

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, MARCH 28, 1994  
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 2:04 p.m. Mayor Golding adjourned the meeting at 5:30 p.m. to meet in Closed Session on Tuesday, March 29, 1994 at 9:00 a.m. in the 12th floor Conference Room, to discuss pending litigation and meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
  - (1) Council Member Mathis-present
  - (2) Council Member Roberts-present
  - (3) Council Member Kehoe-present
  - (4) Council Member Stevens-present
  - (5) Council Member Warden-present
  - (6) Council Member Stallings-present
  - (7) Council Member McCarty-present
  - (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (pii)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-not present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Richard Hayward of the Linda Vista Presbyterian Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member McCarty.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding "Dictators Create Slavery".

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A045-072.)

ITEM-PC-2:

Comments by P.M. Azinga regarding volunteer doctors needed at Rachel Center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A073-082.)

ITEM-PC-3: REFERRED TO CITY MANAGER

Comments by Scott Wright regarding City truck accident injuries.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A083-095.)

COUNCIL COMMENT:

None.

ITEM-30:

SUBJECT: Homebuyer Education Month.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1327) ADOPTED AS RESOLUTION R-283588

Proclaiming April 1994 to be "Homebuyer Education Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A105-161.)

MOTION BY KEHOE TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Fred Pierson Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1253) ADOPTED AS RESOLUTION R-283589

Commending Fred Pierson for his tireless efforts and honorable community service; Proclaiming March 21, 1994 to be "Fred Pierson Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A162-308.)

MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: APPROVED

Approval of Council Minutes for the Meetings of:

02/28/94 Special  
02/28/94 Adjourned  
03/01/94  
03/01/94 Joint Meeting  
03/07/94  
03/08/94  
03/14/94 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A100-104.)

MOTION BY STALLINGS TO APPROVE. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea,

Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-100:

SUBJECT: Awarding a Contract for one Gas Chromatograph/Mass Spectrometer and Accessories.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1040) ADOPTED AS RESOLUTION R-283590

Awarding a contract to Hewlett-Packard Company (San Diego) for one gas chromatograph/mass spectrometer and accessories, for a total estimated cost of \$93,389.46, including tax. Authorizing the expenditure of not to exceed \$93,389.46 from Dept. No. 700, Organization No. 278, Object Account No. 6010, Job Order No. 63678; Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-B4239/94)

Aud. Cert. 9400915.

FILE LOCATION: CONT-Purchase - Hewlett-Packard Company (San Diego) CONT FY94-1

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-ineligible, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101:

SUBJECT: Awarding Contracts for Miscellaneous Arts and Crafts Supplies and Games.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1035) ADOPTED AS RESOLUTION R-283591

Awarding contracts for Miscellaneous Arts and Crafts Supplies and Games for a total estimated cost of \$53,860.33, including tax, as follows: 1) S & S Worldwide (Colchester, CT.), 2) Play Co. Toys, Inc. (San Marcos, CA), 3) Beckley-Cardy, Inc. (Duluth, MN), 4) Nasco West (Modesto, CA), 5) Dick Blick Co. (Galesburg, IL.), 6) Cannon Sports, Inc. (Burbank, CA), 7) Sportsmaster (Pittsburg, PA), 8) Gopher Sports (Owatonna, MN), 9) Lakeshore Learning Materials (Carson, CA), 10) B.C. Sports (San Marcos, CA), 11) Wolverine Sports (Ann Arbor, MI). Authorizing the expenditure of not to exceed \$53,860.33 from Fund/Dept. No. 100/444, Organization No. 510, Object Account No. 3271, and Job Order Nos. 044421, 044431, 044441, 044451, and 044461 for providing funds for said project and related costs; Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. Aud. Cert. 9400888.

FILE LOCATION: CONT-Purchase - 1) S & S Worldwide Colchester, CT.), 2) Play Co. Toys, Inc. (San Marcos, CA), 3) Beckley-Cardy, Inc. (Duluth, MN), 4) Nasco West (Modesto, CA), 5) Dick Blick Co. (Galesburg, IL.) 6) Cannon Sports, Inc. (Burbank, CA), 7) Sportsmaster (Pittsburgh, PA) 8) Gopher Sports (Owatonna, MN) 9) Lakeshore Learning Materials (Carson, CA), 10) B.C. Sports (San Marcos, CA), 11) Wolverine Sports (Ann Arbor, MI) CONT FY94-11

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-102:

SUBJECT: Awarding a Contract to Mission Abrasives Supply for Ten Electric Utility Carts.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1036) ADOPTED AS RESOLUTION R-283592

Awarding a contract to Mission Abrasives Supply (San Diego) for the purchase of ten electric utility carts (U.S. Electricar-Nordskog 282B with optional hard doors), at a cost of \$5,776.21 each, for a total estimated cost of \$62,238.66, including tax and terms; Authorizing the expenditure of not to exceed \$62,238.66 from Department No. 700, Organization No. 406, Object Account 6013, Job Order 2511; Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-C4130/94) Aud. Cert. 9400917.

FILE LOCATION: CONT-PURCHASE - Mission Abrasives  
Supply (San Diego) CONT FY94-1

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-103:

SUBJECT: Awarding Contracts for Miscellaneous Printing Papers and Related Supplies.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1038) ADOPTED AS RESOLUTION R-283593

Awarding contracts to La Salle Paper Co. (Santa Fe

Springs, CA), Unisource Corporation (San Diego), and Zellerbach A Mead Co. (National City), for furnishing miscellaneous printing papers and related supplies, as may be required for a period of 7 1/2 months, beginning December 15, 1993 through July 31, 1994, for a total estimated cost of \$95,400, (La Salle Paper Co. - \$5,100; Unisource Corporation - \$29,400; and Zellerbach A Mead Co. - \$1,300) including tax and terms. (BID-E4124/94)

FILE LOCATION: CONT-PURCHASE - La Salle Paper Co. (Santa Fe Springs, CA), Unisource Corporation (San Diego), and Zellerbach A Mead Co. (National City) CONT FY94-3

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-104:

SUBJECT: Construction of Inspiration Point Phase I - Central Courtyard.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1291) ADOPTED AS RESOLUTION R-283594

Approving the plans and specifications for Construction of Inspiration Point Phase I - Central Courtyard; Authorizing the Purchasing Agent to invite bids for the Construction of Inspiration Point Phase I - Central Courtyard on Work Order No. 119245. (BID-K94210)

CITY MANAGER SUPPORTING INFORMATION:

Inspiration Point Phase I Central Courtyard is located in Balboa Park in the area known as Inspiration Point (former site of the



Naval Hospital). On March 28, 1989 a State Grant was awarded to the City for rehabilitation and preservation of three existing courtyards. The proposed Phase I of the project will provide walks, benches, cupolas, security lighting, landscaping and other miscellaneous improvements to the central court. The proposed design has been reviewed and approved by the Historic Site Board, Balboa Park Committee, the Facilities Committee and the Park and Recreation Board.

FILE LOCATION: W.O. 119245 CONT - Wier Construction Corporation CONT FY94-1

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-105:

SUBJECT: Inviting Bids for Excavation Plans for the West Miramar Solid Waste Disposal Facility-Phase II-Modules 2/3.

(Miramar Naval Air Station. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1292) ADOPTED AS RESOLUTION R-283595

Inviting bids for the excavation plans for the West Miramar Solid Waste Disposal Facility-Phase II (Modules 2/3), on Work Order No. 112458; Authorizing a contract with the lowest responsible bidder; Authorizing the expenditure of not to exceed \$3,600,000 from CIP-37-056.0, West Miramar Landfill Disposal Facility-Phase II, Waste Management Enterprise Fund, Fund No. 41201; Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves; Stating for the record that the City of San Diego, as lead agency, has reviewed and considered the final environmental document, DEP-80-09-31. (BID-K94211)

CITY MANAGER SUPPORTING INFORMATION:

The 807-acre West Miramar Landfill Disposal Facility is located east of I-805, south of the U.S. Navy's Miramar Naval Air Station and north of State Highway 52. The City of San Diego operates the Miramar Landfill under a grant of easement from the United States of America which is administered by the U.S. Navy. Landfilling operations began in 1982 in the Phase I area and are scheduled to continue in the Phase II area. The purpose of this work is to construct the improvements necessary to maximize landfill capacity in the Phase II area. This includes the excavation and stockpiling of approximately 1,500,000 cubic yards of soil and rock material.

Aud. Cert. 9400736.

FILE LOCATION: W.O. 112458 CONT - C. A. Rasmussen,  
Inc. CONT FY94-1

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-106:

SUBJECT: Three actions related to Street Dedication of Camino  
Del Rio South and Water Easement.

(Located on the south side of Camino Del Rio South,  
west of Fairmount Avenue. Mission Valley Community  
Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-1371) ADOPTED AS RESOLUTION R-283596

Accepting the grant deed of the Corporation of the  
Presiding Bishop of the Church of Jesus Christ of  
Latter Day Saints, granting to the City an easement for

public street purposes in a portion of Lot 47 of Rancho Mission San Diego; Dedicating and naming the same Camino Del Rio South.

Subitem-B: (R-94-1372) ADOPTED AS RESOLUTION R-283597

Accepting the easement deed of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints, granting to the City an easement for water facilities in a portion of Lot 47 of Rancho Mission San Diego.

Subitem-C: (R-94-1373) ADOPTED AS RESOLUTION R-283598

Stating for the record that the City Council has reviewed and considered the information contained in Negative Declaration DEP-91-0351, in connection with the approval of the dedication of a portion of Camino Del Rio South.

FILE LOCATION: Subitem A-DEED F-6262; Subitem B & C-DEED F-6263 DEED FY94-2

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-107:

SUBJECT: Donation from the Legler Benbough Foundation.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1250) ADOPTED AS RESOLUTION R-283599

Authorizing the City Manager to accept and expend a donation from the Legler Benbough Foundation for the purpose of purchasing Automation Equipment to be used by the Police Crime Laboratory; Expressing gratitude to the Legler Benbough Foundation for its generosity

and spirit of public service.

CITY MANAGER SUPPORTING INFORMATION:

The Legler Benbough Foundation has selected the San Diego Police Department to receive a donation in the amount of \$27,055.70. Funds have been designated by the foundation for the purchase of a Latent Finger Print Enhancement System and a Documents Examination System. These systems will greatly enhance the ability of Crime Lab personnel to examine, preserve, and present evidence in criminal cases. The Legler Benbough Foundation has been a frequent donor to the Police Department over the years.

Aud. Cert. 9400820.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-108:

SUBJECT: Grant Application to the California Arts Council  
State/Local Partnership Program FY 95.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1258) ADOPTED AS RESOLUTION R-283600

Authorizing the City Manager to apply to the California Arts Council State/Local Partnership Program for a grant in the amount of \$60,000 for the Fiscal Year 1995 Arts and Cultural Program, to support programs and services of the Commission for Arts and Culture and the implementation of the Community Cultural Plan;  
Authorizing the City Manager or his designee to administer any grant funds received from the California Arts Council State/Local Partnership Program for Fiscal

Year 1995 for program and administrative support of the City's Arts and Culture Program and the Neighborhood Arts Program.

CITY MANAGER SUPPORTING INFORMATION:

In 1980, the State Legislation established and funded the State/Local Partnership Program (S/LPP) under the California Arts Council (CAC) to "encourage local cultural planning and decision-making and to reach previously under served constituencies." The San Diego City Council, by Resolution R-252650, adopted on September 9, 1980, determined to act as a S/LPP partner separate from the County of San Diego and designated the Combined Arts and Educational Council (COMBO) to perform under the S/LPP on its behalf from 1980-1983. In 1984, the City Council changed this designation and identified itself as the local partner. An application for funding in the amount of \$60,000 will be submitted for the Fiscal Year 1995 Arts and Culture Program for the following purposes: (1) to support the Community Cultural Plan initiated by the Arts and Culture Program; (2) to provide administrative assistance to several committees and review panels of the Commission for Arts and Culture; and (3) to seek other sources of funding for City arts and cultural projects.

Aud. Certs. 9400843, 9500002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-109:

SUBJECT: Convention Center Expansion.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1392) ADOPTED AS RESOLUTION R-283601

Authorizing the Mayor to submit a letter to the Port Commission of the San Diego Unified Port District, requesting that the Commission proceed immediately with programming and planning studies for the expansion of the Convention Center.

SUPPORTING INFORMATION:

The expansion of the Convention Center is one of the highest priority capital improvement projects of the City of San Diego. The expansion will significantly affect the tourist industry by enabling the Center to attract large conventions. It will have a positive economic impact on the community. Recent studies authorized by the San Diego Unified Port District and the San Diego Convention Center (SDCC) have shown both the need for an expanded Center and the benefits that would be derived by the Community. The Market, Financial and Economic Impact Analysis, prepared by Price Waterhouse in 1991, determined there would be sufficient market demand by 1994 to warrant doubling the size of the Center. \*A doubling of the existing 254,000 sq.ft. of exhibit space could result in a 60 percent increase in the number of delegates, provide a 60 percent increase in Center revenues and an equivalent increase in the economy. \*Expansion would make San Diego a viable west coast destination for a 13 percent market share currently not being served by today's Center. In addition, it would offer more dates and growth opportunities for current clients. \*Without the expansion, the SDCC's market share may decline. The trade-show industry continues to grow in both the square footage utilized for exhibits and the number of shows held nationally. Center occupancy and attendance figures will decline if larger groups outgrow the facility faster than it can obtain enough smaller groups to fill the void. This action will expedite the phasing and programming work for the SDCC by virtue of authorizing the Mayor to submit a letter to the Port Commission, requesting that the Commission immediately direct its consultants to proceed to develop a building program, within a maximum budget of \$140,000,000 which the City proposes to split equally with the Port District.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-110:

SUBJECT: Alcohol Awareness Month.

COUNCILMEMBER ROBERTS' RECOMMENDATION:

Adopt the following resolution:

(R-94-1357) ADOPTED AS RESOLUTION R-283602

Calling upon all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals and schools in the City of San Diego to help raise awareness about this critical public health issue and join in "drawing the line" to prevent underage drinking; Proclaiming April 1994 to be "Alcohol Awareness Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-111:

SUBJECT: Master-at-Arms Chief Petty Officer Dale E. Zentzis Day.

COUNCILMEMBER ROBERTS' RECOMMENDATION:

Adopt the following resolution:

(R-94-1358) ADOPTED AS RESOLUTION R-283603

Congratulating and thanking Master-at-Arms Chief Petty Officer Dale E. Zentzis for his many years of service to the community and the United States Navy; Proclaiming May 7, 1994 to be "Master-at-Arms Chief Petty Officer Dale E. Zentzis Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-112:

SUBJECT: Nine actions related to Suggestion Awards.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions authorizing Suggestion  
Awards to City Employees:

Subitem-A: (R-94-1316) ADOPTED AS RESOLUTION R-283604

Richard L. Ballard - Fire Department - \$30.00

Subitem-B: (R-94-1317) ADOPTED AS RESOLUTION R-283605

Al Smith - Manager's - \$90.00

Subitem-C: (R-94-1318) ADOPTED AS RESOLUTION R-283606

Hortencia Galvez - Waste Management/Refuse - \$100.00

Subitem-D: (R-94-1319) ADOPTED AS RESOLUTION R-283607

Nina Crespo - Auditor's - \$158.49

Subitem-E: (R-94-1320) ADOPTED AS RESOLUTION R-283608

George M. Harkleroad - General Services/Buildings -  
\$172.78

Subitem-F: (R-94-1321) ADOPTED AS RESOLUTION R-283609

James D. Bozeman - E&D/Traffic Engineering - \$200.00

Subitem-G: (R-94-1322) ADOPTED AS RESOLUTION R-283610



Ida E. Cunradi - Police/Personnel - \$775.47

Subitem-H: (R-94-1323) ADOPTED AS RESOLUTION R-283611

Ronald L. Peterson - Water Utilities/Systems -  
\$5,000.00

Subitem-I: (R-94-1324) ADOPTED AS RESOLUTION R-283612

Eric B. Jimerson - Water Utilities - \$714.29  
Louis Gaona - Water Utilities - \$714.29  
Kerry Barraclough - Water Utilities - \$714.29  
Sean Maher - Water Utilities - \$714.29  
Gus Smith - Water Utilities - \$714.29  
Richard Burgett - Water Utilities - \$714.29  
Larry Schweihs - Water Utilities - \$714.29

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-113:

SUBJECT: Additions to the Fiscal Year 1994 CIP Budget.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1361) ADOPTED AS RESOLUTION R-283613

Modifying the Fiscal Year 1994 Capital Improvements  
Program Budget by adding the following projects with  
the indicated financing from Sludge Mitigation Fund No.  
10507:

CIP-22-921.0 - West Mission Bay Drive

|              |  |           |
|--------------|--|-----------|
|              | Sidewalk - Phase 2   | \$105,000 |
| CIP-22-922.0 | - Mariners Point<br>Picnic Shelter                                 | \$100,000 |
| CIP-22-923.0 | - North Ski Beach<br>Picnic Shelter                                | \$100,000 |
| CIP-22-924.0 | - Bonita Cove Playgrounds<br>ADA Upgrade                           | \$160,000 |
| CIP-22-925.0 | - Mission Point Playground<br>ADA Upgrade                          | \$ 80,000 |
| CIP-22-926.0 | - Fiesta Island<br>Group Camping Site<br>Improvements -<br>Phase 1 | \$ 35,000 |
| CIP-22-927.0 | - East Shore<br>Parking Lots -<br>Safety Lighting                  | \$110,000 |

CITY MANAGER SUPPORTING INFORMATION:

In December 1993, the California Coastal Commission approved the balance of the City's requested Sludge Mitigation Fund projects for Fiscal Year 1994. Previously, approved projects that the Council had added to the Capital Improvements Program were: \$500,000 added to the Fiesta Island Improvements Reserve, \$200,000 for the Briarfield Cove/Sail Bay Walkway Bridge, and \$610,000 to complete the purchase of Frost Property as an addition to the Northern Wildlife Preserve. Today's action by Council will add the projects approved by the Coastal Commission last December to the FY 1994 CIP.

|              |  |           |
|--------------|--|-----------|
|              | CIP-22-921.0 - West Mission Bay Drive<br>Sidewalk - Phase 2        | \$105,000 |
| CIP-22-922.0 | - Mariners Point<br>Picnic Shelter                                 | \$100,000 |
| CIP-22-923.0 | - North Ski Beach<br>Picnic Shelter                                | \$100,000 |
| CIP-22-924.0 | - Bonita Cove Playgrounds<br>ADA Upgrade                           | \$160,000 |
| CIP-22-925.0 | - Mission Point Playground<br>ADA Upgrade                          | \$ 80,000 |
| CIP-22-926.0 | - Fiesta Island<br>Group Camping Site<br>Improvements -<br>Phase 1 | \$ 35,000 |
| CIP-22-927.0 | - East Shore<br>Parking Lots -<br>Safety Lighting                  | \$110,000 |
|              |  | \$690,000 |

Aud. Cert. 9400867.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-114:

SUBJECT: First Amendment to the Agreement with Kinnetic  
Laboratories, Inc., for as-needed Consultant Services,  
for Sampling and Testing Storm-water and Sediment.

(See City Manager Report CMR-94-68. Mission Bay  
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1248) ADOPTED AS RESOLUTION R-283614

Authorizing the execution of a first amendment to the  
agreement with Kinnetic Laboratories, Inc., to provide  
as-needed consultant services, for sampling and testing  
storm-water and sediment; Authorizing the City Auditor  
and Comptroller to transfer an amount not to exceed  
\$40,000 from Storm-drain Fee Fund #10508, Unallocated  
Reserve, to CIP-12-076.0, Mission Bay Water Quality  
Testing; Authorizing the expenditure of an amount not  
to exceed \$67,000 from CIP-12-076.0, Mission Bay Water  
Quality Testing. Aud. Cert. 9400848.

FILE LOCATION: MEET CCONT FY94-1

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-115:

SUBJECT: First Amendment to the La Jolla Village Drive  
Pedestrian Bridge Improvement Agreement.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1376) ADOPTED AS RESOLUTION R-283615

Authorizing the execution of a first amendment to the La Jolla Pedestrian Bridge Improvement Agreement with GSC Realty Corporation, a Texas corporation, to change the construction completion date from March 31, 1994 to March 31, 1997.

CITY MANAGER SUPPORTING INFORMATION:

On July 6, 1992 the City of San Diego entered into the La Jolla Village Drive Pedestrian Bridge Improvement Agreement with GSC Realty Corporation to insure construction of the pedestrian bridge over La Jolla Village Drive west of Genesee Avenue. Paragraph 4 of the agreement required GSC to complete construction of the bridge prior to March 31, 1994. Due to the general condition of the economy, and consequently the lack of demand for the residential units proposed by GSC, the City Engineering Department has determined that there is no need for the bridge until a later date. GSC has requested that the completion date be moved back to March 31, 1997, and that the agreement be amended to reflect the same. Approval of this amendment is recommended.

FILE LOCATION: MEET CONT FY94-1

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-116:

SUBJECT: License Agreement with the United States Navy for Use  
of the Small Arms Range at the Naval Training Center.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1356) ADOPTED AS RESOLUTION R-283616

Authorizing a six-month license agreement with the United States Navy for use of the Small Arms Range at the Naval Training Center, with the option to extend the agreement on a month-to-month basis for up to five years, subject to the availability of budgeted funds; Authorizing the expenditure of not to exceed \$10,500 from General Fund/Police Department 100/110, Org. 322, Object Account 4682, Job Order 111225, to cover costs for the period of April 1, 1994 to June 30, 1994.

CITY MANAGER SUPPORTING INFORMATION:

On January 18, 1994 the City Council approved a license agreement with the Navy for the Fire Department's use of Fire Fighting Facilities at the Naval Training Center (NTC). The Police Department is requesting the approval of a similar license for use of the Small Arms Range at NTC. The City's current outdoor range at Home Avenue and I-94 is outdated and has limited hours of use. There are no plans in the near future to construct a new Police small arms range. This license presents a rare opportunity for the City to gain access to a newly constructed and state of the art facility for sharing in the costs of maintaining those facilities. The term of this license will be for six months, from April 1, 1994 to September 31, 1994, and may be extended on a month to month basis up to 5 years, subject to the availability of budgeted funds. The range will be operational 24 hours a day. The Police Department will have exclusive use during weeknights, weekends, and those hours that the range is not being used by other military or governmental agencies. The Reuse Planning Committee recommends the approval of this license.

Aud. Cert. 9400926.

FILE LOCATION: MEET CONT FY94-1

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-117:

SUBJECT: Agreement with Safe Moves to Conduct 24 Bicycle Safety  
and Commuting Workshops.

(Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1280 Cor.Copy) ADOPTED AS RESOLUTION R-283617

Authorizing an agreement with Safe Moves (San Diego) to  
conduct 24 bicycle safety and commuting workshops over  
a one period throughout the City; Authorizing the  
expenditure of not to exceed \$38,500 from TransNet-  
Bikeway Fund 30301.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize Safe Moves, a non-profit corporation,  
to provide 24 bicycle safety and commuting workshops throughout  
the City of San Diego over a period of one year for a fee of  
\$38,500. There will be three workshops conducted in each Council  
district. The City received an allocation of \$70,000 in TransNet  
Funds from SANDAG in FY 1993 for bicycle safety and encouragement  
programs. The provision of the bicycle safety and commuting  
workshops were contemplated as a part of the bicycle safety and  
encouragement program.

Aud. Cert. 9400886.

FILE LOCATION: MEET CONT FY94-1

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-118:

SUBJECT: Supporting the Continuance of the MWD Standby Charge  
and Related Matters.

(See City Manager Report CMR-94-36; and Letter from  
Marianne Eddy dated 2/15/94.)

PUBLIC FACILITIES AND RECREATION COMMITTEE'S RECOMMENDATION:

On 2/16/94, PFR voted 5-0 to recommend adoption of the  
following resolution (Councilmembers Mathis, Kehoe, Warden,  
Stallings and McCarty voted yea):

(R-94-1245) ADOPTED AS RESOLUTION R-283618

Supporting the continuance of the MWD Standby Charge  
which is presently collected on the tax rolls;  
Supporting the increase of the MWD Standby Charge to  
finance an equitable share of debt service on bonds  
issued to pay for capital improvements to the MWD water  
storage and distribution systems; Reaffirming the  
City's policies and principles regarding the generation  
of revenue through equitable fees and rate setting  
structures.

CITY MANAGER SUPPORTING INFORMATION:

The Public Facilities and Recreation Committee met with the City  
Council's appointed representatives to the County Water Authority  
(CWA) Board and the City Manager's Office on February 16, 1994 to  
discuss the Metropolitan Water District Rate and Revenue  
Restructuring. The Committee, CWA Board Representatives and the  
City Manager recommend adoption of a Council resolution in  
support of: 1) Continuance of the MWD Standby Charge. 2)  
Increases to the MWD Standby Charge to finance an equitable share  
of debt service. 3) City policies and principles regarding

revenue generation through equitable fees and rate-setting structures.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150:

SUBJECT: Amendment to the Lindbergh Field Comprehensive Land Use Plan (CLUP).

(See memorandum from Centre City Development Corporation (CCDC) dated 1/18/94.)

TRANSPORTATION LAND USE COMMITTEE'S RECOMMENDATION:

On 12/1/93, T&LU voted 3-0 to recommend adoption of the following resolution (Councilmembers Roberts, Stallings and McCarty voted yea; Councilmembers Wolfsheimer and Behr not present):

(R-94-1077) ADOPTED AS RESOLUTION R-283619

Declaring that the City Council acting in an advisory capacity recommends that the SANDAG Board acting as the Airport Land Use Committee (ALUC) approve the amendments to the Lindbergh Field Comprehensive Land Use Plan.

FILE LOCATION: LAND - Lindbergh Field Comprehensive Land Use Plan

COUNCIL ACTION: (Tape location: A309-363.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.



ITEM-200:

SUBJECT: San Diego Naval Training Center Civilian Community  
Corps Interim Use.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1383)                      ADOPTED AS RESOLUTION R-283620

Recommending that the Navy enter into an Interim Use Agreement with the Civilian Community Corps for use of a portion of the Naval Training Center property (NTC), pending preparation of a reuse plan for the permanent redevelopment and use of the NTC property.

FILE LOCATION:                      MEET              CONT FY94-1

COUNCIL ACTION:                      (Tape location: A364-B623.)

MOTION BY ROBERTS TO ADOPT ENDORSING THE MAYOR'S RECOMMENDATION, IN THE CLEAREST AND STRONGEST POSSIBLE TERMS, THAT THE COUNCIL IS INDEED MOST INTERESTED IN HAVING THIS PROGRAM AND DO LOOK FORWARD TO WORKING WITH GENERAL SMITH. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: City/Navy Land Exchange.

(District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A:              (R-94-1374) ADOPTED AS RESOLUTION R-283621

Authorizing the execution of an easement deed,  
conveying to the United States of America an easement

for a safety area and compatible use zone in connection with the operation of the Naval Air Station, Miramar, affecting portions of Pueblo Lots 1304, 1305, 1306, 1318 and 1319; Authorizing the expenditure of \$8,600,000 from Fund/Dept. 40012/700, Org. 7002, Object Account 4639, Job Order 194546, Clean Water Program Fund (CIP-42910.1), North City Water Reclamation Plant, for compensation to the United States of America in connection with the City/Navy Land Exchange authorized by Memorandum of Understanding approved by Council Resolution R-278178 on June 24, 1991.

Subitem-B: (R-94-1375)

ADOPTED AS RESOLUTION  
R-283622

Stating for the record that the information contained in EIR-91-0516, has been reviewed and considered by the Council in connection with the grant to the United States of America of an easement at the Naval Air Station, Miramar.

CITY MANAGER SUPPORTING INFORMATION:

On June 24, 1991, City Council, per Resolution R-278178, approved a Memorandum of Understanding (MOU) between the United States of America and the City of San Diego, regarding the exchange of certain City-owned parcels, identified as the Pueblo Lands parcel and the Police and Fire Training (Park) parcel, for certain Navy-owned land, identified as the Sander site. It was originally agreed that the pueblo lands would be conveyed to the Navy to round out their ownership along the Miramar/I-805 corridor. However, the Clean Water Program subsequently identified the pueblo lands as their preferred location for the North City Water Reclamation Plant and the exchange was altered to allow the City to compensate the Navy for the withdraw of the pueblo lands from the exchange by substituting cash or other property acceptable to the Navy. The expenditure of \$8,600,000 from the Clean Water Program Fund represents this payment for the pueblo lands. The grant of an easement to the Navy over the pueblo lands is in keeping with the MOU and provides assurance to the Navy that pueblo lands would be used for uses compatible with the Naval Air Station, Miramar. The Sander site, located at the southeast corner of Convoy Street and State Route 52, was conveyed to the City on June 16, 1992. The park parcel conveyance will be processed for consideration in approximately one month.

Aud. Cert. 9400925.

FILE LOCATION: DEED F-6264 DEED FY94-1

COUNCIL ACTION: (Tape location: C019-040.)

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

ITEM-202:

SUBJECT: Default and Debarment of Mur-Vic Construction Company.

(La Jolla, Mission Beach, Pacific Beach, Mid-City and Greater Golden Hill Community Areas. Districts-1, 2, 6, 7 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1384) ADOPTED AS RESOLUTION R-283623

Declaring Mur-Vic Construction Company, Inc., to be in default of its contracts for construction of the following City projects:

- (a) Water Group 477 - CIP-73-835.5.
- (b) Water and Sewer Group 481 - CIP-44-001 and CIP-73-081.
- (c) Sewer Group 61A - CIP-44-303.7 and CIP-73-844.7.
- (d) Sewer Pump Station 20 Force Main - CIP-46-106.0.

Authorizing the City Manager to direct the surety for Mur-Vic Construction Company, Inc., to complete these projects, and the City Attorney to pursue recovery of all costs to the City due to this action; Declaring Mur-Vic Construction Company, Inc., and its officers and principals, Raymond Murphy and Floyd Victor, to be non-responsible bidders and ineligible to submit bids to the City for a period of three years.

CITY MANAGER SUPPORTING INFORMATION:

The City Manager authorized a contract for: A) \$732,633 on September 30, 1991 for the construction of Sewer Group 61A, and B) \$499,653.20 on May 10, 1993 for the construction of Sewer and Water Group 481, and C) \$192,635 on December 14, 1992 and \$120,000 on January 10, 1994 for the construction of Sewer Pump Station 20 Force Main, and D) \$483,270.27 on October 10, 1992 and \$62,900 on May 3, 1993 for the construction of Water Group 477. The construction of Group 61A is approximately 92 percent complete, Group 481 is 0 percent complete, Sewer Pump Station 20 Force Main is 62 percent complete and Group 477 is 81 percent complete. The contractor has not performed any work on the projects since February 25, 1994. City staff has directed Mur-Vic Construction Company to resume contract work. To date, Mur-Vic has not responded. Mur-Vic has verbally informed the Project Manager for Group 481 that it is out of business and does not intend to perform the contract. The contractor's surety has filed an action in Superior Court seeking to enjoin the City from making further payments to its principal on these contracts. The surety intends to compel a general assignment of all contract funds and plans to complete each job with a re-let contractor. The contracts clearly state that the Board (City Council) may cancel each contract if the Contractor (Mur-Vic Construction Company) is not complying with the terms of the contract in good faith, or has been insolvent. Therefore, staff is recommending that default and debarment action be taken at this time. WU-U-94-132.

FILE LOCATION:                   CONT - Mur-Vic Construction Company

COUNCIL ACTION:               (Tape location: C041-197.)

Motion by McCarty to approve declaring Mur-Vic to be in default of its contracts; authorizing the City Manager to direct the surety for Mur-Vic to complete these projects and the City Attorney to pursue recovery of all costs to the City due to this action; but denying City Manager's recommendation to declare Mur-Vic and its officer and principles, Raymond Murphy and Floyd Victor to be non-responsible bidders and ineligible to submit bids to the City for a period of three years. No second.

MOTION BY ROBERTS TO ADOPT CITY MANAGER'S RECOMMENDATIONS. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Funding of Homeless Services.

(Districts-3 & 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1378) ADOPTED AS RESOLUTION R-283624

Authorizing an agreement with The County of San Diego (Interfaith Shelter Network) to provide shelter to homeless families and individuals during the winter cold season; Authorizing the execution of a first amendment to the agreement with San Diego Housing Commission (Cold Weather Shelter Program), to provide emergency shelter to homeless families and individuals during cold weather; Authorizing an agreement with Love's Gift (Perishable Food Program), to provide food to agencies that have feeding programs for the homeless; Authorizing an agreement with San Diego Youth and Community Services, to provide shelter for the homeless youths; Authorizing an agreement with Neighborhood House Association, to provide services to the homeless population of San Diego; Authorizing an agreement with Episcopal Community Services, to shelter homeless individuals; Authorizing the expenditure of not to exceed \$59,942 from Fund 185281 and an amount not to exceed \$176,000 from Fund 185291 for the purpose of providing funds for the above projects.

CITY MANAGER SUPPORTING INFORMATION:

The City has received and funded homeless programs utilizing Stewart B. McKinney monies for the past seven years. Currently, there is \$235,942 available to assist the homeless population in the San Diego area. The following programs were funded last year, and are recommended for continued funding: 1) The Interfaith Shelter Network (\$45,960), operated in conjunction with the County of San Diego, provides shelter to families and individuals during the cold winter season. It is a rotational shelter program which utilizes faith facilities throughout the County, and will provide over 12,000 bed nights during the

contract period; 2) The Cold Weather Shelter Program (\$25,000), in conjunction with the Housing Commission, will provide emergency shelter to families and individuals during cold, inclement weather. Approximately 5,000 shelter nights will be provided under this agreement; 3) The Perishable Food Program (\$20,387), operated by Love's Gift, picks up food that would otherwise go to waste from delis, hotels, catering services, etc., and delivers the food to agencies that have feeding programs for the homeless; 4) The Homeless Youth Program (\$39,967), operated by San Diego Youth and Community Services, will provide over 3,600 shelter nights to homeless youths between the ages of 12 and 18; 5) The Food Bank Starter Kit Program (\$7,500) will assist homeless families and individuals by providing needed household items to persons who are transitioning from agency-sponsored shelters to permanent housing; 6) The Emergency Shelter Program (\$97,126), operated by Episcopal Community Services, will provide in excess of 16,100 shelter nights to homeless individuals. Approximately 80 percent of the individuals receiving assistance under this program are enrolled in an agency-sponsored work program, or are receiving case managed assistance in a dually diagnosed program.

Aud. Cert. 9400892.

FILE LOCATION: MEET CONT FY94-6

COUNCIL ACTION: (Tape location: C198-280.)

MOTION BY McCARTY TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204:

SUBJECT: Two actions related to Appropriate Rates for Basic Tier Cable Television Service in the City of San Diego.

(See City Manager Report CMR-94-82.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-1388 Rev.2) ADOPTED AS AMENDED AS

RESOLUTION R-283625

Proposing the disapproval of existing rates and charges for the Basic Service Tier and associated equipment for Cox Cable in San Diego, Inc., (Cox); Seeking comment as to why the City should not order Cox to refund previously paid rates and charges to subscribers in excess of the rates and charges deemed reasonable pursuant to Federal Communication Commission Rules and Regulations; Directing Cox to keep an accurate account of all amounts received by reason of the rates and charges for the Basic Service Tier and to keep full and accurate records indicating on whose behalf such amounts were paid; Directing Cox to provide a Refund Plan to the City within 15 days prior to the date of the April 25, 1994 public hearing, proposing how to refund to subscribers rates and charges collected by Cox in excess of the rates and charges contained in the Auditor's Report since September 1, 1993, or the earliest date from which the refund period may run pursuant to FCC Rules and Regulations.

Subitem-B: (R-94-1387 Rev. 2) ADOPTED AS AMENDED AS  
RESOLUTION R-283626

Proposing the disapproval of existing rates and charges for the Basic Service Tier and associated equipment for Southwestern Cable TV; Seeking comment as to why the City should not order Southwestern to refund previously paid rates and charges to subscribers in excess of the rates and charges deemed reasonable pursuant to Federal Communication Commission Rules and Regulations; Directing Southwestern to keep an accurate account of all amounts received by reason of the rates and charges for the Basic Service Tier and to keep full and accurate records indicating on whose behalf such amounts were paid; Directing Southwestern to provide a Refund Plan to the City within 15 days prior to the date of the April 25, 1994 public hearing, proposing how to refund to subscribers rates and charges collected by Southwestern in excess of the rates and charges contained in the Auditor's Report since September 1, 1993, or the earliest date from which the refund period may run pursuant to FCC Rules and Regulations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C280-561.)

MOTION BY McCARTY TO ADOPT THE CITY MANAGER'S RECOMMENDATION AS AMENDED TO SELECT JUNE 6TH, 1994 FOR THE HEARING DATE AND DIRECT SOUTHWESTERN AND COX CABLE TO KEEP ACCURATE ACCOUNTS OF ALL AMOUNTS RECEIVED BY THEM OF THE RATES AND CHARGES FOR THE BASIC SERVICE TIER AND THAT THEY SUBMIT THEIR REFUND PLANS TO THE CITY MANAGER BY MAY 6, 1994. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400:

SUBJECT: Report on the Status of Consolidating Certain City and County Services.

(See City Manager Report for the Agenda of March 22, 1994.) (Continued from the meeting of March 22, 1994, Item 333, at Mayor Golding's request, for further review by Council.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1386 Rev.) ADOPTED AS AMENDED AS RESOLUTION  
R-283627

Approving the City Manager's recommendations regarding the consolidation of various City and County departments, services, and advisory boards and directing staff to begin working with the County to implement the recommendations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C579-F054.)

MOTION BY STALLINGS TO ACCEPT CITY MANAGER'S RECOMMENDATION REGARDING ITEM 1-HOUSING; TO CONTINUE TO WORK WITH THE COUNTY AND TO REQUEST THE CITY MANAGER TO REPORT BACK TO COUNCIL IN 90 DAYS WITH SPECIFIC MODELS AND RECOMMENDATIONS ON HOW THE JOINT POWERS AGREEMENT AND WORK PROGRAM WOULD BE



SET FORTH FOR THE HOUSING AGENCY AND AT THAT TIME TO ARRANGE FOR A JOINT WORKSHOP WITH THE COUNTY. STALLINGS AMENDED HER MOTION, ON THE SUGGESTION OF MAYOR GOLDING, TO HAVE THE CITY MANAGER REPORT BACK WITH SPECIFIC MODELS AND RECOMMENDATIONS AND A COST ANALYSIS IN THE MONTH OF JULY. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY McCARTY TO ACCEPT CITY MANAGER'S RECOMMENDATIONS REGARDING ITEM 2-DATA PROCESSING. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Motion by Mathis to accept City Manager's recommendations regarding Item 3-Libraries. Second by McCarty. No Vote taken.

SUBSTITUTE MOTION BY ROBERTS TO NOT ACCEPT CITY MANAGER'S RECOMMENDATIONS AND REQUEST THE MAYOR TO WRITE A LETTER ON BEHALF OF THE COUNCIL TO THE BOARD OF SUPERVISORS INDICATING THE COUNCIL'S INTEREST IN NOT DROPPING THIS EFFORT BUT IN PUSHING THE EFFORT AND THE COUNCIL'S BELIEF THAT IT COULD BE ACCOMPLISHED AND BE A BENEFIT TO BOTH BODIES. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY McCARTY TO ACCEPT CITY MANAGER'S RECOMMENDATIONS REGARDING ITEM 4-ELECTIONS. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-nay, Kehoe-nay, Stevens-yea, Warden-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

MOTION BY McCARTY TO ACCEPT CITY MANAGER'S RECOMMENDATION REGARDING ITEM 5-PARK AND RECREATION. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY ROBERTS TO ACCEPT CITY MANAGER'S RECOMMENDATION REGARDING ITEM 6-FIRE SERVICES AND TO REQUEST MAYOR AND CITY MANAGER TO SEND LETTERS TO OTHER CITIES, SPECIAL DISTRICTS AND THE STATE LEGISLATURE INDICATING THE COUNCIL'S WISH TO AGGRESSIVELY PURSUE THIS CONSOLIDATION. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea,

Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY STALLINGS TO ACCEPT CITY MANAGER'S RECOMMENDATIONS REGARDING REMAINING ITEMS 7 THROUGH 20 AND TO ACCEPT ROBERT'S AMENDMENT TO EXCLUDE ITEMS 14 AND 15 (SWAT AND POLICE DEPARTMENT) FROM THE MOTION AND TO ACTIVELY PURSUE CONSOLIDATION WITH THE COUNTY ON THESE TWO ITEMS. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S401:                    REFERRED TO CLOSED SESSION

SUBJECT:    In the matter of authorizing the City Manager to negotiate with The BioPlex Group, Inc., with regard to a sale of Lot 3A and an option on 3B in Eastgate Technology Park.

(District-1.)

Accept testimony from any members of the public who wish to address the Council on this subject, then refer the matter to Closed Session for Council discussion on March 29, 1994.

CITY MANAGER'S RECOMMENDATION:

The City Manager's recommendation will be presented in Closed Session on March 29, 1994. Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION:                MEET

COUNCIL ACTION:                (Tape location:    A309-363.)

CONSENT MOTION BY McCARTY TO REFER TO CLOSED SESSION. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F055-059.)