

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, APRIL 25, 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 2:07 p.m. Council Member Kehoe acknowledged and welcomed citizens from City Heights, and expressed her appreciation for the citizens' participation and leadership in improving the quality of life in the community. Mayor Golding thanked Council Member Kehoe and the residents of City Heights for their persistence and for setting an example for the rest of the City. Mayor Golding recognized and welcomed Cub Scouts from the Nazareth School. The meeting was adjourned by Mayor Golding at 4:53 p.m. into Closed Session on Tuesday, April 26, 1994, at 9:00 a.m. in the twelfth floor conference room to discuss pending and potential 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-Fishkin (mp)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (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-not present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Bishop Donnie McGriff of Christ Temple Apostolic Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Warden.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding focusing on the cause of our problems today with respect to the national debt; morality of the nation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A041-065.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Vargas asking to check on why an emergency freeway phone was not working when he tried to use it to get assistance to alleviate a dangerous situation. Council Member Kehoe will follow up on this inquiry.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A238-273.)

ITEM-CC-2:

Deputy Mayor Stevens asked for information on the total cost of attorney fees the City has paid to date on the Clean Water issue.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A274-286.)

ITEM-30:

SUBJECT: Take Our Daughters to Work Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1552) ADOPTED AS RESOLUTION R-283728

Proclaiming April 28, 1994 to be "Take Our Daughters to Work Day" in San Diego and urging all citizens to recognize the importance of this day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A067-169.)

MOTION BY ROBERTS 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-50:

SUBJECT: Business License Taxes for Small Businesses.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on 4/11/94.

Council took two votes: 1) To reduce the tax to \$70 per business and \$3 per employee. Council voted 9-0; 2) To eliminate the tax effective 7/1/95. Council voted 6-3 (Districts 4,6, & 7 voted nay.):

(O-94-53) ADOPTED AS ORDINANCE O-18060 (New Series)

Amending Chapter III, Article 1, Division 3 of the San Diego Municipal Code, by repealing and reenacting Section 31.0301 pertaining to Business License Tax for Small Businesses, by reducing the Business License Tax for small businesses with twelve or fewer employees by approximately 50 percent effective July 1, 1994, from \$125 per business and \$5 per employee to \$70 per business and \$3 per employee, and eliminating the Business License Tax for these businesses effective July 1, 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D390-529.)

MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Mathis. Passed by the following vote: To reduce the Business License Tax: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

To eliminate Business License Tax effective July 1, 1995: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-nay, Vargas-yea, Mayor Golding-yea.

\* ITEM-51:

SUBJECT: Incarceration Fees.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
4/11/94.

(Council voted 9-0):

(O-94-84) ADOPTED AS ORDINANCE O-18061 (New Series)

Amending Chapter V, Article 1, of the San Diego  
Municipal Code by adding Division 30 and Sections  
51.3001, 51.3002 and 51.3003, relating to Recovery of  
Incarceration Costs from Sentenced Prisoners.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND  
ADOPT THE ORDINANCE. 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-52:

SUBJECT: Housing Authority Approval of Various Housing Matters.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as  
amended on 4/11/94. (Council voted 9-0):

(O-94-78 Rev.1) ADOPTED AS ORDINANCE O-18062 (New  
Series)

Amending Chapter IX, Article 8, Division 3, of the San Diego  
Municipal Code, by amending Section 98.0301, relating to the  
San Diego Housing Commission.

NOTE: On 4/11/94 the Council voted to amend the ordinance  
(paragraph iv) to read: "The establishment or approval of any new  
major policy relating to the method of operations of the Housing  
Commission."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D533-597.)

MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-53:

SUBJECT: California Terraces Rezone.

(Otay Mesa Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/12/94.

(Council voted 8-1. District 6 voted nay):

(O-94-90 Cor.Copy) ADOPTED AS ORDINANCE O-18063 (New Series)

Conditionally re-zoning property located east of Interstate 805, and west and south of Otay Valley Road, from the A-1-10 Zone to the R-1000, R-1000/CPIOZ(A), R-1250, R-1250/CPIOZ(A), R-1750, R-1750/CPIOZ(A), R-2000, R-3000, R-3000/CPIOZ(A), R1-5000, R1-5000/SLO and CA Zones.

FILE LOCATION: LAND-California Terraces Precise Plan

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-54:

SUBJECT: Three actions related to authorizing Master Lease Agreements for Financing the Acquisition of Equipment through Lease-Purchase.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 4/11/94.  
(Council voted 9-0):

Subitem-A: (O-94-91) ADOPTED AS ORDINANCE O-18064 (New Series)

Authorizing a Master Lease Agreement for three, four, and five-year lease terms, with GE Capital Public Finance (Minneapolis, Minnesota) for financing the acquisition of equipment through lease-purchase.

Subitem-B: (O-94-92) ADOPTED AS ORDINANCE O-18065 (New Series)

Authorizing a Master Lease Agreement for a seven-year lease term, with Friedman, Luzzatto and Co. (Santa Monica, CA) for financing the acquisition of equipment through lease-purchase.

Subitem-C: (O-94-93) ADOPTED AS ORDINANCE O-18066 (New Series)

Authorizing a Master Lease Agreement for four, five and seven-year lease terms, with Koch Financial Corporation (Wichita, Kansas) for financing the acquisition of equipment through lease-purchase as a back-up to the GE Capital Public Finance and Friedman, Luzzatto and Company agreements.

FILE LOCATION: MEET CONFY94-3

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. 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-100:

SUBJECT: Awarding a Contract for Furnishing Body Armor.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1268) ADOPTED AS RESOLUTION R-283729

Awarding a contract to San Diego Police Equipment Company (San Diego) for furnishing Body Armor, as may be required for a period of one year beginning February 1, 1994 through January 31, 1995, for a total estimated cost of \$50,723.31, including tax and terms, with options to renew the contract for four additional one year periods. (BID-I4153/94)

FILE LOCATION: CONT-Purchase - San Diego Police  
Equipment Company (San Diego) CONFY94-1

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-101:

SUBJECT: Awarding a Contract for Furnishing Rainbird and Buckner  
Sprinkler and Repair Parts.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1267) ADOPTED AS RESOLUTION R-283730

Awarding a contract to Hydro-Scape Products, Inc. (San Diego) for furnishing Rainbird and Buckner sprinkler and repair parts, as may be required for a period of one year beginning June 1, 1994 through May 31, 1995, for a total estimated cost of \$220,000, including tax and terms, with options to renew the contract for three additional one year periods. (BID-H4246/94)

FILE LOCATION: CONT-Purchase - Hydro-Scape Products, Inc.  
(San Diego) CONFY94-1

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-102:

SUBJECT: Awarding a Contract for Refuse Container Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1266) ADOPTED AS RESOLUTION R-283731

Awarding a contract to Laidlaw Waste Systems, Inc. (San Diego), for furnishing refuse container services, as may be required for a period of one year beginning February 1, 1994 through January 31, 1995, for a total estimated cost of \$366,375.28, with options to renew the contract for four additional one year periods;

In the event the Contractor does not perform to specifications, the Purchasing Agent is authorized to terminate the contract and award to the next low responsive and responsible bidder and to subsequent bidders, if necessary, until a bidder is found who performs to specifications. (BID-C4102/94)

FILE LOCATION: CONT-Purchase - Laidlaw Waste Systems,  
Inc. (San Diego) CONTFY94-1

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-103:

SUBJECT: Inviting Bids for the Northern Division Police Station  
Underground Storage Tank Replacement-Phase V.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1302) ADOPTED AS RESOLUTION R-283732

Inviting bids for Construction of Northern Division  
Police Station Underground Storage Tank Replacement -  
Phase V on Work Order No. 119645;

Authorizing a contract with the lowest responsible  
bidder;

Authorizing the expenditure of not to exceed \$240,000  
from Capital Outlay/Other Fund 302453, CIP-33-084.0,  
Underground Storage Tank Management Program;

Authorizing the Auditor and Comptroller, upon advice  
from the administering department, to transfer excess  
budgeted funds, if any, to the appropriate reserves.  
(BID-K94218)

CITY MANAGER SUPPORTING INFORMATION:

The project provides for the replacement of the underground fuel  
storage tanks and auxiliary equipment at the Northern Division  
Police Station, 4275 Eastgate Mall. Two new 12,000 gallon and  
one 1,000 gallon double-wall tanks will be installed as per the  
current regulations.

Current County, State and Federal regulations require the  
replacement of all single-wall underground tanks with double-wall  
tanks and leak detection monitoring equipment. Phase V is part  
of the City-wide Underground Storage Tank Management Program.

Aud. Cert. 9400940.

FILE LOCATION: W.O. 119645 CONT - American Processing  
Co. Inc. CONFY94-1

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-104:

SUBJECT: Inviting Bids for Sewer Replacement Group 99.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1303) ADOPTED AS RESOLUTION R-283733

Inviting bids for Construction of Sewer Main  
Replacement Group 99 on Work Order No. 171871;

Authorizing a contract with the lowest responsible  
bidder;

Authorizing the expenditure of not to exceed \$884,250  
from Sewer Revenue Fund 41506, CIP-44-001.

(BID-K94221)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Replacement Group 99 proposes to replace old and  
deteriorated concrete sewer mains in the Mid-City Community Area  
south of Adams Avenue and west of I-15. This project consist of  
the replacement of approximately 5,518 feet, and rehabilitation  
of 207 feet of concrete sewer mains in the subject area. This  
project is part of the City's on-going concrete sewer main  
replacement program.

Aud. Cert. 9400904.

WU-P-94-113.

FILE LOCATION: W.O. 171871 CONT - El Cajon Grading and  
Engineering Co., Inc. CONFY94-1

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-105:

SUBJECT: Two actions related to the South Metro Interceptor 102"  
Diameter Rehabilitation Project.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-645) ADOPTED AS RESOLUTION R-283734

Inviting bids for the South Metro Interceptor 102"  
Diameter Rehabilitation Project on Work Order No.  
172756;

Authorizing the execution of a contract with the lowest  
responsible bidder;

Authorizing the expenditure of not to exceed \$1,658,216  
from Metropolitan Sewer Utility Fund 41508,  
CIP-45-911.0, South Metro Interceptor, contingent upon  
issuance of an Auditor's Certificate; \$350,000 from FY  
1995 appropriations contingent upon Council  
appropriating funds for this purpose in FY 1994 CIP;  
\$1,308,216 from FY 1995 appropriations contingent upon  
Council appropriating funds for this purpose in 1995  
CIP. (BID-K94104)

Subitem-B: (R-94-646) ADOPTED AS RESOLUTION R-283735

Authorizing the use of City Forces to make connections  
and perform operational checks; declaring that the cost  
of the work shall not exceed \$15,000.

CITY MANAGER SUPPORTING INFORMATION:

The primary purpose of this CIP project is to extend the useful  
life of a portion of the Metro's largest interceptor, which  
currently transports close to 100 million gallons of wastewater  
per day. The South Metro Interceptor (SMI) alignment follows  
North Harbor Drive from the County Administration Center (CAC)  
past the airport, to Pump Station No. 2. The SMI, built in 1963,  
included more than two miles of unlined 102-inch and 108-inch  
diameter concrete pipe. Internal inspection of the SMI has  
established that concrete corrosion is proceeding at a very  
noticeable rate, making rehabilitation necessary to protect the  
integrity of the pipe. Sewer rehabilitation is less costly than  
replacement with a new pipeline and much less disruptive during  
implementation. Since the flow in the SMI cannot be shut down or

diverted to another pipeline during the rehabilitation process, the lining materials must be applied while the interceptor is in operation during low flow periods. This limits the number of applicable rehabilitation methods. This phase of the rehabilitation project will include the complete 102-inch diameter segment of SMI, approximately 1,200 feet from the CAC to a manhole at Grape Street, using one of the applicable technologies. A memorandum dated December 9, 1993, signed in concurrence by the City Manager authorizes the sole source procurement of either the Linabond Foam Co-Lining System or the Danby Pipe Renovation System. This project is not federally funded and therefore has no EPA "Fair Share" DBE requirements.

Aud. Cert. 9400859.

WU-CWP-94-109.

FILE LOCATION: Subitem-A,B: W.O. 172756 CONT - Rondeau  
Bay Construction Co. CONFY94-1

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-106:

SUBJECT: Two actions related to Construction of Water and Sewer  
Main Replacement Group 512.

(Uptown and Clairemont Mesa Community Areas.  
Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-1300) ADOPTED AS RESOLUTION R-283736

Inviting bids for Construction of Water and Sewer Main  
Replacement Group 512 on Work Order 172161/181741;

Authorizing the execution of a contract with the lowest  
responsible bidder;

Authorizing the expenditure of not to exceed \$274,670 from Sewer Revenue Fund 41506, CIP-44-001, and not to exceed \$1,028,981 from Water Revenue Fund 41500, CIP-73-083. (BID-K94217)

Subitem-B: (R-94-1301) ADOPTED AS RESOLUTION R-283737

Authorizing the use of City Forces to isolate and make connections to the existing water system, perform operational checks and televise the sewer mains; declaring that the cost of the work shall not exceed \$97,394.

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Main Replacement Group 512 is part of the on-going Capital Improvement Program to replace old and deteriorated water and sewer mains.

The mains being replaced were originally constructed in the 1920's and have reached their useful life. Replacement of these deteriorated sewer and water mains will continue to provide the community with a safe and reliable sewer and water infrastructure well into the next century. This project will construct 5,860 feet of new 6" and 8" water main, a pressure regulating station, and 1,500 feet of new 8" sewer main in the Uptown Community Area. Included in this project are the replacement of approximately 150 plastic water services in the Clairemont Mesa Community Area. These plastic water services are being replaced with copper due to a history of reoccurring breaks. The following streets will be affected by construction operations in the Uptown Community Area: Alameda Drive, Sheridan Avenue, Stephens Street, Arbor Drive, Palmetto Way, Randolph Street, Lark Street, and Ingalls Street. The following streets will be affected by construction operations (for water services only) in the Clairemont Mesa Community Area: Caminito Niquel, Caminito Hierro, Caminito Cuarzo, Caminito Arenoso, Caminito Plomada, Caminito Pedernal, and Caminito Cristalino. Residents will be notified by mail at least one month before construction by the Water Utilities Systems Division and ten days before construction by the contractor. With this agreement approximately 15 local jobs would be provided.

Aud. Cert. 9400920.

WU-P-94-099.

FILE LOCATION: Subitem-A,B: W.O. 172161/181741  
CONT - Southern California Underground

CONTFY94-1

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-107:

SUBJECT: Use of City Forces for Security Lighting for Olive  
Grove Community Park.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1460) ADOPTED AS RESOLUTION R-283738

Authorizing the use of City Forces to do all the work  
as required in connection with extending and improving  
the security lighting at Olive Grove Community Park;  
declaring that the cost of the work shall not exceed  
\$45,000;

Authorizing the expenditure of an amount not to exceed  
\$45,000 from CIP-29-806.0, Olive Grove Community Park  
Security Lighting, to provide funds for this purpose.

CITY MANAGER SUPPORTING INFORMATION:

Olive Grove Community Park is a 9.24 acre park located at 6075  
Printwood Way, that was constructed in 1970. The community has  
requested that additional security lighting be added along the  
park's pedestrian paths.

It is recommended that the existing inadequate lighting system be  
extended and improved through use of City Forces, as it could be  
accomplished at a lower cost and in less time than could be done  
by use of the City's contract process. San Diego Municipal Code  
Section 22.0212, Public Works - Use of City Forces, requires  
Council approval when cost of City Force use exceeds \$15,000.  
Council approval of the use of City Forces is recommended for  
this project.

Aud. Cert. 9400952.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-108:

SUBJECT: Granting Access Easement to David S. Ferrari and  
Frances M. Ferrari.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1469) ADOPTED AS RESOLUTION R-283739

Authorizing the execution of an easement deed conveying  
to David S. Ferrari and Frances M. Ferrari, a  
non-exclusive easement and right-of-way to construct,  
reconstruct, maintain, operate and repair a driveway  
and public utilities, together with the right of  
ingress and egress over, under, upon, along and across  
portions of Lots 3 and 4, Map-875;

Authorizing the execution of a Permit to Construct and  
Maintain Slopes, with David S. Ferrari and Frances M.  
Ferrari, for the construction and maintenance of slopes  
on City-owned Lots 3 and 4, Map-875, for the purpose of  
providing lateral support for the driveway.

CITY MANAGER SUPPORTING INFORMATION:

This action grants David S. Ferrari and Frances M. Ferrari a  
non-exclusive easement for driveway purposes and a permit to  
construct and maintain slopes for the lateral support of the  
driveway across a portion of City-owned Water Utilities land for  
the sum of \$55,000. On February 3, 1992, the Ferraris  
(plaintiffs) filed a complaint in Superior Court, Case No.  
648074, against the City of San Diego, et al. Plaintiffs sought

to gain an easement across the City-owned property for the purpose of ingress and egress to their "landlocked" parcel. Extended negotiations have resulted in a settlement whereby the City would grant plaintiffs a non-exclusive easement and permit to construct slopes in exchange for \$55,000. The City has determined that the settlement will best benefit the City in that the City is guaranteed compensation for the easement and the City has the discretion to place the easement in a location least injurious to the future use of, or development of, the adjoining City property.

FILE LOCATION: DEED F-6271 DEEDFY94-1

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-109:

SUBJECT: Ordering Foreclosure Action Against Delinquent Parcels  
of Land of a Single Property Owner.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1395) ADOPTED AS RESOLUTION R-283740

Authorizing the City Attorney to bring an action in the Superior Court of San Diego County to foreclose the assessment lien against the delinquent parcels of land in De La Fuente Business Park - Phase I Assessment District No. 4011 and De La Fuente Business Park - Phase II Assessment District No. 4021.

FILE LOCATION: STRT D-2283 D-2265

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-110:

SUBJECT: Ordering Foreclosure Actions Against Delinquent Parcels  
of Land of Multiple Property Owners.

(See City Manager Report CMR-94-69 Revised.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1362) ADOPTED AS RESOLUTION R-283741

Ordering an action to be brought in the Superior Court  
of San Diego County to foreclose the assessment lien  
against delinquent parcels of land in De La Fuente  
Business Park - Phase I Assessment District No. 4011  
and De La Fuente Business Park - Phase II Assessment  
District No. 4021.

FILE LOCATION: STRT D-2283 D-2265

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-111:

SUBJECT: Changing the Name of the San Ysidro Recreation Center.

(San Ysidro Community Area. District-8.)

COUNCILMEMBER VARGAS' RECOMMENDATION:

Adopt the following resolution:

(R-94-1444) ADOPTED AS RESOLUTION R-283742

Accepting the numerous petitions from the San Ysidro  
community to change the name of the San Ysidro

Recreation Center at Larsen Field to "Cesar Chavez  
Community Center at Larsen Field."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-112:

SUBJECT: Truck Prohibition on Twain Avenue between Mission Gorge  
Road and Orcutt Avenue.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1457) ADOPTED AS RESOLUTION R-283743

Prohibiting commercial vehicles with a gross weight  
rating of over 10,000 pounds from operating on Twain  
Avenue between Mission Gorge Road and Orcutt Avenue;  
authorizing the installation of the necessary signs and  
markings.

CITY MANAGER SUPPORTING INFORMATION:

Twain Avenue/50th Street is a residential street with a prima  
facie speed limit of 25 miles per hour. It is located in the  
Grantville Area Community and has been experiencing an increase  
in heavy truck traffic.

The subject street indirectly connects Mission Gorge Road to  
Waring Road,  
via Orcutt Avenue. A petition was received from 75 percent of  
the residents on Twain Avenue. The Navajo Planners, Inc., the  
community planning group for the Navajo community, approved the  
truck prohibition at a hearing held at their October 1993  
meeting. A truck prohibition of commercial vehicles with a gross  
vehicle weight rating over five tons is recommended. Trucks  
making local deliveries and providing service on Twain

Avenue/50th Street will still be permitted to use the roadway.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-113:

SUBJECT: Resolution In Memory of Thomas F. Calverley.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1544) ADOPTED AS RESOLUTION R-283744

Recognizing and honoring Thomas F. Calverley for his  
accomplishments and service to the people and to the  
City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-114:

SUBJECT: Resolution thanking Melissa McCarty.

COUNCILMEMBER ROBERTS' RECOMMENDATION:

Adopt the following resolution:

(R-94-1467) ADOPTED AS RESOLUTION R-283745

Thanking Melissa McCarty for her outstanding leadership

and foresight towards the betterment of San Diego's Gaslamp Quarter, and wishing her all the best in her new position as General Manager of the new Old Spaghetti Factory in Minneapolis, Minnesota.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-115:

SUBJECT: Accepting a Federal Grant to Conduct a Basic Boating Skills Class.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1495) ADOPTED AS RESOLUTION R-283746

Authorizing the Park & Recreation Department, Lifeguard Services Division, to accept a federal grant to conduct a Basic Boating Skills class, co-sponsored by the State of California, Department of Boating and Waterways.

CITY MANAGER SUPPORTING INFORMATION:

The California Department of Boating and Waterways (DBW) currently offers four 40-hour modules of training in the area of Boating Rescue and Enforcement. These courses are approved by the Port Captains and Harbor Masters Association. The modules are Seamanship & Rescue Boat Handling, Marine Firefighting, Basic Boating Skills and Navigation. DBW requested that the City of San Diego host the class for Basic Boating Skills.

Classes are open to agencies involved in boating safety, rescue and enforcement, including lifeguards, harbor patrolmen and law enforcement officers. By hosting this class, San Diego staff members will be able to attend without having to incur the cost of travel. DBW will reimburse the City of San Diego for the cost of the class up to \$7,000. A Certification of Appropriation in the amount of \$7,000 has been received from the Department of

Boating and Waterways.

Aud. Cert. 9400994.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-116:

SUBJECT: Fiscal Year 1994 Community Development Block Grant Park  
Projects.

(Linda Vista, Ocean Beach and Mountain View Community  
Areas. Districts-2,4,& 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1455) ADOPTED AS RESOLUTION R-283747

Modifying the 1993-94 Capital Improvements Program  
budget by adding the following Community Development  
Block Grant projects that have been previously funded  
from CDBG Fund No. 18529, Department 4043:

CIP-29-811.0 Linda Vista Community Park - Tennis Court  
Lighting (\$50,000)  
CIP-29-812.0 Linda Vista Community Park - Parking Lot  
Expansion (\$160,000)  
CIP-29-813.0 Ocean Beach Athletic Area - Comfort  
Station (\$150,000)  
CIP-29-814.0 Mountain View Park - Acquisition  
(\$250,000)  
CIP-29-815.0 Linda Vista Community Park - Recreation  
Center Roof (\$50,000)

CITY MANAGER SUPPORTING INFORMATION:

The City Council approved the FY 94 CDBG Program on May 24, 1993.  
This action adds park projects to the FY 94 CIP Program to  
provide a tracking mechanism for the Financial Management

Department.

CIP No.	TITLE	BUDGET
29-811.0	Linda Vista Community Park - Tennis Court Lights	\$ 50,000
29-812.0	Linda Vista Community Park - Parking Lot Expansion	\$160,000
29-813.0	Ocean Beach Athletic Area - Comfort Station	\$150,000
29-814.0	Mountain View Park - Acquisition	\$250,000
29-815.0	Linda Vista Community Park - Recreation Center Roof	\$ 50,000

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-117:

SUBJECT: Additional Funding for Balboa Park Club Phase II.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1494) ADOPTED AS RESOLUTION R-283748

Authorizing the City Auditor and Comptroller to  
transfer an amount not to exceed \$51,345 plus accrued  
interest from Municipal Gym Floor Grant Fund No. 39043  
to CIP-21-826.1 Balboa Park Club Requirements;

Authorizing the expenditure of an amount not to exceed  
\$51,345 plus accrued interest from CIP-21-826.1, Balboa  
Park Club Requirements, for the purpose of providing  
funds to supplement the amount authorized by Resolution  
R-282838.

CITY MANAGER SUPPORTING INFORMATION:

The Balboa Park Club Building is located at 2150 Pan American Road West in Balboa Park. A Community Parklands Act grant is providing \$2,534,500 to remodel and refurbish the building. An additional \$51,345 is available from that grant source from monies previously allocated to the Municipal Gym Floor Replacement project. The State has approved the transfer of these funds to the Balboa Park Club project. The requested Council action authorizes that transfer.

Aud. Cert. 9400998.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-118:

SUBJECT: Additional Funding for Memorial Community Park  
Improvements.

(Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1461) ADOPTED AS RESOLUTION R-283749

Authorizing the Auditor and Comptroller to transfer not to exceed \$13,000 from PSD Fund 15000 to CIP-29-661.0, Memorial Community Park Improvements, and to transfer not to exceed \$55,000 from CDBG Unallocated Reserve District 8, Fund No. 18529, Department No. 4050, Org. No. 5003, to Department No. 4043, Org. No. 4307.

CITY MANAGER SUPPORTING INFORMATION:

The Memorial Community Park recreation center building is located at 2902 Marcy Avenue. On October 19, 1992, Council authorized a contract for the construction of an addition to the existing recreation center building, which should be done by the end of February. Prior to the construction of the addition, the

original building was vandalized, resulting in fire and rain damage to the gym floor and gym restrooms. Since replacing the gym floor and fixing the restrooms was not part of the current contract, it is proposed that this work be accomplished with supplemental contracts. This request is to transfer \$13,000 of available Park Service District funds and \$55,000 of unallocated CDBG funds to the project. These funds will be added to any unexpended previously authorized funding and used to finance the proposed gym floor and restroom improvements.

Aud. Cert. 9400984.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-119:

SUBJECT: West Miramar Mitigation.

(Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1524) ADOPTED AS RESOLUTION R-283750

Authorizing the expenditure of not to exceed \$442,000 from CIP-37-056.0, West Miramar Refuse Disposal Facility - Phase II, Fund 41201, Waste Management CIP Fund, for acquisition and related costs to acquire a 17.5-acre parcel on the Del Mar Mesa for offsite vernal pool mitigation;

Authorizing the execution of a Biological Conservation Preserve Restriction covering the property.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the acquisition of a vacant 17.5-acre parcel on Del Mar Mesa. The parcel would be used to fulfill a

biological mitigation requirement of the Waste Management Department. The resources to be impacted are vernal pools located at the Miramar Landfill. Until the mitigation is provided, operations at the landfill must avoid destroying these pools. This situation is currently disrupting operations, and could eventually result in lost landfill capacity if the mitigation is not provided. The terrain and the environment of the property lend itself to vernal pool preservation, and to the preservation of other sensitive biological species.

Aud. Cert. 9401013.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-120:

SUBJECT: Second Amendment to the American Red Cross Purchase  
Service Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1458) ADOPTED AS RESOLUTION R-283751

Authorizing the execution of a second amendment to the Purchase of Service Agreement for Provision of Special Transportation with the American Red Cross, for paratransit services in connection with the Americans with Disabilities Act;

Authorizing the expenditure of not to exceed \$30,000 from Fund No. 19631, State Transportation 4.5 Development Act Grant Funding, to provide funds for the increased services authorized by the second amendment.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego, in conjunction with transit and para-transit operators in the region, is involved in the gradual

implementation of Americans with Disabilities (ADA) requirements. Full compliance with the Act is mandated by 1997. As individuals are gradually becoming ADA certified, the demand for paratransit services within the City has increased. To help meet the increased demand, it is recommended that the City's current service contract with the American Red Cross be amended to add \$30,000 (estimated unused fare revenue for FY 1994). The contract presently provides for approximately 7,182 lift-equipped service hours.

An additional \$30,000 would provide approximately 1,359 additional service hours of lift-equipped transportation service. This calculation includes an average of 11 percent return on fare revenue. Additional fare revenue is grant generated and would not revert to the City if unused.

Aud. Cert. 9400972.

FILE LOCATION: MEET CONFY94-1

COUNCIL ACTION: (Tape location: D201-383.)

MOTION BY ROBERTS TO ADOPT. 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.

\* ITEM-121:

SUBJECT: San Ysidro Boulevard Storm Drain Study.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1436 Rev.1) ADOPTED AS AMENDED AS RESOLUTION  
R-283752

Authorizing the execution of an agreement with BSI Consultants, Inc. (San Diego), to provide professional services for the San Ysidro Boulevard Storm Drain Study;

Authorizing the expenditure of not to exceed \$30,000 from CIP-12-071.0, San Ysidro Boulevard Storm Drain

Study, Developer Impact Fees No. 79518, San Ysidro.

CITY MANAGER SUPPORTING INFORMATION:

The San Ysidro Boulevard Storm Drain Study CIP-12-071.0 consists of two phases. The purpose of Phase I is to determine the hydrology for the drainage basins affecting San Ysidro Boulevard and assess the existing drainage system. The purpose of Phase II is to rank deficiencies in the existing drainage system per City requirements, and recommend possible solutions with engineering and construction cost estimates. This agreement is only for the Phase I work. The agreement will be amended in FY 1995 for the Phase II work. In accordance with Council Policy 300-7 and Administrative Regulation 25.60, the Consultant Coordinator provided the names of five firms on the "As-Needed" list for consideration.

Interviews were conducted on November 30, 1993 with BSI Consultants, Inc., being recommended for professional services. Fee negotiations were consummated on February 3, 1994 resulting in mutually acceptable terms and conditions including a base fee of \$25,000 and additional services of \$5,000.

Aud. Cert. 9400971.

FILE LOCATION: MEET CCONFY94-1

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS TO ADOPT AS AMENDED AS REQUESTED BY THE CITY MANAGER TO EXPEND FUNDS FROM ANNUAL ALLOCATION FOR STORM DRAINS, CIP-17-002, RATHER THAN FROM THE SAN YSIDRO IMPACT FUND. 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-122:

SUBJECT: Lease Approval - R.E. Hazard, Jr., Inc.

(Bay Park Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1477) ADOPTED AS RESOLUTION R-283753

Authorizing the execution of a five-year lease agreement, with a 60-day cancellation provision, with R.E. Hazard, Jr., Inc., for the use of a 0.72-acre City-owned portion of Block 356, Old San Diego, at an initial monthly rental of \$700.

CITY MANAGER SUPPORTING INFORMATION:

For the past 13 years, R.E. Hazard, Jr., Inc., has leased a vacant 0.72-acre parcel from the City for storage of construction equipment. The parcel is located near Friars Road and Napa Street and is adjacent to property owned by Hazard. A five-year renewal lease is proposed. Fair market rent was determined by City staff to be \$700 per month and will be increased annually by Consumer Price Index adjustments. The 0.72-acre parcel is part of a larger City-owned site of almost 3 acres. The entire site may eventually be leased for a commercial development, but the first Request for Proposals received no response. The proposed lease with Hazard is revocable upon 60 days notice in the event the City finds a lessee for the entire 3 acres.

FILE LOCATION: LEAS - R. E. Hazard, Jr., Inc.  
LEASFY94-1

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-123:

SUBJECT: Second Amendment to the Agreement with McCutchen,  
Doyle, Brown and Enersen.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1522) ADOPTED AS RESOLUTION R-283754

Authorizing the execution of a second amendment to the agreement with McCutchen, Doyle, Brown & Enersen for legal services in connection with U.S.A. v. City of San

Diego;

Authorizing the expenditure of not to exceed \$800,000 from Clean Water Program Fund 41509, CIP-45-910.2, Clean Water Program - Program Predesign and Engineering Support.

CITY MANAGER SUPPORTING INFORMATION:

On February 24, 1992 the City Council authorized the retention of the law firm of McCutchen, Doyle, Brown and Enersen to: 1) act as co-counsel in the second phase of the Metropolitan Wastewater monitoring as provided in the Consent Decree entered in U.S.A.v.City of San Diego, U.S. District Court No. 88-1101-B, and 2) continue the effort in Federal court to facilitate matters relating to the establishment of the Multiple Species Conservation Program. Amendment number one for \$100,000 for legal support during the appeal of the Consumers Alternative to the ninth Circuit Court of Appeals was approved by Council on January 3, 1994. This second amendment will authorize the expenditure of additional funds to ensure continued advocacy of City interests in these matters.

Aud. Cert. 9401011.

WU-CWP-94-123.

FILE LOCATION: MEET CCONFY94-1

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-124:

SUBJECT: Second Amendment to the Agreement with Malcolm Pirnie, Inc.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1523) ADOPTED AS RESOLUTION R-283755

Authorizing the execution of a second amendment to the agreement with Malcolm Pirnie, Inc. (San Diego) for "as-needed" engineering services in support of the Metropolitan Wastewater Department;

Authorizing the Auditor and Comptroller to transfer not to exceed \$200,000 within Metropolitan Wastewater Department Fund 41509, from CIP-40-920.0, Rose Canyon Trunk Sewer - CWP Portion, to CIP-45-910.3, Program Planning and Studies Activities;

Authorizing the expenditure of not to exceed \$200,000 from Metropolitan Wastewater Department Fund 41509, CIP-45-910.3, Program Planning and Studies Activities, to provide funds for the above amendment.

CITY MANAGER SUPPORTING INFORMATION:

The original agreement between the City and Malcolm Pirnie, Inc. for "as-needed" engineering services was adopted July 27, 1992 via Resolution RR-280425. The agreement was issued for a duration of two years and for a funding limit not to exceed \$300,000. Due to the unexpected critical situation with the South Metro Interceptor, more "as-needed" engineering services were required than originally estimated. The design for the repair of the South Metro Interceptor depleted the original \$300,000 to a balance of \$48,711. Amendment No. 1 was adopted October 25, 1993 via Resolution R-282876 adding \$200,000 for coverage of required services for the agreement duration. Since that time, two task orders for approximately \$110,000 have been issued for work at the Fiesta Island Sludge Processing Facility. Fiesta Island and other miscellaneous work have reduced the available funds to approximately \$100,000. Recently, the need for critical repair work to the East Portal Tunnel at Pump Station No. 2 has been identified and the estimated cost of the design work is approximately \$200,000. Amendment No. 2 is to add \$200,000 to the original Agreement/Amendment No. 1 total for the East Portal Tunnel work and other as-needed engineering services for the Metropolitan Wastewater Department. Types of services that may be required include: soil and geo-technical analysis, traffic, sanitation, survey, civil, mechanical, and electrical engineering and cost review/analysis of engineering projects associated with the Metropolitan Wastewater Department. These services are a partial listing as additional services will be determined in conjunction with the Department's ongoing projects as they develop. City staff is presently preparing the Request for Proposals for the follow-on "As-Needed Engineering," 1994-1997 contract with a scheduled start date in August, 1994. Project subconsultants are: Beyas & Patel (MBE), Structural;

Ninyo & Moore (MBE), Geotechnical; CMSE (WBE), Cost Estimating;  
Kercheval Engineers (MBE), Survey/Civil; and Urban Systems  
Associates (WBE), Traffic.

Aud. Cert. 9401010.

WU-CWP-94-127.

FILE LOCATION: MEET CCONFY94-1

COUNCIL ACTION: (Tape location: A171-237.)

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

\* ITEM-125:

SUBJECT: Partial Use and Occupancy Agreement and Flat Rate Lease  
Agreement with SDSU Aztecs.

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-1479) RETURNED TO CITY ATTORNEY

Authorizing the execution of a 1994 Agreement for  
Partial Use and Occupancy of San Diego Jack Murphy  
Stadium between San Diego State University and the City  
of San Diego.

Subitem-B: (R-94-1490) RETURNED TO CITY ATTORNEY

Authorizing the execution of a Flat Rate Lease  
Agreement for San Diego Jack Murphy Stadium between San  
Diego State University and the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The Partial Use and Occupancy Agreement between the City and  
SDSU, and the Flat Rate Lease for Office Space at the Stadium  
have expired. New ten-year agreements for both have been drafted  
and require City Council action. The changes to the Partial Use

and Occupancy Agreement include: 1) The number of complimentary parking spaces provided on game days will increase from 500 to 750; 2) The number of complimentary game passes provided on any game day will increase from 3,500 to 4,000; 3) Parking fees will increase from \$3 to \$4 per car beginning with the 1994 season, and during the term of the agreement the fee per car may increase to no more than the lowest fee paid by any other Stadium tenant; and 4) The Aztecs are given the right to renegotiate the terms of the agreement if substantial changes are made to agreements with either the Chargers or Padres. There are no changes to the rent paid by SDSU or to the previous agreement for sharing parking and concession revenues. Rent is 8 percent of the first \$700,000 of gross income and 10 percent of gross income over \$700,000. The Aztecs receive one-third of net parking and concession revenues. The Flat Rate Lease for Office Space will permit the Aztecs to expand their office and ticket window space into space previously used as an Ushers Room. The Stadium is currently constructing new space for Ushers. Total space occupied by SDSU will increase from 810 to 1,904 square feet.

Recommendation: Approve the Partial Use & Occupancy Agreement and Flat Rate Lease.

Other Recommendation: The Stadium Authority Board of Governors unanimously recommended approval of these agreements at its meeting of March 3, 1994.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS TO RETURN THE ITEM TO THE CITY ATTORNEY FOR PREPARATION OF AN ORDINANCE AS REQUESTED BY THE CITY ATTORNEY. 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-126:

SUBJECT: Appointments to the Housing Commission.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1493) ADOPTED AS RESOLUTION R-283756

Council confirmation of the following appointments by

the Mayor to the San Diego Housing Commission, for terms expiring as indicated:

Terms ending December 7, 1997:

Neal Arthur

(Replacing Councilmember George Stevens, whose term has expired.)

David L. Dick

(Replacing Mayor Susan Golding, whose term has expired.)

Greg Akili

(Replacing Councilmember John Hartley, whose term has expired.)

Term ending January 2, 1995:

Lita Ybarra (Tenant-over-62)

(Replacing Marjorie V. Strack, whose term has expired.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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-200:

SUBJECT: Initiation of an Amendment to the Progress Guide and General Plan and the Miramar Ranch North Community Plan.

(See Planning Department Report P-94-065. District-5.)

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Introduce the following ordinance:

(O-94-97) INTRODUCED, TO BE ADOPTED ON MAY 9, 1994

Introduction of an Ordinance initiating an amendment to the Progress Guide and General Plan and the Miramar Ranch North Community Plan and waiving the consolidation requirements contained in San Diego Municipal Code Section 111.0704.

FILE LOCATION: LAND-Miramar Ranch North Community Plan

COUNCIL ACTION: (Tape location: A289-511.)

MOTION BY McCARTY TO INTRODUCE THE ORDINANCE APPROVING THE INITIATION AND WAIVING THE CONSOLIDATION REQUIREMENT WITH FINDING NO. 2 AS THE APPROPRIATE ONE, AND TO REFER TO THE T&LU COMMITTEE FOR DISCUSSION AND/OR ACTION THE MATTER OF THE AMBIGUITY AND INCONSISTENCY REGARDING THE RIGHT OF APPEAL RELATING TO THE INITIATION AND CONSOLIDATION PROCESS AS STATED IN THE MUNICIPAL CODE, SECTION 111.0701 AND THE SECTIONS THAT FOLLOW. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Juvenile Curfew and Truancy Enforcement Policy.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1551 Rev.1) ADOPTED AS AMENDED AS RESOLUTION  
R-283757

Directing the City Manager to direct the Chief of Police to aggressively enforce current curfew laws;

Directing the City Manager to establish an aggressive policy for enforcement of the curfew laws to include:

- 1) Beginning June 1, 1994, curfew violators to be taken to identified police substations.
- 2) Curfew violators will be photographed and fingerprinted.
- 3) Curfew violators to be held at these locations until such time as a responsible parent or guardian takes custody or until daylight.
- 4) Detention locations are to be staffed with both reserve officers and volunteers.

Directing the City Manager to return to the Public Services and Safety Committee to report on the implementation of this policy in six months;

Requesting the City Attorney and District Attorney, as appropriate, to charge repeat violators and their responsible parent with a misdemeanor, with a minimum

sentence of a \$100 fine and/or 20 hours of community service;

Directing the City Manager to increase enforcement of truancy laws;

Directing the Mayor to develop agreements with the City's school districts which allow the Police Department to more effectively enforce truancy, including passes and closed campuses;

Directing the Public and Services and Safety Committee to explore and recommend amendments to existing State law which would promote the Council policy including authorization to suspend a curfew violator's driving privileges.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A515-D195.)

MOTION BY STEVENS TO ADOPT THE RESOLUTION AS AMENDED TO APPROVE THE CITY MANAGER'S REQUEST TO REVISE THE LANGUAGE IN THE FIRST PARAGRAPH OF THE RESOLUTION TO BE CONSISTENT WITH THE CITY CHARTER AS FOLLOWS, ". . . TO DIRECT THE CITY MANAGER TO ESTABLISH A PROGRAM TO AGGRESSIVELY ENFORCE CURRENT CURFEW LAWS", AND TO ACCEPT THE MOTION BY McCARTY, SECONDED BY WARDEN, TO REFER TO PS&S COMMITTEE THE MATTER OF AMENDING THE ORDINANCE TO CHANGE THE HOUR TO 11:00 P.M. ON FRIDAY AND SATURDAY NIGHTS. Second by McCarty. Passed by the following vote: Without photographing and fingerprinting: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

With photographing and fingerprinting: Mathis-yea, Roberts-nay, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Exemption of a Council Representative Position from the Classified Service.

(See Personnel Director's memorandum dated 12/16/93.)

COUNCILMEMBER MATHIS' RECOMMENDATION:

Hold the first public hearing of the following ordinance:

(O-94-96) HEARING HELD

First public hearing in the matter of: Amending Ordinance O-17807 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1993-94 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17807, by amending the personnel authorization of Council District 1 (021) by exempting one (1.00) Council Representative I position from the Classified Service, and establishing a salary rate.

NOTE: See Item 331 on the docket of Tuesday, April 26, 1994, for the introduction and adoption of the Ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A171-237.)

MOTION BY ROBERTS TO APPROVE THE FIRST HEARING. 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-203:

SUBJECT: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1496) ADOPTED AS RESOLUTION R-283758

Declaring a continued State of Emergency regarding the 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 continued declaration of emergency 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 fourteen 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.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-237.)

MOTION BY ROBERTS TO ADOPT THE RESOLUTION. 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-S400:

SUBJECT: Declaring April 30, 1994 to be "Steve Kelly Day."

COUNCILMEMBER ROBERTS' RECOMMENDATION:

Adopt the following resolution:

(R-94-1582) ADOPTED AS RESOLUTION R-283759

Congratulating and thanking Steve Kelly for his service to the community;

Declaring Saturday, April 30, 1994 to be "Steve Kelly Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A171-237.)

CONSENT MOTION BY ROBERTS 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:53 p.m. in honor of the memory of:

John Craven, requested by Housing Commission;  
Rehan Richter, requested by Council Member Kehoe;  
Serra High School student killed in an auto accident, requested by Council Member McCarty;  
Robert Peterson, requested by Mayor Golding;  
Former President Richard Nixon, requested by the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D607-666).