conflict of Interest Code for the Water Utilities Department. The Conflict of Interest Code has been amended five times to reflect organization changes. This amendment again updates Exhibit A of the Code. This exhibit lists the duties and categories of those designated positions, the incumbents of which are required to submit Conflict of Interest Statements. Several organizational changes render Exhibit A obsolete. This amendment changes Exhibit A of the code. This amendment also updates the code itself and Exhibit B to conform to overall City policy. The City Attorney's office has reviewed the proposed revisions to the Water Utilities Department's designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC). Employees filling new positions designated as having potential conflicts of interest were afforded the opportunity to review and comment on this amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-121:

SUBJECT: Third Amendment to Professional Services Agreement and Additional CalTrans Funding for the Nobel Drive Projects.
(University City Community Area. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-588) ADOPTED AS RESOLUTION R-282950

Authorizing the execution of a third amendment to the agreement with Boyle Engineering Corporation, to provide additional environmental and engineering studies, for the Nobel Drive Projects: CIP-52-362.0, Nobel Drive - I-805 Interchange; CIP-52-427.0, Nobel Drive - I-805 to Miramar Road; CIP-52-360.0, Nobel Drive - Judicial Drive to I-805; CIP-52-485.0, La Jolla Village Drive/Interstate 805 Interchange Ramps; Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$695,000 from FBA Fund 79001 to CIP-52-427, Nobel Drive - I-805 to Miramar Road;

Authorizing the expenditure of not to exceed \$495,000 from CIP-52-427, Nobel Drive - I-805 to Miramar Road, for providing funds for additional environmental study and design consulting for the project to Boyle Engineering Corporation;

Authorizing the expenditure of not to exceed \$200,000 from CIP-52-427, Nobel Drive - I-805 to Miramar Road, for payment of California Department of Transportation Invoice No. 11068603, for continued engineering work on the Nobel Drive/I-805 project, pursuant to Cooperative Agreement RR-274871, Section 1, Item 4 (CalTrans Agreement No. 11-0420).

CITY MANAGER SUPPORTING INFORMATION:

On January 29, 1990, the City executed an agreement with Boyle Engineering for the design of the Nobel Drive/I-805 Interchange and Nobel Drive - I-805 to Miramar Road Project (CIP-52-362.0 and CIP-52-427.0). As a part of the design of this project, the City has been working closely with CalTrans, U.S. Navy, and Federal Highway Administration (FHWA) to accomplish the best design for

the project given transportation design, environmental, and overall project cost considerations. This project has necessitated evaluating more alternatives than had been anticipated which significantly increases the amount of effort necessary for design and environmental investigation. It is believed that an alternative will be selected which would not have been otherwise considered and will result in a significantly lower total project cost.

Aud. Cert. 9400396.

FILE LOCATION: MEET CCONT FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-122:

SUBJECT: Lease Agreement with Loma Vista Center Partners for a Neighborhood Service Center.
(Chollas View Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-665) ADOPTED AS RESOLUTION R-282951

Authorizing a three-year lease agreement with Loma Vista Center Partners, for 1,269 square feet of office space at 4690 Market Street, Suite B-10, for a Neighborhood Service Center in District 4;
Authorizing the expenditure of not to exceed \$8,883 from FY 1994 CDBG Funds to cover rental costs from December 1, 1993 to June 30, 1994.

CITY MANAGER SUPPORTING INFORMATION:

In March, the City Council approved the Manager's recommendation to establish Neighborhood Service Centers in Council Districts

3,4,5 and 8 and allocate funds from FY'94 CDBG to cover leasing expenses. The goal of the centers is to bring government closer to the people, thereby making it more convenient and responsive to the changing needs of San Diego and to the specialized needs of the communities. The proposed location for the Neighborhood Service Center for District 4 is in the Chollas View Community. A summary of the proposed lease is as follows:

USE: Proposed services include small business assistance, building permit and code information, job announcements and application, complaint resolution and additional services tailored to the needs of the community.

LOCATION: 4690 Market Street, Suite B-10.

RENT: \$1,269 per month (\$1.00 per sq. ft.) plus utilities.

COMMENCEMENT DATE: December 1, 1993 or upon issuance of a certificate of occupancy.

SIZE: 1,269 sq. ft.

TERM: Three year term, however, the City may terminate the agreement at the end of each lease year with a 60-day notice.

Aud. Cert. 9400461.

FILE LOCATION: LEAS-Loma Vista Center Partners LEAS FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-123:

SUBJECT: Agreement with the Mid-City Community Clinic for the interior renovation of their facilities.
(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-653) ADOPTED AS RESOLUTION R-282952

Authorizing the execution of an agreement with the Mid-City Community Clinic, for the interior renovation of

their facilities;

Authorizing the expenditure of not to exceed \$265,000 from CDBG Fund 18529, Dept. 4042, Org. 4205, Mid-City Community Clinic Interior Renovation;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Mid-City Community Clinic is a multi-service health clinic located at 4290 Polk Avenue. This project is designed to address the urgent need of access to medical care being demanded by the low-income Mid-City Community. The clinic has a demand for 20,000 additional visits per year, but currently cannot meet this demand. This project will convert an auditorium into exam rooms, health education rooms and a community room. All work will be to the interior of the existing building.

Aud. Cert. 9400394.

FILE LOCATION: MEET CONT FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

ITEM-124:

SUBJECT: Ocean Front Walk Safety Study.
(Mission Beach and Pacific Beach Community Areas.
District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-612 Corr. 2) ADOPTED AS RESOLUTION R-282953

Authorizing an agreement for additional professional services to complete a study of options to reduce congestion and improve safety on Ocean Front Walk;

Authorizing the expenditure of not to exceed \$40,000 from TDA Bikelane Fund No. 390057 for project costs, including reimbursing the General Fund for expenses incurred in providing professional services.

CITY MANAGER SUPPORTING INFORMATION:

Council action on July 6, 1993 authorized the City Manager to submit a claim to SANDAG and accept a grant to finance a study of options that would reduce congestion and improve safety on Ocean Front Walk. That grant has been received. The Coastline Parks Division budget was used to accelerate the start of the study so that data on use could be collected in August 1993. Today's Council action authorizes the expenditure of the grant funds for project costs including reimbursement to the Coastline Parks Division budget for expenditures made to accelerate the project. This action saved several months and permitted data collection to be done during the peak use period in August 1993. Additional professional services are required to complete the study. This project is not in the Capital Improvements Program, so authorization for the Manager to execute an agreement for professional services is required.

Aud. Cert. 9400365.

FILE LOCATION: MEET CCONT FY 94-1

COUNCIL ACTION: (Tape location: B189-193.)

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

* ITEM-125:

SUBJECT: San Diego Youth & Community Services/Ocean Beach
Community Services Renovation Project.
(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-597) ADOPTED AS RESOLUTION R-282954

Authorizing an amendment to the agreement with San Diego Youth and Community Services, for completion of the design and renovation of their Ocean Beach Community Services facility at 5041 Newport Avenue; Authorizing the expenditure of not to exceed \$250,000 from CDBG Fund 18529, Dept. 4042, Org. 4204, J.O. 112126.

CITY MANAGER SUPPORTING INFORMATION:

Ocean Beach Community Services is a non-profit organization serving homeless, low income, and moderate income clients, in the community of Ocean Beach, with a range of programs addressing emergency services and counseling needs. This amendment will provide for completion of the renovation of the facility, at 5041 Newport Avenue, to more safely and effectively continue the provision of existing services. On May 24, 1993, the City Council adopted Resolution R-2820436, granting an additional \$250,000 in CDBG funding for this project.

Aud. Cert. 9400398.

FILE LOCATION: MEET CCONT FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-126:

SUBJECT: Two actions related to Crown Point Trunk Sewer Construction Change Order No. 16.
(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-613) ADOPTED AS RESOLUTION R-282955

Approving Change Order No. 16, dated August 23, 1993, with Drainage Construction Company, Inc., for the construction of Crown Point Trunk Sewer, amounting to a

net increase in the contract price of \$45,475.72;
Authorizing the expenditure of not to exceed \$60,475.72
from Sewer Fund 41506, CIP-44-001.0, Annual Allocation
for Sewer Main Replacement, for the purpose of
executing Change Order 16, plus additional related in-
house engineering costs.

Subitem-B: (R-94-614) ADOPTED AS RESOLUTION R-282956

Stating for the record that the City Council has
reviewed and considered the information contained in
Mitigated Negative Declaration DEP-90-0210, including
any comments received during the public review process,
in connection with Crown Point Trunk Sewer Construction
Change Order No. 16.

CITY MANAGER SUPPORTING INFORMATION:

The construction of the Crown Point Trunk Sewer has been
completed by Drainage Construction. However, additional items of
work were required in order to rectify existing field conditions.
Change Order No. 16 in the amount of \$45,475.72 will compensate
the contractor for: the removal and disposal of asbestos cement
pipe that was encountered in the sewer trench; the mobilization
to the project site to remove a bypass pump blocking the sewer
flow; removing, maintaining and replacing existing trees and
shrubs in the work area; and removing and replacing existing
electrical conduit, valve, and associated wiring. The balance of
the request amount (\$15,000) will provide funds for additional
Contract Administration.

Aud. Certs. 9400399 and 9400408.
WU-U-94-033.

FILE LOCATION: CONT-Drainage Construction Co., Inc.
CONT FY 94-1

COUNCIL ACTION: (Tape location: A330-464.)

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

* ITEM-127:

SUBJECT: Commuter Rail Vehicle Allocation.
(See Department of Legislative Services Report DLS-93-35.)

RULES COMMITTEE'S RECOMMENDATION:

On 10/11/93, Rules voted 5-0 to recommend adoption of the following resolution (Councilmembers Roberts, Hartley, Behr, Stallings and Mayor Golding voted yea):

(R-94-607) ADOPTED AS RESOLUTION R-282957

Adopting the Resolution attached to DLS-93-35 supporting the entitlement of the San Diego region to a fair share of the commuter vehicles acquired through Proposition 116 or commensurate assistance in rail right-of-way improvements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A330-464.)

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

ITEM-150:

SUBJECT: Amending the San Diego Municipal Code relating to the Department of Legislative Services.
(See City Manager's Memorandum dated 11/1/93.)

(O-94-43) INTRODUCED, TO BE ADOPTED NOVEMBER 29, 1993

Introduction of an Ordinance amending Chapter II, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101; amending Chapter II, Article 2, Division 18, by amending Section 22.1801; and by amending Chapter II, Article 2, Division 19, by amending Section 22.1901, to change the name of the Legislative Services Department to the Department of Intergovernmental Relations and provide that the Director of the Department is to be appointed by the Mayor.

RULES COMMITTEE'S RECOMMENDATION:

On 10/11/93, RULES voted 5-0 to: a) Direct the City Manager to prepare an ordinance, for consideration by the City Council, to locate the Department of Legislative Services back under the Mayor's Office, with the Committee chairpersons retaining the right to select their own Committee Consultant; and b) Direct the City Manager to analyze and make recommendation to the City Council on what can be done to strengthen the Department of Legislative Services' overall program, so that the Mayor and Council are working together with full knowledge of what needs to be done. (Councilmembers Roberts, Hartley, Behr, Stallings and Mayor Golding voted yea).

FILE LOCATION: None.

COUNCIL ACTION: (Tape location: F267-307.)

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

ITEM-151:

SUBJECT: Drug Loitering Ordinance.

(See Mayor Golding's memorandum dated 9/28/93; City Attorney's Report dated 9/14/93; Councilmember Hartley's memorandum dated 8/12/93; Councilmember McCarty's memorandum dated 7/21/93.)

PUBLIC SERVICES AND SAFETY COMMITTEE'S RECOMMENDATION:

On 9/29/93, PS&S voted 4-0 to recommend introduction of the following ordinance (Councilmembers Roberts, Hartley, Stevens and Vargas voted yea; Councilmember Wolfsheimer not present):

(O-94-41) INTRODUCED, TO BE ADOPTED NOVEMBER 29, 1993

Amending Chapter V, Article 2, of the San Diego Municipal Code by adding a new Division 30 entitled "Loitering for Drug Activities" and new Sections 52.3001 and 52.3002, to prohibit drug-related loitering activity.

FILE LOCATION: None.

COUNCIL ACTION: (Tape location: A412-B020.)

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

ITEM-152: TRAILED TO NOVEMBER 9, 1993

SUBJECT: Police Assessment Districts.

(Trailed as Unfinished Business from the meeting of October 26, 1993, Item 162.)

(See City Manager Report CMR-93-201, and City Attorney's Memorandum of Law dated 6/25/93.)

PUBLIC SERVICES AND SAFETY COMMITTEE'S RECOMMENDATION:

On 6/30/93, PS&S voted 4-0 to recommend introduction of the following ordinance: (Councilmembers Wolfsheimer, Roberts, Hartley and Stevens voted yea; Councilmember Vargas not present):

(O-94-163)

Introduction of an ordinance amending Chapter VI, Article 1, of the San Diego Municipal Code by adding Division 25, Sections 61.2501 - 61.2524, relating to the San Diego Public Safety and Supplementary Crime Suppression District Procedural Ordinance.

OTHER RECOMMENDATIONS:

City Manager's Recommendation to PS&S:

Do not adopt a policy which would allow the formation of special assessment districts for the purpose of funding supplemental police services for such districts. Encourage communities which desire supplemental police services to investigate the possibility of contracting the services of private security companies.

NOTE: On 10/26/93 Council voted 4-4 on the motion by Councilmember Wolfsheimer to Introduce and to include the amendment on Page 5 of 12, first paragraph to read ..."the number of calls required for crime suppression

on that property, type of liability insurance required,
a structure's use, the number of dwelling units..."
(Yeas-1,2,3,4; Nays-5,6,7,8; Mayor not present.)

FILE LOCATION: None.

COUNCIL ACTION: (Tape location: A323-330; B023-161.)

TRAILED TO NOVEMBER 9, 1993 FOR FULL COUNCIL. MAYOR GOLDING
STATED THAT THE HEARING WAS CLOSED.

ITEM-153:

SUBJECT: Regulation of Public Pay Telephones.
(See City Manager Report CMR-93-241; City Attorney
Report dated 7/29/93; memorandum from Councilmember
Roberts dated 8/3/93.)
(Continued from the meeting of October 25, 1993, Item
163, at the request of Councilmember Roberts, for the
City Attorney to come back with amendments to the
ordinance.)

CITY COUNCIL'S RECOMMENDATION:

Introduce the following ordinance amended according to the
City Council's direction on 10/25/93 (Council voted 6-1.
District 7 voted nay. District 1 and Mayor not present.):

(O-94-27) INTRODUCED, TO BE ADOPTED NOVEMBER 29, 1993

Amending Chapter V, Article 4, of the San Diego
Municipal Code by adding Division 5, Sections 54.0501,
54.0502, 54.0503, 54.0504, 54.0505, relating to the
Regulation of Public Pay Telephones.

OTHER RECOMMENDATIONS:

Public Services and Safety Committee's Recommendation:

On 8/4/93 PS&S voted 3-0 to approve the concept of
regulating the location and removal of public pay phones, by
building on the draft ordinance provided by the City
Attorney, to include a permit requirement for the location
of new pay phones as requested by Councilmember Roberts, a
Police Department and community review process prior to
approval, and a business license fee requirement for any new

public telephone. The Committee requested that in the interest of time, this item be taken directly to the City Council to expedite.

(Councilmembers Hartley, Stevens, and Vargas voted yea; Councilmembers Roberts and Wolfsheimer not present.)

City Manager's Recommendation to PS&S:

Amend the San Diego Municipal Code to regulate public pay telephones.

FILE LOCATION: None.

COUNCIL ACTION: (Tape location: B195-C532.)

Motion by McCarty to introduce with the exclusion of Item d regarding abatement. Second by Stevens. Failed. Yea-1,6,7,M; Nay-2,4,8; Not Present-3,5.

MOTION BY ROBERTS TO INTRODUCE USING THE MAP PRESENTED BY THE POLICE DEPARTMENT WHICH INCLUDES THE CENSUS TRACKS SHOWING VIOLENT CRIME, NARCOTICS AND PROSTITUTION. Second by Stevens. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-not present, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Transborder Airport Concept--Reconsideration of Ban on Residential Rezonings in Otay Mesa.
(See City Manager Report CMR-93-148. Otay Mesa Community Area. District-8.)

RECOMMENDATION:

There is no staff recommendation for this item. Members of the public wishing to address the Council on this item should speak in favor or in opposition to the following resolution:

(R-94-583) ADOPTED AS RESOLUTION R-282958

Declaring that the Transborder Airport option will no longer be pursued;

Declaring that the proposed residential rezonings and related discretionary actions for Otay Mesa can now

appropriately be processed for review in the normal manner and for potential approval by the City Council.

CITY MANAGER SUPPORTING INFORMATION:

On May 25, 1993, the City Council adopted Resolution R-282046 which, in part, resolved not to grant any residential rezonings within the Otay Mesa Community Planning area for six months. This resolution also directed the Mayor to meet with the appropriate officials within the U.S. and Mexican governments to begin immediate discussions of the creation of a binational agreement for the development of an international airport serving the Tijuana/San Diego region. On October 1, 1993, Mayor Golding met with airport officials in Mexico City and was advised that the Mexican Government had no interest in entering into any such agreement at this time. Based on this decision by Mexico, the Mayor has requested that the ban on residential rezonings in Otay Mesa be reconsidered.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E041-603.)

Motion by Vargas to adopt as amended and revise the language to include the words "an airport in the Otay Mesa area will no longer be pursued". Second by Stevens. Failed. Yea-4,6,7,8; Nay-1,2,5,M; Not present-3.

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

Motion by Roberts to request the City Manager to encourage the Chamber of Commerce to look at the issue of airports in San Diego and ask them to call for a summit to update elected officials on all options, as outlined in the Chamber's letter submitted to the Mayor and Council, dated November 8, 1993. Second by McCarty. Passed by the following vote: Yea-1,2,4,5,6,7,M; Nay-8; Not present-3.

ITEM-201:

SUBJECT: Declaring a continued State of Local Emergency.
(San Ysidro and Tijuana River Valley Community Areas.
District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-661) ADOPTED AS RESOLUTION R-282959

Declaring a continued State of Emergency regarding discharge of raw sewage from Tijuana, Mexico.

CITY MANAGER SUPPORTING INFORMATION:

For over 50 years, renegade raw sewage flows from Tijuana, Mexico have flowed across the international border in the Tijuana River into the United States. These flows have impacted the health and safety of San Diego residents. The permanent solution to this border situation is the construction of the proposed International Treatment Plant by the Federal government. This plant is expected to be operational by 1998 and will treat raw sewage from Mexico. In the interim, until the international plant is constructed, the City in 1991, agreed to accept and treat 13 million gallons per day of Tijuana sewage in the Metropolitan Sewerage System. The amount of flow that the City can accept is limited due to the capacity of the emergency connection. Due to increased water availability and usage in Tijuana, raw sewage flows in the Tijuana River have increased. These flows are beyond the capacity that can be handled by the Mexican treatment system and the emergency connection. These increased flows threaten the health, safety and welfare of the citizens of San Diego. The declaration of emergency enacted on September 7, 1993 and continued on September 27, 1993, and again on October 4, 1993, and again on October 11, will enable the City to assist state and federal agencies in expediting the treatment of this international sewage. The government code requires the local governing body to review a State of Emergency every 14 days until the local emergency is declared terminated. This action requests the continuation of the State of Emergency declared by City Council on September 7, 1993 and authorization for the City Manager to execute all necessary contracts for the diversion, treatment, and disposal of international raw sewage.

WU-CWP-94-053.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A330-464.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings.

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

ITEM-202: RETURNED TO THE CITY MANAGER

SUBJECT: Default and Debarment of Landex Construction Company.
(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-622)

Declaring Landex Construction Corporation to be in default of its contract for the Point Loma Wastewater Treatment Plant Maintenance Building Expansion - Phase II;

Authorizing the City Attorney to initiate default procedures against Landex Construction Corporation and pursue recovery of all costs due to this action;

Authorizing the Engineering and Development Department, Field Division, to work with Landex's bonding company to complete this project;

Declaring Landex Construction Corporation and its officers and principals to be nonresponsible bidders and therefore ineligible to bid on City of San Diego projects for a period of three years, by reason of unsatisfactory performance, unjustified refusal to properly perform contract work and unjustified failure to observe contractual obligations.

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 Notice to Proceed was issued on March 2, 1992 and the specified completion date was February 11, 1993. The project is now approximately 96 percent complete. The proposed actions were initially brought before the City Council on July 26, 1993. Staff requested that the contractor be defaulted and debarred because of his lack of performance on the project. At the time, approximately 90 percent of the construction was complete and Landex was being assessed liquidated damages for not finishing

the project in the required time. In addition, Landex had vacated the site, untruthfully stating that they were substantially complete and that the building was ready for occupancy. Landex returned to the site to resume work when they were notified of staff's recommended actions. In order to resolve the issue, City Council postponed, by continuance, such action until August 9, 1993 to allow Landex ample opportunity to complete construction. At the time of the August 9, 1993 Council meeting, Landex had still not fulfilled their contract obligations and staff, again, recommended default and debarment. Landex representatives appeared before Council and requested another continuance. It was continued to September 13, 1993 with the understanding that Landex would complete construction by that date. Subsequently, at the September 13, 1993 Council meeting, a third postponement was granted to October 1, 1993 to allow Landex to complete the work. At this time, the work has still not been completed and major items do not conform with the plans and specifications (e.g. Bronze-Glow coating). Therefore, staff recommends that default and debarment action now be taken.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E017-036.)

MOTION BY McCARTY TO RETURN TO THE CITY MANAGER AS STAFF HAS MET WITH THE COMPANY AND HAVE COME TO A SETTLEMENT. CITY MANAGER TO BRIEF COUNCIL IN CLOSED SESSION ON DETAILS. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Final Report of the Ethics Advisory Board.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-676) ADOPTED AS RESOLUTION R-282960

Considering the Final Report of the City of San Diego Elections, Campaign and Governmental Ethics Advisory Board.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C536-D631.)

MOTION BY STALLINGS TO ADOPT AND ACCEPT THE REPORT AND REFER THIS ISSUE TO A WORKSHOP IN JANUARY, 1994 WITH THE NEW COUNCIL. DIRECT THE CITY ATTORNEY TO COME BACK TO COUNCIL AT THAT WORKSHOP WITH A FULL REPORT ON THE PROBLEMS THE CITY IS TRYING TO SOLVE; WHAT ARE THE LAWS ON THE BOOKS TODAY THAT CAN'T BE ENFORCED, AND WHY CAN'T THEY BE ENFORCED; AND DETAILS OF HOW COSTS WILL BE FUNDED WITH THE ESTABLISHMENT OF THIS COMMISSION. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204:

SUBJECT: Regulatory Relief - Public Review of Addenda and Final Environmental Documents.

(See memorandums from the Planning Department dated 10/20/93 and Maureen Stapleton dated 9/27/93.)

(Continued from the meetings of August 10, 1993, Item 344, Subitem AA, October 12, 1993, Item 335; trailed as Unfinished Business from October 26, 1993, Item 334, Subitem AA.)

CITY MANAGER'S RECOMMENDATION:

Amend Subitem AA to reduce from 14 to 7 days the required public review period for final environmental documents and delete the required 21-day public review period for addenda.

Subitem-AA: (O-93-149 Cor. Copy) INTRODUCED, TO BE ADOPTED
NOVEMBER 29, 1993

Introduction of an Ordinance amending Chapter VI, Article 9, Division 2 of the San Diego Municipal Code, by amending Sections 69.0208, 69.0211 and 69.0212, to retain the current 14 days review period for final environmental documents and reduce the review period for addenda from 21 to 14 days.

NOTE: Council voted 4-4 on the motion by Councilmember Wolfsheimer to note and file. (Yeas-1,3,4, and 6. Nays-2,7,8, and 5. Mayor not present.)

FILE LOCATION: None.

COUNCIL ACTION: (Tape location: F004-265.)

Hearing began 8:40 p.m. and halted 8:52 p.m.

Motion by Roberts to introduce and accept the City Manager's recommendation. Second by McCarty. Failed. Yea-2,5,7,8; Nay-1,4,6,M; Not present-3.

MOTION BY WOLFSHEIMER TO INTRODUCE AND ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, 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 9:08 p.m. in honor of the memory of Alfred Schulz and Cindy Rosenthal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F310-329).