

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, AUGUST 8, 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 2:10 p.m. Mayor Golding adjourned the meeting at 8:40 p.m. to convene in Closed Session on Tuesday, August 9, 1994 at 9:00 a.m. in the 12th floor Conference Room to discuss litigation 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 (rb)

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-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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Roland Lindeman, Good Shepherd of the Hills, Alpine, California.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Roberts.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Bob Scheidt regarding property wrongly taken by the Police Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A059-102.)

ITEM-PC-2:

Comments by Billy Paul regarding unequal time and consideration given to speakers on the Mission Bay Update Plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A103-127.)

ITEM-PC-3:

Comments by Don Stillwell regarding breaking the constitution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A134-159.)

COUNCIL COMMENT:

None.

ITEM-30:

SUBJECT: Recycle! Kids Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-159) ADOPTED AS RESOLUTION R-284402

Encouraging all San Diegans to join in commending Meredyth Dee Winter, the Recycle! Kids, Arts & Technologies for Youth, and the Gaslamp Quarter Theatre Company's Youth Onstage Program in this worthwhile effort, and conveying best wishes for their continued success;
Proclaiming August 8, 1994 to be "Recycle! Kids Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A248-342.)

MOTION BY MATHIS 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: Kyocera International, Inc. Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-178) ADOPTED AS RESOLUTION R-284403

Commending Kyocera International, Inc. for its 25 years of dedication to the community of San Diego and extending best wishes for continued success in the future;

Proclaiming August 8, 1994 to be "Kyocera International, Inc. Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A342-407.)

MOTION BY MATHIS TO ADOPT. Second by Roberts. 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-32:

SUBJECT: Fern Street Circus Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-95-217) ADOPTED AS RESOLUTION R-284404

Recognizing the outstanding contributions that John Highkin and the Fern Street Circus have made to improving the lives of our children and their families in San Diego;

Proclaiming August 13, 1994 to be "Fern Street Circus Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A410-487.)

MOTION BY MATHIS 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-33:

SUBJECT: Women's Equality Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-95-75) ADOPTED AS RESOLUTION R-284405

Recognizing the outstanding contribution that the National Organization for Women has made to improving the lives of all women;
Proclaiming August 26, 1994 to be "Women's Equality Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A488-579.)

MOTION BY MATHIS 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-34:

SUBJECT: Los Rancheros Kiwanis Club Pancake Breakfast Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-95-98) ADOPTED AS RESOLUTION R-284406

Recognizing and commending the outstanding commitment that Los Rancheros Kiwanis Club has shown to the citizens of San Diego;
Proclaiming September 3, 1994 to be "Los Rancheros Kiwanis Club Pancake Breakfast Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A580-676.)

MOTION BY MATHIS 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-35:

SUBJECT: Valley Fest 94 Day.

COUNCILMEMBER STALLINGS' RECOMMENDATION:

Adopt the following resolution:

(R-95-147) ADOPTED AS RESOLUTION R-284407

Recognizing the efforts of the Mission Valley Community Council;
Proclaiming August 14, 1994 to be "Valley Fest 94 Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B024-081.)

MOTION BY MATHIS 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-36:

SUBJECT: Recognition of Mission Beach Lifeguards.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-199) ADOPTED AS RESOLUTION R-284408

Thanking and commending the members of the Lifeguard

Services Division of the Park and Recreation Department, and in particular the Mission Beach Lifeguard Team, for demonstrating their characteristic depth of character and effective rescue abilities in ensuring the safety of San Diego beach users.

CITY MANAGER SUPPORTING INFORMATION:

Each year, Southern California beach lifeguards perform a very high number of water rescues. These rescues are necessitated by the unusually strong rip currents prevalent along the West Coast and high beach attendance. In 1993, over 7,000 rescues were performed by San Diego lifeguards. This represents approximately 10 percent of all water rescues reported by all of the major beach lifeguard agencies in the United States. During the recent 4th of July holiday weekend, an estimated 1.4 million people visited our beaches. During this period, San Diego lifeguards effected a total of 634 water rescues with 550 rescues occurring between South Mission Beach and North Pacific Beach. On July 3 alone, lifeguards working at the Mission Beach lifeguard station (adjacent to Belmont Park) rescued 204 distressed swimmers. This shatters the previous single day record for rescues (171) which was set in 1993 by Ocean Beach lifeguards. It is requested that Council recognize the outstanding efforts of the Mission Beach lifeguards who exhibited a high level of performance while effecting a record number of rescues. They include: Lieutenant Charles Wright, Sergeant Troy Keach, Sergeant Steve Debry, John Klemmer, Jo Wade, Richard Wurts, John O'Beirne, Rich Stropky, Neil Collins, James Skaalen, Robin Gregman, Craig Newell, Michael Miller, Paul Arnold, James Bell, Mike McCormick, Chris Mitchell and Robert Eichelberger. In particular, it is requested that Council recognize Paul Arnold, a Lifeguard I assigned to Mission Beach. On July 3, Mr. Arnold rescued 51 swimmers. We know of no lifeguard in San Diego or in the United States who has ever rescued this number of distressed swimmers in a single day.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B082-151.)

MOTION BY MATHIS 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-50:

SUBJECT: Seal Rock Marine Mammal Reserve.
(La Jolla Community Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on
7/25/94. (Council voted 8-1. District 7 voted nay.):

(O-95-1) ADOPTED AS ORDINANCE O-18091 (New Series)

Amending Chapter VI, Article 3, of the San Diego
Municipal Code by adding Division 10, entitled
Ecological Reserves, and Section 63.1001, relating to
Seal Rock Marine Mammal Reserve, to include California
Coastal Commission Permit Conditions and California
Department of Fish and Game Permit Exemption
Conditions.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND
ADOPT ORDINANCE. 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-51:

SUBJECT: Amending the San Diego Municipal Code relating to Dog
License Fees.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on
7/25/94. (Council voted 9-0):

(O-94-129) ADOPTED AS ORDINANCE O-18092 (New Series)

Amending Chapter IV, Article 4, of the San Diego
Municipal Code by amending Section 44.0322, relating to
Dog License Fees, approving the removal of the \$.50 per
year surcharge from unaltered dog license fees and the
contribution of 1% of dog license revenue to a County-

wide Spay/Neuter Trust Fund.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I343-376.)

MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Vargas. 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-52:

SUBJECT: Alcoholic Beverage Consumption Prohibited in Certain Areas. (District-8.)

PUBLIC SERVICES AND SAFETY COMMITTEE'S RECOMMENDATION:

On 7/6/94 PS&S voted 4-0 to recommend introduction of the following ordinance (Councilmembers Roberts, Kehoe, Stevens, and McCarty voted yea. Councilmember Vargas not present.)

(O-95-2) INTRODUCED, TO BE ADOPTED SEPTEMBER 12, 1994

Introduction of an Ordinance amending Chapter V, Article 6, of the San Diego Municipal Code, by amending Section 56.54, relating to Alcoholic Beverage Consumption Prohibited in Certain Areas, to include the San Ysidro Business District in the Southern Division of the San Diego Police Department.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT MOTION BY STALLINGS TO INTRODUCE ORDINANCE. 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 Parking Control Scooters.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-28) ADOPTED AS RESOLUTION R-284409

Awarding a contract to Frankson's Inc. (Glendale, CA), for the purchase of 12 parking control scooters (GO-4 Model P35), for an estimated total of \$192,542.60, including tax;

Authorizing the expenditure of not to exceed \$192,542.60 from Fund No. 100, Department No. 052, Object Account No. 6010, and Job Order No. 005253; Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(BID-C4182/94)

Aud. Cert. 9500144.

FILE LOCATION: CONT-PURCHASE-Frankson's Inc. (Glendale, CA)
CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Awarding a Contract to Holchem, Inc. for Furnishing Liquid Caustic Soda.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-27) ADOPTED AS RESOLUTION R-284410

Awarding a contract to Holchem, Inc. (Pacoima, CA) for furnishing liquid caustic soda, as may be required for a period of one year beginning September 1, 1994 through August 31, 1995, at an estimated cost of \$801,513.46, including tax, with a possible price

escalation during the contract year not to exceed 50 percent of the bid price, with options to renew for four additional one year periods, with price escalations not to exceed 50 percent of prices in effect at the end of each prior year;
In the event the contract vendor fails to deliver material meeting specifications, the Purchasing Agent is authorized to terminate the contract and award to the next low responsible bidder and to successive bidders, if necessary, or to obtain material on the open market until the contract can be rebid.
(BID-B4378/95)

FILE LOCATION: CONT-PURCHASE-Holchem, Inc. (Pacoima, CA)
CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
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-102:

SUBJECT: Inviting Bids for the North City Water Reclamation Plant Influent and Effluent Pump Stations Completion. (University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-7) ADOPTED AS RESOLUTION R-284411

Inviting bids for the North City Water Reclamation Plant Influent Pump Station and Effluent Pump Station Completion on Work Order No. 194574;
Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury;
Authorizing the expenditure of not to exceed \$15,668,914 from the Metropolitan Wastewater

Department, Sewer Fund 41509, CIP-42-910.1, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury:

- (1) \$293,774 from FY 1995 appropriations.
- (2) \$3,320,840 from FY 1996 appropriations contingent upon Council appropriating funds for this purpose in the FY 1996 CIP budget.
- (3) \$8,397,693 from FY 1996 appropriations contingent upon Council appropriating funds for this purpose in the FY 1996 CIP budget.
- (4) \$3,656,607 from FY 1997 appropriations contingent upon Council appropriating funds for this purpose in the FY 1997 CIP budget.

Stating for the record that the previously certified EIR-91-0516 for the NCWRP was reviewed and considered for this action.

(BID-K95101)

CITY MANAGER SUPPORTING INFORMATION:

The Influent Pump Station and Effluent Pump Station Completion is the ninth of several construction contracts for the North City Water Reclamation Plant (NCWRP). The contract packaging for the Influent Pump Station and Effluent Pump Station have been completed. Mitigation measures related to this action have been incorporation into each package. At this time approval to advertise for bid and award the contract for this package is requested. The Environmental Impact Report and the adoption of the Mitigation Monitoring and Reporting Program was approved by Council Resolution R-281435, dated February 2, 1993. In accordance with Federal Grant provisions for this project, the "Fair Share" goals are 8 percent combined MBE and/or WBE participation. The construction cost for this package currently is estimated as follows:

- Influent Pump Station & Effluent Pump Station Completion: \$15,668,914. The Influent Pump Station and Effluent Pump Station Completion construction contract will be phase-funded. The total number of local jobs created by this contract is approximately 313.

WU-CWP-94-173.

FILE LOCATION: W.O. 194574 CONT - Western Summit
Constructors Inc. CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Three actions related to the Final Subdivision Map of
Beecroft/Fisher Condominiums Unit No. 1.
(This is a 7-lot subdivision located on the east side
of El Camino Real and south of Del Mar Heights Road.
Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-223) ADOPTED AS RESOLUTION R-284412

Authorizing a Subdivision Improvement Agreement with
DMG Associates, Inc., for the installation and
completion of public improvements.

Subitem-B: (R-95-222) ADOPTED AS RESOLUTION R-284413

Approving the final map.

Subitem-C: (R-95-224) ADOPTED AS RESOLUTION R-284414

Authorizing a Five-Year Deferral Agreement for Traffic
Signal with DMG Associates, Inc.

CITY MANAGER SUPPORTING INFORMATION:

On September 10, 1990 the City Council of the City of San Diego
adopted Resolution R-276495, City Council Conditions for
Tentative Map TM-89-1255. Condition No. 9 required that prior to
the recordation of the final map, the subdivider shall provide a
contribution toward or provide a traffic signal at the entrance
to this project. The City Engineer has determined that the
traffic signal system is not needed at this time. Therefore, the
City is entering into a Five-Year Deferral Agreement for Traffic
Signal with the developer, DMG Associates, Inc., in which the
developer agrees upon notice from the City to obtain a permit and

construct the traffic signal system. If it has been determined that the traffic signal system benefits other property owners in the area, then the developer can petition the City to establish a cost recovery district to recover part of the costs. Furthermore, there may be other developers/property owners in the area which may have the same requirement. If that happens, and the signal is constructed by others, then the requirement for this property owner will change to that of contributing its fair share of the traffic signal system costs.

FILE LOCATION: SUBD-Beecroft/Fisher Condominiums Unit
No. 1 CONT FY95-2

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Two actions related to the Final Subdivision Map of
Monarch Estates Unit No. 7.
(A 38-lot subdivision located southeasterly of I-805
and Sorrento Valley Boulevard. Mira Mesa Community
Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-108) ADOPTED AS RESOLUTION R-284415

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

Subitem-B: (R-95-107) ADOPTED AS RESOLUTION R-284416

Approving the final map.

FILE LOCATION: SUBD-Monarch Estates Unit No. 7 CONT
FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Two actions related to the Final Subdivision Map of
Piazza Carmel II Unit No. 1.
(A 9-lot subdivision located north of State Route 56,
south of Valley Centre Drive, bounded by Carmel Vista
Road and Carmel View Road. Carmel Valley Community
Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-239) ADOPTED AS RESOLUTION R-284417

Authorizing a Subdivision Improvement Agreement with
Tiger Development One for the installation and
completion of public improvements.

Subitem-B: (R-95-238) ADOPTED AS RESOLUTION R-284418

Approving the final map.

FILE LOCATION: SUBD-Piazza Carmel II Unit No. 1 CONT
FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Two actions related to the Final Subdivision Map of

Scripps Ranch North Unit No. 7.
(A 119-lot subdivision located south of Scripps Poway
Parkway and Scripps Creek Drive. Miramar Ranch North
Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-211) ADOPTED AS RESOLUTION R-284419

Authorizing a Subdivision Improvement Agreement with
Miramar Ranch North for the installation and completion
of public improvements.

Subitem-B: (R-95-210) ADOPTED AS RESOLUTION R-284420

Approving the final map.

FILE LOCATION: SUBD-Scripps Ranch North Unit No. 7 CONT
FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Three actions related to the Final Subdivision Map of
Scripps Ranch North Unit No. 8.
(A 71-lot subdivision located north of Spring Canyon
Drive, east of Scripps Creek Drive. Miramar Ranch
North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-213) ADOPTED AS RESOLUTION R-284421

Authorizing a Subdivision Improvement Agreement with
Miramar Ranch North for the installation and completion
of public improvements.

Subitem-B: (R-95-212) ADOPTED AS RESOLUTION R-284422

Approving the final map.

Subitem-C: (R-95-214) ADOPTED AS RESOLUTION R-284423

Authorizing a Pedestrian and Non-Motor Vehicular Right-of-Way Agreement with Miramar Ranch North.

CITY MANAGER SUPPORTING INFORMATION:

At the time Vesting Tentative Map VTM-89-0550 was approved, two locations were identified where there were to be located improved rights-of-way for pedestrian and non-motor vehicular uses (the "Trails"). The City is entering into a Pedestrian and Non-Motor Vehicular Right-of-Way Agreement with Miramar Ranch North, a California general partnership, to cover the location of the trails, design criteria, construction plans, and construction, completion, dedication, and maintenance of the trails.

FILE LOCATION: SUBD-Scripps Ranch North Unit No. 8
CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: Four actions related to the Final Subdivision Map of Scripps Ranch North Unit No. 9.
(A 104-lot subdivision located southeasterly of Scripps Poway Parkway and Cypress Canyon Road. Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-227) ADOPTED AS RESOLUTION R-284424

Authorizing a Subdivision Improvement Agreement with

Miramar Ranch North for the installation and completion of public improvements.

Subitem-B: (R-95-226) ADOPTED AS RESOLUTION R-284425

Approving the final map.

Subitem-C: (R-95-228) ADOPTED AS RESOLUTION R-284426

Authorizing a Pocket Park Agreement with Miramar Ranch North.

Subitem-D: (R-95-229 Cor.8/15/94) ADOPTED AS
RESOLUTION R-284427

Accepting a grant deed of Miramar Ranch North, granting to the City Lots 92 and 93 of Scripps Ranch North Unit No. 9.

CITY MANAGER SUPPORTING INFORMATION:

On January 8, 1991, the City Council approved by Resolution R-277106, City Council Conditions for Vesting Tentative Map VTM-89-0550. Condition No. 25 required that one lot in Unit No. 9 Final Map and one lot in Unit No. 10 Final Map be designated as pocket park sites and be granted to the City in fee title as open space, and that the developer enter into an agreement with the City, prior to the recordation of the maps, for the design, acquisition, and construction of the pocket parks. The City is entering into a Pocket Park Agreement with Miramar Ranch North, to establish the procedure for the acquisition, design, and development of a pocket park in each of Units No. 9 and No. 10, and to provide for the maintenance of the pocket parks by the Miramar Ranch North Lighting and Landscape Maintenance District.

FILE LOCATION: SUBITEMS A-C: SUBD-Scripps Ranch North Unit No. 9; SUBITEM D: DEED F-6335 CONT FY95-2; DEED FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Three actions related to the Final Subdivision Map of Scripps Ranch North Unit No. 11.
(A 113-lot subdivision located northeasterly of Spring Canyon Road and Scripps Creek Drive. Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-231) ADOPTED AS RESOLUTION R-284428

Authorizing a Subdivision Improvement Agreement with Miramar Ranch North for the installation and completion of public improvements.

Subitem-B: (R-95-230) ADOPTED AS RESOLUTION R-284429

Approving the final map.

Subitem-C: (R-95-232) ADOPTED AS RESOLUTION R-284430

Accepting a grant deed of Miramar Ranch North, granting to the City Lot 107 of Scripps Ranch North Unit No. 11.

FILE LOCATION: SUBITEMS A&B: SUBD-Scripps Ranch North No. 11; SUBITEM C: DEED F-6336 CONT FY95-1; DEED FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Three actions related to the Final Subdivision Map of Scripps Ranch North Unit No. 12.
(A 103-lot subdivision located on the north side of Spring Canyon Road, east of Scripps Creek Drive. Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-234) ADOPTED AS RESOLUTION R-284431

Authorizing a Subdivision Improvement Agreement with Miramar Ranch North for the installation and completion of public improvements.

Subitem-B: (R-95-233) ADOPTED AS RESOLUTION R-284432

Approving the final map.

Subitem-C: (R-95-235Cor. 8/15/94) ADOPTED AS
RESOLUTION R-284433

Accepting a grant deed of Miramar Ranch North, granting to the City Lot 93 of Scripps Ranch North Unit No. 12.

FILE LOCATION: SUBITEMS A&B: SUBD-Scripps Ranch North Unit No. 12; SUBITEM C: DEED F-6337 CONT FY95-1; DEED FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Two actions related to the Final Subdivision Map of Southcrest Park Plaza.
(A 10-lot subdivision located on the west side of 43rd Street between Boston Avenue and Beta Street. Southcrest Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-197) ADOPTED AS RESOLUTION R-284434

Approving the final map.

Subitem-B: (R-95-198) ADOPTED AS RESOLUTION R-284435

Accepting the street deed of Love James Tolbert and Beverly Ann Tolbert, granting to the City an easement for public street purposes in a portion of Lot 24, Block 59 of Caruther's Addition, Map-27; Dedicating and naming Alpha Street.

FILE LOCATION: SUBITEM A: SUBD-Southcrest Park Plaza;
SUBITEM B: DEED F-6338 DEED FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112:

SUBJECT: Two actions related to Parcel Map W.O. No. 860719 -San Diego Hospice.
(Located at the north end of Third Avenue, south of the I-8 and State Route 163 Interchange. Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-113) ADOPTED AS RESOLUTION R-284436

Approving Parcel Map W.O. No. 860719.

Subitem-B: (R-95-144) ADOPTED AS RESOLUTION R-284437

Authorizing the execution of the Certificate of Ownership of the parcel map and consenting to the preparation and recordation of said map.

FILE LOCATION: SUBD-Pueblo Lands, P/L 1118

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113:

SUBJECT: Street Vacation - Excess Portions of Locust Street and
Zola Street.
(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-114) ADOPTED AS RESOLUTION R-284438

Vacating an excess portion of Locust Street and an
excess portion of Zola Street, under the procedure for
the summary vacation of streets.

CITY MANAGER SUPPORTING INFORMATION:

The abutting property owner has requested the proposed vacation
in order to obtain the excess right-of-way and utilize the area
as additional front and street side yard areas. Upon vacation,
the owner proposes the construction of a fence and masonry wall.
The subject vacation is located in the Peninsula Community and is
situated in the R1-5000 zone. The area-of-vacation total 3,819
square feet and will not affect density or existing residential
entitlement. The vacation would, however, adjust the front yard
and street side yard setbacks. The Peninsula Community Planning
Board and the Planning Department have reviewed the proposal and
have no objections to the vacation. The vacation consist of
unimproved excess rights-of-way surplus to future street
requirements. The rights-of-way to be vacated contain public and
franchise facilities for which easements are to be reserved. As
a condition of vacation, the applicant is to construct curb,
gutter, and additional pavement on Locust Street, which would
complete the improvement of Locust Street adjacent to the
applicant's property. The City's standard ten-foot curb-to-
property-line distance will be maintained adjacent to the future
improvements on Locust Street as well as to the improvements on
Zola Street.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan and Council Policy 600-15 and that the rights-of-way may be summarily vacated. The excess right-of-way is not required for present or prospective public use, and the facilities for which the right-of-way was originally acquired will not be detrimentally affected. The public will benefit through improved utilization of the land and relieving the City of maintenance and liability responsibilities.

FILE LOCATION: STRT J-2807; DEED F-6339 DEED FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114:

SUBJECT: Clairemont Mesa Boulevard (Missile Road to Ruffin Road) Underground Utility District.
(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:
(R-95-119) ADOPTED AS RESOLUTION R-284439

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the Clairemont Mesa Boulevard (Missile Road to Ruffin Road) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district will underground the overhead utility facilities on Clairemont Mesa Boulevard between Missile Road and Ruffin Road. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of their overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case No. 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A

future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.
Aud. Cert. 9500066.

FILE LOCATION: STRT K-223

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115:

SUBJECT: Ocean View Boulevard (29th Street to SR-15) Underground
Utility District.
(Memorial Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-134) ADOPTED AS RESOLUTION R-284440

Calling a public hearing to determine whether the
public health, safety or general welfare requires the
formation of the Ocean View Boulevard (29th Street to
SR-15) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district will underground the overhead utility facilities on Ocean View Boulevard between 29th Street and SR-15. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of their overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case No. 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.
Aud. Cert. 9500064.

FILE LOCATION: STRT K-224

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116:

SUBJECT: Skyline Drive (66th Street to Sychar Road) Underground
Utility District.
(South Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-116) ADOPTED AS RESOLUTION R-284441

Calling a public hearing to determine whether the
public health, safety or general welfare requires the
formation of the Skyline Drive (66th Street to Sychar
Road) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district will underground the overhead utility
facilities on Skyline Drive between 66th Street and Sychar Road.
The formation of this district will require the affected property
owners to underground the portion of their utilities on their
parcel prior to removal of their overhead utilities. Council
Policy 800-2 provides for the use of San Diego Gas and Electric
Company's Annual Allocation Funds (Case No. 8209) to make
reimbursement payments to affected property owners based on the
length of their electrical service trench. A future resolution
will establish the date for removal of overhead utilities as the
undergrounding work approaches completion.

Aud. Cert. 9500065.

FILE LOCATION: STRT K-225

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-117:

SUBJECT: Street Dedication - Cypress Canyon Road.
(Located south of Scripps Poway Parkway. Miramar Ranch
North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-236) ADOPTED AS RESOLUTION R-284442

Approving the acceptance by the City Manager of a grant deed of Miramar Ranch North, granting to the City an easement for public street purposes in portions of Parcels 1 and 2 of Parcel Map PM-14987 and Parcel 3 of Parcel Map PM-16738; dedicating said land as and for a public street and naming the same Cypress Canyon Road.

FILE LOCATION: DEED F-6340 DEED FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-118:

SUBJECT: Public Auction for the sale of Sites 8A, 255, 456, 501,
502, 665, 710 York Court, 6204 Beaumont Avenue and 505
Via del Norte.
(Districts-1, 2, 3, 4 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-77) ADOPTED AS RESOLUTION R-284443

Authorizing the sale of Sites 8A, 255, 456, 501, 502, 665, 710 York Court, 6204 Beaumont Avenue and 505 Via del Norte to the highest bidder(s) at the August 8, 1994 auction;

Authorizing the execution of grant deeds, granting to the highest bidder(s) the above property;

Declaring that a broker's commission shall be paid if the successful bidder is represented by a registered broker;

Authorizing payment of related expenses in accordance with the sale from the proceeds thereof.

CITY MANAGER SUPPORTING INFORMATION:

In 1990, Council reaffirmed Sites 255, 456, 501, 502 and 665 land use designation for sale at public auction. In 1993, Council reaffirmed Site 8A and 710 York Court's land use designation for sale at public auction and authorized a sale of the site-numbered parcels and 710 York Court at public auction. A Resolution authorizing sale at public auction for 505 Via del Norte and 6204 Beaumont was recently adopted by Council. The results of the August 8 auction are being brought to Council for acceptance. During 1993 and 1994 all site-numbered parcels were cleared through various City Departments and Agencies to verify that there was not a present or future need for the site. Information was also sent to the appropriate Planning Groups for review and recommendation.

FILE LOCATION: DEED F-6341 DEED FY95-8

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-119:

SUBJECT: Gift from San Diego Community Foundation/Price Club Foundation.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-95) ADOPTED AS RESOLUTION R-284444

Accepting the contribution of \$10,000 from the Price Club Foundation, as administered by the San Diego Community Foundation;

Thanking the San Diego Community Foundation/Price Club Foundation for their generous contribution to the citizens of San Diego;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$10,000 from Fund 18652, for the purpose of employing eight youths from July 5, 1994 through September 2, 1994 in accordance with the grantee's wishes.

Aud. Cert. 9500028.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-120:

SUBJECT: Pastor and Sister Ard's Appreciation Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-95-219) ADOPTED AS RESOLUTION R-284445

Commending Reverend Robert C. Ard and Sister Ard for their many years of dedication and devotion to the entire City of San Diego;

Proclaiming July 31, 1994 to be "Pastor and Sister Ard's Appreciation Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-121:

SUBJECT: Federal Aviation Administration Child Care Center Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-95-149) ADOPTED AS RESOLUTION R-284446

Recognizing and thanking the Federal Aviation
Administration and the Merry Go Around Child Care
Center for their efforts to provide quality care to
children in San Diego;
Proclaiming August 12, 1994 to be "Federal Aviation
Administration Child Care Center Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-122:

SUBJECT: North County Interfaith Council Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-95-150) ADOPTED AS RESOLUTION R-284447

Recognizing and commending North County Interfaith
Council for its dedicated service to the people of San

Diego;
Proclaiming August 25, 1994 to be "North County
Interfaith Council Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-123:

SUBJECT: Settlement of the Property Damage Claim of Veta L.
Mercer and John J. Woodruff.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-220) ADOPTED AS RESOLUTION R-284448

A Resolution approved by the City Council in Closed
Session on Tuesday, July 26, 1994 by the following
vote: Mathis-yea; Roberts-yea; Kehoe-yea; Stevens-yea;
Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea;
Mayor-yea.

Authorizing the City Manager to pay the total sum of
\$297,500 and complete construction of a wall, in the
settlement of each and every claim against the City,
its agents and employees, resulting from the property
damage claim of Veta L. Mercer and John J. Woodruff
(Superior Court Case No. 669955, Veta Mercer, et al. v.
City of San Diego, et al.);
Authorizing the City Auditor and Comptroller to issue
one check in the total amount of \$297,500 made payable
to Veta Mercer, John Woodruff, and David R. Markham,
their attorney of record, in full settlement of the
lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the
property damage claim of Veta L. Mercer and John J. Woodruff

against the City of San Diego, its agents and employees, as a result of an incident which occurred on February 23, 1993.
Aud. Cert. 9500165.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-124:

SUBJECT: SDG&E Franchise.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-215) ADOPTED AS RESOLUTION R-284449

Authorizing the City Manager to retain the law firm of Alvarado, Smith, Wolff and Sanchez as counsel for certain litigation matters involving San Diego Gas & Electric Company;
Authorizing the City Auditor and Comptroller to set aside and expend an amount not to exceed \$25,000 from General Fund 100, Object Account No. 4151, Job Order No. 601655, for the purpose of defraying legal fees and costs incurred by counsel.
Aud. Cert. 9500157.

FILE LOCATION: FRAN-SDG&E Franchise

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-125:

SUBJECT: Outside Counsel Expenses for the Property Damage Claim of Republic Imperial Acquisition Corp. v. Stockmar Energy, Inc., et al.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-95-104) ADOPTED AS RESOLUTION R-284450

A Resolution approved by the City Council in Closed Session on Tuesday, July 12, 1994 by the following vote: Mathis-yea; Roberts-yea; Kehoe-not present; Stevens-not present; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to retain the firm of Strumwasser and Woocher as counsel for litigation matters involving the property damage claim of Republic Imperial Acquisition Corp. v. Stockmar Energy, Inc., et al., United States District Court Case No. 940120R(LSP);

Authorizing the City Auditor and Comptroller to set aside and expend an amount not to exceed \$100,000 for the purpose of defraying legal fees and costs incurred by counsel.

Aud. Cert. 9500090.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-126:

SUBJECT: California State Grant for Montgomery Field Runway Extension.
(Serra Mesa and Clairemont Community Areas. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-148) ADOPTED AS RESOLUTION R-284451

Authorizing the City Manager to apply for and, if awarded, accept on behalf of the City, the California State grant offer of \$243,000 for the Montgomery Field Runway Extension;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$26,760 from the Montgomery Field and Brown Field Annual Allocation (CIP-31-001.0) to CIP-31-141.0, Montgomery Field Runway Extension 28R;

Authorizing the expenditure of not to exceed \$26,760 Airport funds and an amount not to exceed \$243,000 Grant Funds from CIP-31-141.0, Annual Allocation Montgomery and Brown Airports, for providing matching 10 percent funds for the project.

CITY MANAGER SUPPORTING INFORMATION:

The Montgomery Field Airport Master Plan was adopted on July 10, 1984 by City Council Resolution R-261161. A preapplication for federal assistance for the project was filed on January 13, 1986. A Supplemental application was submitted in August, 1989 to provide for repair of deteriorating paved areas and to imbed approach lights in the extended runway. In August, 1990, FAA advised the Airports Division that funding for the Montgomery Field runway extension could be expected by the end of the federal fiscal year. A formal application was submitted and approved. On September 10, 1990 Airports Division submitted a Request for Council Action to authorize the City Manager to accept the FAA grant offer of \$1,581,624 for the runway extension which was approved by City Council Resolution R-276609 on September 24, 1990. The State of California advised Airports Division by a letter dated April 12, 1994 that a \$243,000 grant is available for the Montgomery Field runway extension. This funding will be used in addition to the federal grant to complete the extension, taxiway and lighting system. Federal and state funds will be kept separate for accounting purposes. The state grant will permit reallocating federal funds to provide for additional environmental expenditures and to assure adequate funds to enable repair of deteriorated pavement in other aircraft operating areas on Montgomery Field. Council is requested to authorize the City Manager to accept and execute the grant offer

and expend the matching funds.
Aud. Cert. 9500045.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
nay, Vargas-yea, Mayor Golding-yea.

* ITEM-127:

SUBJECT: AIDS Foundation San Diego.
(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-195) ADOPTED AS RESOLUTION R-284452

Authorizing the expenditure of not to exceed \$480,000
of the previously allocated \$910,000 of CDBG Funds to
provide a portion of the funds needed for acquisition
of an approximately 28,267 square-foot commercial
building located at 140 Arbor Drive in the Hillcrest
area;

Conceptually approving the balance of the \$910,000 CDGB
Allocation, i.e., \$430,000, for use to complete the
tenant improvements needed on the property with the
actual agreement for such second expenditure to be the
subject of a separate Council action in the future;
Authorizing the City Manager to enter into an agreement
with AIDS Foundation San Diego, pursuant to which the
Foundation will acquire and utilize facilities to
provide services to individuals and their families
affected by HIV/AIDS, and the Foundation shall execute
a Note secured by a Deed of Trust to provide for
reimbursement to the City in the event of future sale
of the property, which Note and Deed of Trust will be
subordinate to a purchase money Deed of Trust in favor
of a commercial lender in an amount not to exceed

\$1,120,000.

CITY MANAGER SUPPORTING INFORMATION:

CDBG Funds, in the amount of \$910,000, were allocated to the AIDS Foundation San Diego by Resolution R-283845, as part of the Block Grant process on May 9, 1994. On May 24, 1994 the AIDS Foundation opened escrow to purchase the subject property for \$1,200,000. Authorizing the expenditure of \$480,000 of previously allocated CDBG Funds will provide a portion of the funds required for acquisition of the four-story, 28,267 square foot commercial building with off-street parking, located at 140 Arbor Drive in the community of Hillcrest. The balance of the CDBG allocation, \$430,000, will be used to complete the tenant improvements and presented as a separate Council action at a future date. The agreement specifies the actions and conditions requiring repayment of the CDBG Funds and requires the AIDS Foundation to execute a Note and Deed of Trust to secure the CDBG contributed funds.

Aud. Cert. 9500131.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-128:

SUBJECT: Agreement with the City of Coronado regarding Trans-Bay Sewage Pump Station.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-81) ADOPTED AS RESOLUTION R-284453

Authorizing an agreement with the City of Coronado for reimbursable costs associated with special operations and control of the Trans-Bay Sewage Pump Station; Authorizing the expenditure of not to exceed \$50,000 from Sewer Fund 41508, CIP-45-911.0, South Metro

Interceptor Rehabilitation, for providing funds for Contractual Services - Other Agency account which may be billed by the City of Coronado pursuant to this agreement.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is embarking upon a four year program to rehabilitate the corroded upper interior surface of the large 102/108-inch diameter sewer pipeline known as the South Metro Interceptor (SMI). Work is also scheduled to be performed on the North Metro Interceptor (NMI) during the same time frame.

Wastewater flows in both the SMI and NMI cannot be shut down or diverted to another pipeline while repairs or reconstructions are in progress. During rehabilitation of the SMI, the pipe lining materials will be applied to the interior of the SMI while the interceptor is in operation during low flow periods. Flows within both of the interceptors can be partially controlled by the pump stations common to both interceptors; these include San Diego's Pump Stations No. 1 and No. 2, and Coronado's Trans-Bay Sewage Pump Station. The Sewage Disposal Agreement of 1960 contains a Section 12, Repair and Reconstruction and Replacement, which requires the City of San Diego to maintain the Metropolitan Sewerage Systems; but it does not address the need for the City of Coronado to be able to recover costs for the special operation and control of the Trans-Bay Sewage Pump Station, which connects to Metro System via the SMI. This agreement is intended to provide the City of Coronado with reimbursement for costs incurred for the specially manned operation and control of the Trans-Bay Sewage Pump Station during the repair, rehabilitation or replacement work needed to keep the SMI and NMI in operation. Under this Agreement, the City of Coronado will invoice monthly for actual reimbursable costs based upon wage rates comparable with those of employees for the City of San Diego. This Agreement also defines work responsibilities and limits the City of San Diego's liabilities.

Aud. Cert. 9500071.

WU-CWP-94-190.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-129:

SUBJECT: Tijuana River Valley Pilot Channel Project.
(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-182) ADOPTED AS RESOLUTION R-284454

Authorizing an agreement with Dudek and Associates, to provide consulting services for implementation and monitoring of the Tia Juana River Channel Mitigation Project, not to exceed \$42,240;

Authorizing the City Auditor and Comptroller to transfer not to exceed \$632,849.89 TransNet Fund 30300 from CIP-17-002, Storm Drain Projects Not Yet Identified to CIP-52-567.0,

Reconstruction of Hollister Street in Tia Juana River Valley;

Authorizing the expenditure of not to exceed \$632,849.89 TransNet Fund 30300 from CIP-52-567.0, Reconstruction of Hollister Street in Tia Juana River Valley, for providing funds for Change Orders, Consultant Services and related costs.

CITY MANAGER SUPPORTING INFORMATION:

In the summer of 1993, the construction of an emergency pilot channel project relocated the Tijuana River to its prior alignment downstream of the Hollister Street Bridge. Additional work was required to accommodate actual conditions and to maintain the direction of flow of the new channel. Two change orders, costs relating to bridge monitoring and State Engineering will be funded by this action. A consultant was also used to provide on-call environmental services. A Pilot Channel Mitigation Project will provide for the creation of 9.9 acres of riparian wetlands habitat which was required by State and Federal agencies as a condition of the construction of the pilot channel. Dudek and Associates is recommended to perform biological services, as well as consultant services, for the creation of the habitat area. Services funded by this action will include the production of grading and landscaping plans, project administration and construction management, and biological monitoring of the site. Dudek is recommended as they have

provided all of the environmental services on the pilot channel itself and are very familiar with the area. Construction costs for the mitigation area, as well as Engineering and administrative review of the project by City staff will also be funded by this action.

Aud. Cert. 9500124.

FILE LOCATION: MEET CCONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-130:

SUBJECT: Two actions related to the Encanto Trunk Sewer.
(Encanto Community Area. Districts-4 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-189) ADOPTED AS RESOLUTION R-284455

Authorizing a second amendment to the agreement of April 16, 1990, with Dudek and Associates, Inc. (San Diego), for construction management services in connection with the Encanto Trunk Sewer;
Authorizing the expenditure of an amount not to exceed \$180,000 from Sewer Revenue Fund 41506, CIP-46-163.0, Encanto Trunk Sewer.

Subitem-B: (R-95-190) ADOPTED AS RESOLUTION R-284456

Stating for the record that the information contained in Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, DEP-90-0788, certified by Resolution R-281893 on May 3, 1993, has been reviewed and considered by the Council.

Aud. Cert. 9500126.

WU-U-94-178.

FILE LOCATION: MEET CCONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-131:

SUBJECT: Agreement with Economic Development Corporation-San
Diego County.
(City-wide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-165) ADOPTED AS RESOLUTION R-284457

Authorizing an agreement with Economic Development
Corporation-San Diego County for specified activities
to develop and conduct an outreach program to target,
identify and recruit companies to participate in the
High Technology Resource Center;
Authorizing the expenditure of not to exceed \$343,623
from Fund/Dept. 18648, Org. 500 for providing funds for
the above project.

CITY MANAGER SUPPORTING INFORMATION:

On February 22, 1994, the City Council authorized the acceptance
of \$5.78 million from the Economic Development Administration,
U.S. Dept. of Commerce, for the Economic Dislocation/Defense
Adjustment Implementation Project Grant, and authorized the City
Manager to negotiate agreements with specified organizations to
administer the Implementation Project. Economic Development
Corporation-San Diego County (EDC) is a specified organization
within the grant. Economic Development Corporation will
undertake activities to accomplish the purpose of the grant to
assist firms in the economic adjustment from defense to
commercial related activities. Under this agreement, Economic
Development Corporation will develop and conduct an outreach
program, recruiting companies to participate in the High
Technology Resource Center. The thirty-three month term of this
agreement is concurrent with the funding provided by the grant.

This agreement has been prepared in accordance with EDA administrative grant requirements and conditions. Additionally, the agreement has been reviewed and approved by the EDA grant administration office.

Aud. Cert. 9500103.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

ITEM-132:

SUBJECT: Agreement to Conduct a Disabled Access Survey in 168 City-Owned Facilities.

(See City Manager Report CMR-94-229.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-152) ADOPTED AS RESOLUTION R-284458

Authorizing an agreement with Heery International, Inc., to conduct a disabled access survey in 168 City-owned facilities;

Authorizing the expenditure of not to exceed \$226,000 from Community Development Block Grant (CDBG) Fund (Fund 18528).

Aud. Cert. 9500087.

FILE LOCATION: MEET CCONT FY95-1

COUNCIL ACTION: (Tape location: I381-631.)

MOTION BY ROBERTS TO ADOPT. AS RECOMMENDED BY COUNCIL MEMBER STALLINGS, DIRECT THE CITY MANAGER TO BRING TO COMMITTEE A PLAN ON HOW TO STABILIZE THE FUNDING FROM CDGB MONEY FOR A DA (DISABLED ACCESS). Second by Vargas. 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-133:

SUBJECT: Two actions related to the Dulzura Conduit Renovation Project.
(Dulzura Community Area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-99) ADOPTED AS RESOLUTION R-284459

Authorizing an amendment to the agreement of October 25, 1993 with Kennedy/Jenks Consultants (San Francisco, CA), for construction support services in connection with the Dulzura Conduit Renovation Project;
Authorizing the expenditure of not to exceed \$134,100 from the Water Revenue Fund 41500, CIP-73-252.0, Dulzura Conduit Renovation Project.

Subitem-B: (R-95-100) ADOPTED AS RESOLUTION R-284460

Stating for the record that the information contained in Mitigated Negative Declaration DEP-88-0719, has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION:

The construction engineering agreement for the Dulzura Conduit Renovation Project was awarded to Kennedy/Jenks Consultant on October 25, 1993, for the amount of \$370,148. The 10.7-mile long Dulzura Conduit conveys raw water from Barret Reservoir to Dulzura Creek, where it ultimately flows into the Lower Otay reservoir for treatment processing. The Dulzura Conduit was constructed around the turn-of-the-century and is currently inoperable due to several deteriorated wooden flumes and supporting trestle sections. The construction contract awarded on November 1993 includes the replacement/renovation of six wooden flumes, a trapezoid concrete channel, and a buried corrugated metal pipe. On June 20, 1994, Council authorized Change Order No. 5, for the amount of \$264,033.78 for rebuilding a 43-foot section of the existing trapezoid concrete channel. This section of the channel was washed out during previous rains and it is necessary to design and construct the damaged section

entirely. This request is for approving Amendment No. 1 to Kennedy/Jenks Consultant agreement for providing additional construction engineering services required to complete the project. In addition to the new design services, numerous unforeseen foundation conditions required full-time geological services which have increased the scope of the original field geotechnical services. Also, additional field inspection, technical assistance, shop fabrication and welding inspection, and shop drawing review are required to complete the project. The total authorized amount of Amendment No. 1 is \$134,100 which includes \$35,000 for as-needed special services.

Aud. Cert. 9500073.

WU-U-94-186.

FILE LOCATION: MEET CCONT FY95-1

COUNCIL ACTION: (Tape location: I377-380.)

MOTION BY WARDEN TO ADOPT. Second by Vargas. 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-134:

SUBJECT: First Amendment to Agreement with Mid-City Community Clinic. (Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-183) ADOPTED AS RESOLUTION R-284461

Authorizing a first amendment to agreement with Mid-City Community Clinic for the interior renovation of their facilities;
Authorizing the expenditure of not to exceed \$175,000 from CDBG Fund 18530, Dept. 4062, Org. 6205, Mid-City Community Clinic Interior Renovation, for the above project;
Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Mid-City Community Clinic is a multi-service health clinic located at 4290 Polk Avenue. This project is designed to address the urgent need of access to medical care being demanded by the low-income Mid-City Community. The clinic has a demand for 20,000 additional visits per year, but currently cannot meet this demand. This project will convert an auditorium into exam rooms, health education rooms and a community room. All work will be to the interior of the existing building. On November 8, 1993, the City Council approved an agreement with the Mid-City Community Clinic for the renovation and expansion of the existing multi-service health clinic at 4290 Polk Avenue. The agreement approved \$265,000 in funding for this project. Since that time, the construction and design estimate for the renovation and expansion was increased to \$440,000. Additional funds have been allocated, through the FY 95 Community Development Block Grant (CDBG) Program, in the amount of \$175,000, to help with the additional construction costs. This amendment to the agreement provides for acceptance and disbursement of the FY 95 funds for use in the renovation of the health clinic. This project is consistent with the Mid-City Community Plan and the City's General Plan Guidelines.

Aud. Cert. 9500106.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-135:

SUBJECT: Lease Extension - Nurseryland Garden Centers, Inc.
(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-133) ADOPTED AS RESOLUTION R-284462

Authorizing the extension of the existing month-to-

month lease agreement with Nurseryland Garden Centers, Inc. (San Diego), which commenced May 1, 1991, and covers 0.31 acre of Pueblo Lot 263 adjacent to Nurseryland Garden Centers' store on West Morena Boulevard, at a rental of \$1,100 per month, until such time as the lease agreement is terminated by the City Manager or the lessee.

CITY MANAGER SUPPORTING INFORMATION:

Since 1991, Nurseryland Garden Centers, Inc., has leased 0.31 acre of vacant City-owned land adjacent to its store on West Morena Boulevard. The leased premises are used for displaying nursery stock and parking. The lease has been month-to-month due to the likelihood of the Metropolitan Transit Development Board eventually needing the City's property for a trolley station. Monthly rent originally was \$800 and has been gradually increased to \$1,100. A recent City staff appraisal determined that \$1,100 is the current market rate. Council Policy 700-10 and the Municipal Code require Council approval to renew or extend short-term leases (term of 3 years or less). City staff requests that the term of the Nurseryland lease be extended until such time as either the City Manager or lessee gives notice to terminate the month-to month agreement.

FILE LOCATION: LEAS-Nurseryland Garden Centers, Inc.
(San Diego) LEAS FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-136:

SUBJECT: Fifth Amendment to the Agreement with the San Diego
Urban Corps for Performing Work for the Port of San
Diego.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-143) ADOPTED AS RESOLUTION R-284463

Authorizing an agreement with the Port of San Diego and accepting \$50,000 to be deposited into the Human Care Services Special Fund (Fund 196671);
Authorizing a fifth amendment to the agreement with the San Diego Urban Corps, for the purpose of performing work for the Port of San Diego;
Authorizing the expenditure of not to exceed \$50,000 for the above project;
Authorizing the City Auditor and Comptroller to expend up to, but not in excess of, any amount received in advance from a third party beneficiary to that amendment.

CITY MANAGER SUPPORTING INFORMATION:

The City entered into a "Master Agreement" in December of 1989 with the San Diego Urban Corps for services to be provided for various City departments. The approval of this amendment will allow the San Diego Urban Corps to provide needed maintenance work for the Port of San Diego. All costs associated with the maintenance will be covered by a contribution made to the City of San Diego for this purpose. The San Diego Urban Corps will provide program participants the training and supervision to carry out the desired tasks.
Aud. Cert. 9500037.

FILE LOCATION: MEET CONT FY95-2

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-137:

SUBJECT: Agreement with Public Financial Management/Municipal Capital Management regarding the Convention Center Expansion.
(See City Manager Report CMR-94-233. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-200) ADOPTED AS RESOLUTION R-284464

Authorizing an agreement with Public Financial Management/Municipal Capital Management (WBE) to provide financial advisory services associated with the Convention Center expansion;

Authorizing the expenditures of amounts not to exceed \$60,375 for financial advisory services and \$9,000 for reimbursable expenses from Fund 10221, Object Account 9544 for the above project.

Aud. Cert. 9500145.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-138:

SUBJECT: Agreement with the San Diego Community College District-Center for Applied Competitive Technologies.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-181) ADOPTED AS RESOLUTION R-284465

Authorizing an agreement with the San Diego Community College District-Center for Applied Competitive Technologies, as a component of the Economic Development Administration grant for the Defense Adjustment Implementation Project, for the purpose of providing consulting services and management of the business incubator to assist firms in the economic adjustment from defense to commercial activities;

Authorizing the expenditure of the amounts not to exceed \$315,250 from Fund/Dept. 18648, Org. 600, and \$630,500 from Fund/Dept. 18648, Org. 800, for a total of \$945,750.

CITY MANAGER SUPPORTING INFORMATION:

On February 22, 1994, the City Council authorized the acceptance of \$5.78 million from the Economic Development Administration, U.S. Dept. of Commerce, for the Economic Dislocation/Defense Adjustment Implementation Project, and authorized the City Manager to negotiate agreements with specified organizations to administer the Implementation Project. The San Diego Community College District (S.D.C.C.D.), a specified organization within the grant, administers the Center for Applied Competitive Technologies (CACT). The CACT program assists area business to remain competitive by providing education, training, and technology transfer services. The CACT program was identified in the grant application and subsequently approved as a grant funded activity within the High Technology Resource Center. Under this agreement, the CACT will provide consulting services and management of the business incubator to assist firms in the economic adjustment from defense to commercial activities. The term of this agreement is concurrent with the funding provided by the grant. The terms and conditions of this agreement have been prepared in accordance with EDA administrative grant requirements and conditions. Additionally, the agreement has been reviewed and approved by the EDA grant administration office.
Aud. Certs. 9500121-9500122.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-139:

SUBJECT: Agreement with Santa Fe Pacific Pipeline Partners, L.P.
for Relocation of their 10-Inch Fuel Line.
(University City and Serra Mesa Community Areas.
District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-156) ADOPTED AS RESOLUTION R-284466

Authorizing an agreement with the Santa Fe Pacific Pipeline Partners, L.P. (San Diego), to provide services for relocation of their 10-inch fuel line; Authorizing the expenditure of not to exceed \$444,000 from the Clean Water Program Fund 41509, CIP-42-911.4, Northern Sludge Processing Facility, Phase 2; Authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances so warrant.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWW) is currently designing the Fiesta Island Replacement Project/Northern Sludge Processing Facility (FIRP/NSPF) for potential location at the Miramar Naval Air Station. A 10-inch high pressure refined petroleum products pipeline owned by Santa Fe Pacific Pipeline Partners, L.P. (SFPPP) passes through the proposed facilities site. This 10-inch line needs to be relocated to accommodate the FIRP/NSPF. The City needs to secure a 20' wide easement for SFPPP to relocate the pipeline. The relocation will start on the north side of SR 52, parallel to the SR 52 right-of-way and then turn northwesterly following the FIRP/NSPF western boundary. The pipeline will reconnect to its existing location before it goes into San Clemente Canyon. SFPPP, owner and operator of the pipeline, wishes to perform the relocation themselves. SFPPP will provide all the design related services. Construction will not begin until an Environmental Impact Report is certified by the City Council.

Aud. Cert. 9500134.

WU-CWP-94-166.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-140:

SUBJECT: Agreement for the Operation of a Small Business

Incubator, dba Business Innovation Center.
(Mt. Hope and Sherman Heights Community Areas.
Districts-4 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-145) ADOPTED AS RESOLUTION R-284467

Authorizing an agreement with the San Diego Incubator Corporation, for a small business incubator;
Authorizing the expenditure of not to exceed \$61,000 from Fund 18530, Dept. 4064, Org. 6401.

CITY MANAGER SUPPORTING INFORMATION:

The City Council, in the 1994-95 Community Development Block Grant (CDBG) appropriation cycle, approved \$165,000 for the San Diego Incubator Corporation for the operation of a small business incubator:

- To provide technical assistance and other services to small businesses.
- To assist in job creation/retention for persons primarily of low to moderate income.

Aud. Cert. 9500077.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-141:

SUBJECT: Two actions related to the Reimbursement Agreement for the Otay La Media Sewer Basin.
(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-206) ADOPTED AS RESOLUTION R-284468

Authorizing an agreement with TCW Land Fund I Holding Company, Otay Mesa Investments and G.R. Otay Investment, Ltd., owners, for construction of the Otay La Media Sewer Basin Trunk Sewers.

Subitem-B: (R-95-207) ADOPTED AS RESOLUTION R-284469

Stating for the record that the information contained in Mitigated Negative Declarations with Mitigating Measures, DEP-85-0834 and DEP-86-0934, certified by Resolution R-273181, adopted on 5/22/86, have been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION:

The Developers, TCW, OMI and G.R. Otay, are required to construct sewer facilities for the purpose of serving the subdivisions, TM-86-0934, TM-85-0834, and TM-86-0979, respectively, and for the purpose of serving the adjoining area as shown on city Drawing Number 26783-D. The sewer facilities consist of the La Media Trunk Sewer Phases II, III and IV, the Otay Mesa Road Trunk Sewer Phases I and II, and the Piper Ranch Trunk Sewer Phase I. The developers have already constructed the La Media Trunk Sewer Phase II, the La Media Trunk Sewer Phase III, and the Otay Mesa Road Trunk Sewer Phase I at a cost of \$589,973.49, \$183,500.22, and \$132,609.34, respectively. As a condition of TM-86-0979, G. R. Otay will design and construct the La Media Trunk Sewer Phase IV at an estimated cost of \$156,488. As a condition of TM-86-0934, TCW will also design and construct Otay Mesa Road Trunk Sewer Phase II and the Piper Ranch Trunk Sewer Phase I at an estimated cost of \$145,608 and \$264,859, respectively. The total estimated project cost of these sewer facilities is \$1,473,038.05. The City finds that public interest is served by the construction of these sewer facilities. This agreement is in compliance with Council Policy 400-7; and Administrative Regulation 55.10 allows the Developers to be reimbursed by benefitting property owners. The total estimated project cost is \$1,473,038.05.

WU-U-94-093.

FILE LOCATION: MEET CONT FY95-3

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-142:

SUBJECT: Excavation Plans for the West Miramar Landfill Solid Waste Disposal Facility, Phase II, Change Order No. 1. (Miramar Naval Air Station Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-88) ADOPTED AS RESOLUTION R-284470

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$977,000 from CIP-37-056.0, West Miramar Landfill Solid Waste Disposal Facility, Phase II Project, Fund No. 41201, Waste Management CIP Fund, for the purpose of funding Change Order No. 1.

CITY MANAGER SUPPORTING INFORMATION:

Bids for the Excavation Contract for Module 3 at the Miramar Landfill were received on April 14, 1994. A portion of the original bid package that called for hauling 750,000 cubic yards of material from the excavation site to an inactive portion of the landfill was not accepted by the Waste Management Department due to concerns raised by the Regional Water Quality Control Board (RWQCB). The Waste Management Department has since resolved the issues with the RWQCB and is ready to proceed with the original hauling plans. Independently, the Waste Management Department's landfill liner design consultant has recommended that the limits of the Module 3 excavation be expanded 100 feet to the west to allow for a more efficient landfill liner installation to be accomplished in conjunction with the last portion of the excavation contract. Change Order No. 1 will allow the project to continue as originally planned, and enable the consultants' recommendations to be incorporated into the construction.

Aud. Cert. 9500062.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
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-143:

SUBJECT: Fiesta Island Facility Improvements Change Order No. 2.
(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-157) ADOPTED AS RESOLUTION R-284530

Approving Change Order No. 2, with Hunter Corporation
in an amount not to exceed \$380,000 for the
installation of a conveyor and hopper system, and to
append the change order to that contract previously
authorized by Resolution R-282916;
Authorizing the expenditure of not to exceed \$380,000
from contingencies previously authorized in Fund No.
41508, CIP-46-119.0, as authorized by Resolution R-
282916.

CITY MANAGER SUPPORTING INFORMATION:

On October 26, 1993, the City Council, by R-282916, authorized
the award of a construction contract to Hunter Corporation for
the construction of facility improvements at Fiesta Island. The
reason for these improvements was to bring the City into
compliance with Regional Water Quality Control Board Standards.
The improvements included the installation of seven additional
belt filter presses to supplement the existing five belt filter
presses already at Fiesta Island. Associated with the new belt
filter presses was the installation of a conveyor and hopper
system to convey dewatered sludge cake to a live bottom loading
hopper for discharge into trucks. To facilitate operations at
Fiesta Island a conveyor and hopper system is proposed for the
five existing belt filter presses. This Change Order is for the
installation of this conveyor and hopper system.

Aud. Cert. 9500142.

WU-CWP-94-191.

FILE LOCATION: WATER-Fiesta Island Facility Improvements and

Fiesta Island Reclaimed Water Pipeline CONT
FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-144:

SUBJECT: Appointment to the Citizens Equal Opportunity
Commission.
(See memorandum from Mayor Golding dated 7/15/94 with
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-248) ADOPTED AS RESOLUTION R-284471

Council confirmation of the appointment by the Mayor of
George C. Aguilar, representing the City at Large, to
serve as a member of the Citizens Equal Opportunity
Commission, for a term ending January 1, 1996,
replacing Cindy Green, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)
CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-145:

SUBJECT: Appointment to the Historical Site Board.
(See memorandum from Mayor Golding dated 7/15/94 with
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-247) ADOPTED AS RESOLUTION R-284472

Council confirmation of the appointment by the Mayor of Bruce G. Brown, to serve as a member of the Historical Site Board, for a term ending March 1, 1996, replacing Hedy St. John, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)
CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-146:

SUBJECT: Appointment to the Historical Site Board.
(See memorandum from Mayor Golding dated 7/15/94 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-243) ADOPTED AS RESOLUTION R-284473

Council confirmation of the appointment by the Mayor of Jeffrey L. Sykes to serve as a member of the Historical Site Board, for a term ending March 1, 1996, replacing Douglas A. Smalheer, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-147:

SUBJECT: Appointments to the Historical Site Board.
(See memorandum from Mayor Golding dated 7/15/94 with
resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-252Cor.Copy 3/10/95) ADOPTED AS RESOLUTION R-284474

Council confirmation of the following appointments by
the Mayor to the Historical Site Board, for terms
ending March 1, 1996:

Caryl Iseman

(Replacing Patricia Schaelchlin, whose term has
expired.)

Kiarling Strahm

(Replacing Dorothy L. Hom, whose term has expired.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargus-yea, Mayor Golding-yea.

* ITEM-148:

SUBJECT: Reappointments to the Horton Theatre Foundation Board
of Directors.
(See memorandum from Mayor Golding dated 7/20/94.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-244) ADOPTED AS RESOLUTION R-284475

Council confirmation of the following reappointments by

the Mayor to the Horton Theatre Foundation Board of Directors, for terms ending as indicated:

Term ending July 26, 1996
Barbara Cox

Term ending May 2. 1997
Darlene Davies

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-149:

SUBJECT: Appointment and Reappointment to the Housing Trust Fund Board of Trustees.
(See memorandum from Mayor Golding dated 7/22/94 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-245) ADOPTED AS RESOLUTION R-284476

Council confirmation of the following appointment and reappointment by the Mayor to serve as members of the Housing Trust Fund Board of Trustees, representing categories as shown, for terms ending August 5, 1996:

Appointment:

Carol A. Nottley (Nonprofit/Community Organization)
(to replace James Ridley, whose term has expired)

Reappointment:

James Varnadore (Business & Industry)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-150:

SUBJECT: Appointment to the Senior Citizens Advisory Board.
(See memorandum from Mayor Golding dated 7/22/94.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-246) ADOPTED AS RESOLUTION R-284477

Council confirmation of the appointment by the Mayor of Valentin Guerra to the Senior Citizens Advisory Board, representing Council District 8, for a term ending July 1, 1996, to replace Joyce Abrams, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-151:

SUBJECT: Border Environmental Commerce Alliance (BECA).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-180) ADOPTED AS RESOLUTION R-284478

Endorsing the proposed Border Environmental Commerce Alliance (BECA), which shall be a regional coalition of United States and Mexico border oriented jurisdictions

and public and private entities sharing the common goals of encouraging and assisting the growing environmental industry and the development and commercialization of emerging environmental technologies and methodologies;

Authorizing the City Manager, acting on behalf of the City, and as a co-applicant with the City of Chula Vista, to apply for and accept a grant from the Economic Development Administration, U.S. Department of Commerce, for funding of a Border Environmental Resource Center and Border Environmental Business Cluster, to begin implementation of the BECA goals, under the terms and conditions of the EDA Application - Border Environmental Commerce Alliance (BECA) Summary Sheet;

Authorizing the City Manager, or his designee, the Director of Economic Development Services, to execute the necessary documents, contracts, and reports associated with the submission and acceptance of the grant.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Economic Development Strategic Plan, dated July 3, 1993, and approved by the City Council, identified the environmental industry as an emerging high growth business activity which should be assisted in order to create job opportunities in the San Diego region. The Border Environmental Commerce Alliance (BECA), a regional coalition of U.S./Mexico border oriented public and private entities, will encourage and assist the growth and development of the environmental industry. As a co-applicant with the City of Chula Vista, the City of San Diego will provide its support and endorsement of the grant funding of the Border Environmental Technology Resource Center and the Border Environmental Business Cluster, by the Economic Development Administration. The grant proposal would not require any funding from the City of San Diego. The Border Environmental Technology Resource Center will become the cross-border one-stop source for environmental technology information, technical assistance, export assistance, and general business development assistance. The Border Environmental Business Cluster will serve as a business incubator facility to assist start-up business focusing on environmental technologies. The executive summary provided by the City of Chula Vista further describes the activities of the proposed Border Environmental Commerce Alliance (BECA).

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

* ITEM-152:

SUBJECT: Contracts for Private Collection Agencies to Handle
Unpaid Parking Tickets.
(See City Manager Report CMR-94-211.)

PUBLIC SERVICES AND SAFETY COMMITTEE'S RECOMMENDATION:

On 7/27/94, PS&S voted 4-0 to recommend adoption of the
following resolution (Councilmembers Roberts, Stevens,
McCarty and Vargas voted yea; Councilmember Kehoe not
present):

(R-95-100) ADOPTED AS RESOLUTION R-284479

Authorizing agreements with American Agencies and CSC
Credit Services, Inc., for debt collection services on
unpaid parking citations referred by the City
Treasurer.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-
yea, Vargas-yea, Mayor Golding-yea.

ITEM-160:

SUBJECT: Extending the Trial Period for COMPACT.
(See City Manager Report CMR-93-322.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-927) ADOPTED AS RESOLUTION R-284480

Extending the trial period for COMPACT for an additional year.

OTHER RECOMMENDATIONS:

Transportation and Land Use Committee's Recommendation:
Reviewed by T&LU on 12/1/93. The Committee voted 3-0 on a Recommendation to disband COMPACT Committee and delegate responsibility to Community Planners Committee. (Councilmembers Roberts, Stallings and McCarty voted yea. Councilmembers Wolfsheimer and Behr not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B418-C273.)

Motion by McCarty to not extend COMPACT. Second by Stallings. Failed. Yea-6,7. Nay-1,2,3,4,5,8,M. Not present-None.

MOTION BY MATHIS TO EXTEND COMPACT FOR ONE YEAR AND TO ADD MINIMAL STAFF NECESSARY TO AT LEAST ENABLE THEM TO FUNCTION APPROPRIATELY IN TERMS OF CONTINUING THE MAILINGS, PROVIDING RESPONSES TO COMPACT, ASSISTING AND GETTING INFORMATION. ALSO, TO ADD AS A CONDITION, THAT THEY EXPAND THEIR REPRESENTATION TO PROVIDE A MUCH BROADER BASE FOR INPUT. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-161:

SUBJECT: Financing State Route 56 in the Future Urbanizing Area. (See City Manager Report CMR-94-227, City Manager Report P-93-194, and Memorandum from Maureen A. Stapleton dated 2/15/94. Future Urbanizing Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-184) ADOPTED AS RESOLUTION R-284481

Directing the City Manager to engage the services of a financial consultant to determine an appropriate method for funding the right-of-way acquisition and construction costs for State Route 56;
Authorizing the expenditure of an amount not to exceed \$15,000 from North City DIF Fund 39066 for the above agreement and related costs.

OTHER RECOMMENDATIONS:

Transportation and Land Use Committee's Recommendation:
Reviewed by T&LU on 2/23/94. The Committee voted 4-1 on a Recommendation to request the City Council to designate State Route 56 (SR 56) as the City's highest priority and request the County Board of Supervisors to transfer programmed Route 680 funds to the SR 56 funds. (Councilmembers Mathis, Roberts, Warden and Vargas voted yea. Councilmember Stallings voted nay.)
Aud. Cert. 9500129.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
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-200:

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-95-153) ADOPTED AS RESOLUTION R-284482

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: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Consideration of nominees for appointment to the Board of Directors of the San Diego Data Processing Corporation.

(See memorandum from Mayor Golding dated 7/20/94 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Consider the following list of nominees and select five to fill vacancies on the Board of Directors of the San Diego Data Processing Corporation:

CATEGORY		
NOMINEE	REPRESENTED	NOMINATED BY
Douglas E. Gray	Data Processing	Mayor Golding Deputy Mayor Stevens Councilmember McCarty
John M. Eger	General Business	Mayor Golding Councilmember McCarty
LaVerne Brown	General Business	Mayor Golding
Thomas V. Rooney	Data Processing	Mayor Golding
Mark Nelson	General Business	Councilmember McCarty
Robert L. Knoth	Data Processing	Councilmember McCarty
Jerome R. Moe	Law	Councilmember Kehoe
Mark D. Caton	Data Processing	Councilmember Warden

(R-95-242) ADOPTED AS AMENDED AS RESOLUTION R-284483

Adoption of a Resolution making five appointments:
1) One appointment to replace James V. Maddaffer, who has resigned, for a term ending July 1, 1995;
2) One appointment to replace Lucia Smalheer, whose term has expired, for a term ending July 1, 1996; and
3) Three appointments to replace Douglas E. Gray, Roger Talamantez and LaVerne Brown, whose terms have expired, for terms ending July 1, 1997.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C274-D224.)

Motion by Roberts to waive the Council Policy and consider the re-appointments separately. Second by McCarty. Failed. Yea-1,3,5,6,8,M. Nay-2,4,7. Not present-None.

The first ballot was taken, and Clerk Abdelnour announced the tally for Round 1: Brown-9, Caton-1, Eger-7, Gray-9, Knoth-4, Moe-4, Nelson-8, Rooney-3.

The second ballot was taken, and Clerk Abdelnour announced the tally for Round 2: Caton-1, Knoth-3, Moe-3, Rooney-2.

The third ballot was taken, and Clerk Abdelnour announced

the tally for Round 3: Knoth-3, Moe-4, Rooney-2.

MOTION BY MATHIS TO CHANGE THE CATEGORY OF LAVERNE BROWN FROM GENERAL BUSINESS TO DATA PROCESSING. 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.

The fourth ballot was taken, and Clerk Abdelnour announced the tally for Round 4: Knoth-3, Moe-6.

MOTION BY STALLINGS TO ADOPT THE RESOLUTION TO CONFIRM THE SELECTIONS MADE BY BALLOT. 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-202:

SUBJECT: Street Name Change - Ozark Street to Willie James Jones Avenue.
(Located west of Euclid Avenue and south of Market Street. Lincoln Park Community Area. District-4.)

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-95-250 Cor.8/22/94) ADOPTED AS RESOLUTION R-284484

Changing the name of Ozark Street to Willie James Jones Avenue, as a tribute to the life and accomplishments of Willie James Jones;
Waiving Council Policy 600-12 regarding petition requirements, circulation and sign-off by affected property owners;
Directing the City Manager to take the necessary action, within the confines of the City budget, to accomplish the name change and install the new street name signs.

FILE LOCATION: DEED F-6342 DEED FY95-1

COUNCIL ACTION: (Tape location: A230-247; D232-E014.)

MOTION BY STEVENS TO RENAME THE PRESENT STREET, WHICH IS OZARK, TO "WILLIE JAMES JONES AVENUE" IN HIS HONOR. 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.

ITEM-203:

SUBJECT: Five actions related to Agreements for Towing Services for the City.
(See City Manager Report CMR-94-234.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-201) ADOPTED AS RESOLUTION R-284485

Authorizing an agreement with San Diego Police Tow Operators, Inc. for providing towing services for the City.

Subitem-B: (R-95-202) ADOPTED AS RESOLUTION R-284486

Authorizing an agreement with Allied Gardens Towing for providing towing services for the City.

Subitem-C: (R-95-203) ADOPTED AS RESOLUTION R-284487

Authorizing an agreement with C and D Towing for providing towing services for the City.

Subitem-D: (R-95-204) ADOPTED AS RESOLUTION R-284488

Authorizing an agreement with Star Towing for providing towing services for the City.

Subitem-E: (R-95-205) ADOPTED AS RESOLUTION R-284489

Authorizing an agreement with Anytime Towing for providing towing services for the City.

FILE LOCATION: MEET CONT FY95-5

COUNCIL ACTION: (Tape location: E028-F550.)

MOTION BY MATHIS TO REJECT THE PROTESTS. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

Substitute Motion by Kehoe to adopt the City Manager's Alternative No. 2. Second by Vargas. Failed. Yea-2,3,8. Nay-1,4,5,6,7,M. Not present-None.

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

ITEM-204:

SUBJECT: Award of a Service Contract for Implementation of the Wastewater Operations Management Network (ComNet).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-175) ADOPTED AS RESOLUTION R-284490

Approving the plans and specification for the Wastewater Operations Management Network (ComNet) CIP-45-920.0;

Awarding a Service Contract to Westinghouse Electric Corporation (San Diego), for implementation of the Metropolitan Wastewater Department Operations Management Network (ComNet) in an amount not to exceed \$14,778,905;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$387,750 within the Clean Water Sewer Fund 41509, from CIP-42-910.1, North City Water Reclamation Plant, to CIP-45-920.0, Wastewater Operations Management Network;

Authorizing the expenditure of not to exceed \$2,486,925 from the Clean Water Sewer Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network, to provide funds for the first phase of the contract and related costs.

CITY MANAGER SUPPORTING INFORMATION:

This service contract provides for the design, procurement, software development, installation, testing training, and maintenance for the first year of the control systems for the projects contained in the Consumer's Alternative. In addition, the contract provides for a process control training simulator; all instrumentation and control devices, fire alarm and communication systems, closed circuit television for North City Water Reclamation Plant; and furnishing a fiber optic cable to provide a communications link between the major facilities. The first stage will include the North City Water Reclamation Plant and the Process Control Training Simulator which will be located at the newly acquired Metro Operations Facility located in Kearny Mesa. Additional stages will include the Fiesta Island Replacement Project, the Pt. Loma Treatment Plant and the Central Monitoring/Control facility located at the Metro Operations Facility. In addition, in the near future, it is anticipated that this contract will be amended to include instrumentation and control for additional facilities completing design after North City. An advertisement was placed for Statement of Qualifications (SOQ's) on November 23, 1993. Four SOQ's were received on February 7, 1994. All four firms were short-listed, and three price proposals were received on April 25, 1994. Westinghouse Electric Corporation submitted the lowest pricing proposal with a price of \$12,771,266. The final contract contains a 10 percent additional amount to provide for additional as needed services, making the total contract amount \$14,048,390. Aud. Cert. 9500086.

WU-CWP-94-189.

FILE LOCATION: WATER-Westinghouse Electric Corporation
(San Diego) CONT FY95-1

COUNCIL ACTION: (Tape location: G360-H268.)

MOTION BY STALLINGS TO ADOPT, ACCEPTING THE CITY MANAGER'S RECOMMENDATIONS. 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-205:

SUBJECT: Agreement with Adele Naude Santos of the UCSD School of

Architecture to Study the Bay-to-Bay Link.
(See City Manager Report CMR-94-236. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-164) ADOPTED AS RESOLUTION R-284491

Waiving Council Policy 300-7 with respect to the solicitation of proposals for professional services; Entering into an agreement with Dean Adele Naude Santos of the UCSD School of Architecture to study the Bay-to-Bay Link for an amount not to exceed \$50,000.

Aud. Cert. 9500136.

FILE LOCATION: MEET CCONT FY95-1

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206:

SUBJECT: Default and Debarment of Diversified Tenant Improvements, Inc.
(Ocean Beach, Point Loma, and Bay Park Community Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-179) ADOPTED AS RESOLUTION R-284492

Declaring Diversified Tenant Improvements, Inc., to be in default of its contract for the construction of Fire Stations 15, 22, and 25 Restroom Additions (BID-K93002, Work Order No. 112019); Authorizing the City Manager and City Attorney to initiate default proceedings against Diversified Tenant Improvements, Inc.;

Declaring Diversified Tenant Improvements, Inc., its officers and principals, to be non-responsible bidders and ineligible to bid on City projects for a period of three years, including former officers and principals who were associated with Diversified Tenant Improvements, Inc., during the course of the project.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for construction to renovate existing restroom facilities to create separate gender-specific restrooms for men and women fire fighters at Fire Stations 15, 22, and 25. At this time, Fire Stations 15 and 22 have been substantially completed, and Fire Station 25 has not been started. The work on this project has been substandard. Numerous errors were made during construction: door frames and wall corners were not plumb; soffits were not level; drywall seams were clearly visible; locations and dimensions were not as drawn on plans; and unspecified accessories, hardware and partitions were installed. This contractor has illegally used unlisted subcontractors. Substitutions were made for the only two listed subcontractors. The job was stopped when one subcontractor worked before requesting authorization, as specifically directed. Four other subcontractors were initially identified as employees of Diversified Tenant Improvements, Inc., but later the contractor admitted they were subcontractors. Another unlisted subcontractor was used deceptively. This contractor has not performed the work with due diligence. The original time for performance for this contract was 75 days. Even with a generous extension for change orders, the job should have been completed on April 29, 1994. Liquidated damages (approximately \$40,000) now exceed the amount of money remaining in the contract (\$27,050). Diversified Tenant Improvements, Inc., was the contractor on another City job, the Hospitality Point Picnic Shelter. Similar problems were reported with substandard work, use of unlisted subcontractors, and excessive time for performance. On this job, the contractor misrepresented the quality of pipe used for irrigation by splicing lengths of the specified pipe across pre-dug inspection holes. When the Resident Engineer asked for random inspection holes to be dug, inferior pipe was discovered. Therefore, per Section 6-4 of the Standard Specifications for Public Works Construction, 1991 Edition, it is recommended that the contract of Diversified Tenant Improvements, Inc., be declared in default and the Surety directed to assume control of the project. Furthermore, it is recommended that Diversified Tenant Improvements, Inc., and its principals be ineligible to bid on City projects for a period of three years.

FILE LOCATION: CONT-Diversified Tenant Improvements,
 Inc. CONT FY95-1

COUNCIL ACTION: (Tape location: A168-223; H280-520.)

MOTION BY STALLINGS TO ADOPT THE CITY MANAGER'S
RECOMMENDATION. 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-207:

SUBJECT: Grants from the Office of Economic Adjustment, U.S.
 Department of Defense.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-221) ADOPTED AS RESOLUTION R-284493

 Authorizing the City Manager to apply for and accept a
 grant from the Officer of Economic Adjustment, United
 States Department of Defense, to establish the Defense
 Conversion Center at San Diego State University;
 Authorizing the City Manager, or designee, the Director
 of Economic Development Services, to execute all
 documents, contracts, and reports required to
 administer the grant.

CITY MANAGER SUPPORTING INFORMATION:

This grant is recommended in accordance with Item 3, of the
Council-approved Economic Development Strategic Plan, dated July
3, 1993 to pursue federal funding for the San Diego Economic
Adjustment Program. The grant, entitled San Diego State
University Defense Conversion Center, has an award amount of \$7
million to fund retraining of displaced defense workers for jobs
in California's emerging biomedical, environmental,
telecommunications, digital electronics, and public health
technologies. In addition, the Center will fund economic
adjustment studies to determine the impacts of defense related
cutbacks and future conversion efforts in the San Diego region.
Federal funding for this Center was appropriated by the United

States Congress in the FY 1994 Defense Appropriations Act. The Office of Economic Adjustment, U.S. Department of Defense, has requested the City of San Diego to apply for this grant on behalf of San Diego State University (SDSU). The grant agreement calls upon the City of San Diego to issue a sole source contract to San Diego State University Foundation to perform the work. Designating the Director of Economic Development Services to execute documents, contracts and reports will streamline the administration of this grant. This designation does not replace the Council requirement to approve contracts, or authorize the application, or acceptance of grants.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

ITEM-208:

SUBJECT: Acquisition of Real Property for a New Mid-City Police Sub-Station.
(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-191) ADOPTED AS RESOLUTION R-284494

Authorizing the expenditure of not to exceed \$1,878,385 from CDBG Fund No. 18530, and \$30,000 from Police Department Operating Budget Fund 100, to acquire property located at Landis Street and Fairmount Avenue (former site of a Vons market), approximately 2.1 acres and a 30,040 square-foot building.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department is committed to placing a police facility in the Mid-City area to better serve the surrounding communities. This station would more readily accommodate the needs and demands of area residents because of its closer

proximity to the service area as well as facilitating the department's focus on community-based policing. Currently, officers patrolling this area are stationed out of the Aero Drive facility, some six miles away. During peak traffic hours, this can cause a 20 minute response time for officers traveling from the station to their beats. Relocating these officers to Mid-City would cut this response time, improving citizen and officer safety. The proposed site for this sub station is the former Vons market at Landis Street and Fairmount Avenue which is composed of 91,500 square feet (2.1 acres) of land and a 30,040 square foot building. The negotiated acquisition costs of this property are broken down as follows: 1) Land and Building \$1,625,000; 2) Lease Interest \$30,000; 3) Lease Improvements \$40,300; 4) Movable Equipment (Personal Property) \$207,085; 5) Closing Costs \$6,000; Total \$1,908,385. CDBG Funds in the amount of \$1,878,385 will be used to acquire Item Nos. 1, 3, 4 and 5. Federal Regulations require us to purchase the lease improvements and personal property. Police Department Operating Budget Funds in the amount of \$30,000 will be used to acquire Item No. 2, the Lease Interest. CDBG Funds cannot be used for this purpose. Once we have acquired the Movable Equipment (Item No. 4) it will be sold at auction and the proceeds returned to the CDBG program. Aud. Cert. 9500123.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

ITEM-209:

SUBJECT: Two actions related to the Acquisition of a 3.4-acre parcel for a Waste Management Facility.
(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-194) ADOPTED AS RESOLUTION R-284495

Approving an amendment to the Fiscal Year 1995 CIP budget, by increasing CIP-373560, Waste Management Facility, by \$3,010,000 from Fund 41200, Waste Management CIP Fund;
Authorizing the expenditure of an amount not to exceed \$3,010,000 from CIP-37-356.0, Waste Management Facility, Fund 41201, Refuse Disposal Enterprise Fund, for the acquisition of a 3.4-acre parcel with an approximately 70,000 square-foot building for new office space;
Entering into a purchase and sale agreement relating to the site.

Subitem-B: (R-95-196 Cor.07/29/94) ADOPTED AS RESOLUTION R-284496

Adopting a Resolution of Intention, pursuant to Section 1.10318 of the Income Tax Regulations promulgated by the United States Department of the Treasury, to reimburse this expenditure with bond proceeds.

Aud. Cert. 9500081.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

ITEM-210:

SUBJECT: Three actions related to Placing Propositions on the Ballot for the November 8, 1994 Special Municipal Election.
(See Report from the City Attorney dated 7/29/94.)

CITY COUNCIL'S RECOMMENDATION:

Introduce and adopt the ordinances for Subitems A and B; and adopt the resolution for Subitem C:

Subitem-A: (O-95-7) INTRODUCED AND ADOPTED AS ORDINANCE

O-18093 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego one proposition changing the appropriations limits for Fiscal Years 1996 through 1999 (Gann Waiver), at the Special Municipal Election to be held in the City of San Diego on November 8, 1994.

Subitem-B: (O-95-6) INTRODUCED AND ADOPTED AS ORDINANCE
O-18094 (New Series)

Introduction and adoption of an Ordinance ordering, calling, providing for and giving notice of a Special Municipal Election to be held in the City of San Diego on November 8, 1994;
submitting to the qualified voters of the City of San Diego one proposition amending the Charter of the City of San Diego by amending Section 141; and consolidating the Special Municipal Election with the Statewide General Election to be held in the City of San Diego on Tuesday, November 8, 1994.

Subitem-C: (R-95-237) ADOPTED AS RESOLUTION R-284497

Adoption of a Resolution requesting the consolidation of a Special Municipal Election to be held in the City of San Diego on November 8, 1994, with the Statewide General Election to be held on the same date.

Aud. Cert. 9500169.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargasa-yea, Mayor Golding-yea.

ITEM-211:

SUBJECT: Four actions related to the San Diego Data Processing Corporation.

Adoption of the resolutions for Subitems A, B, and C;
hold the first public hearing of Subitem D:

Subitem-A: (R-94-964) ADOPTED AS RESOLUTION R-284498

Adopting an amendment to the Bylaws of the San Diego
Data Processing Corporation.

Subitem-B: (R-95-216) ADOPTED AS RESOLUTION R-284499

Authorizing the execution of an Eighth Amendment to
Operating Agreement with the San Diego Data Processing
Corporation.

Subitem-C: (R-95-177) ADOPTED AS RESOLUTION R-284500

Approving the Annual Budget for the San Diego Data
Processing Corporation for Fiscal Year 1995, which
totals \$38,172,517.

Subitem-D: (O-95-15) RETURNED TO THE CITY MANAGER

First public hearing in the matter of amending the
Annual Appropriation Ordinance to restore unfunded
needs in the City budget.

NOTE: See Item 339 on the docket of Tuesday, August 9, 1994 for
the second public hearing and introduction and adoption of
Subitem D.

RECOMMENDATIONS:

The City Manager recommends adoption of Subitem C.
Subitems A, B, and D have docketed according to direction of the
City Council.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: H521-I044.)

MOTION BY McCARTY TO ADOPT SUBITEMS A, B, AND C. SUBITEM D,
AS SUMMARIZED BY MAYOR GOLDING, DIRECT THE CITY MANAGER TO
COME BACK MID-YEAR (JANUARY, 1995) WITH WHATEVER SURPLUS MAY
EXIST AND THEN THE COUNCIL WILL DECIDE AT THAT TIME WHAT TO
USE THE SURPLUS FOR. DIRECT THE DPC (DATA PROCESSING
CORPORATION) TO REPORT BACK TO THE RULES COMMITTEE QUARTERLY
ON THE STATUS OF THEIR '95 SURPLUS. AS FUNDS BECOME
AVAILABLE, COUNCIL WOULD DIRECT THE CITY MANAGER TO FUND THE
ITEMS LISTED IN THE APPROPRIATIONS ORDINANCE AMENDMENT. IN

THE FUTURE, COUNCIL WOULD DIRECT THE CITY MANAGER TO NO LONGER ENCUMBER SURPLUS FROM THE DATA PROCESSING CORPORATION, BUT TO COME TO COUNCIL WITH RECOMMENDATIONS INSTEAD. DIRECT THE DPC TO COME BACK TO THE RULES COMMITTEE WITH A STATUS ON HOW THEY CAN MAKE THEMSELVES ACCESSIBLE TO THE PUBLIC THROUGH INTERNET, LEGIS, OR WHATEVER IS THE PROPER CHANNEL TO MAKE THESE DOCUMENTS AVAILABLE TO COUNCIL AND TO THE PULIC. 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-212: CONTINUED TO SEPTEMBER 12, 1994

SUBJECT: Fee Schedule for Neighborhood Code Compliance Department.
(See City Manager Report CMR-94-239.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1569)

Directing the City Clerk to revise the Ratebook of City Fees and Charges to add four new fees and revise three fees charged by the Neighborhood Code Compliance Department; making certain findings with respect to the new and revised fees administered by the Neighborhood Code Compliance Department and directing the City Clerk to repeal certain obsolete index numbers in the ratebook of City Fees and Charges.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: H269-279.)

MOTION BY WARDEN TO CONTINUE THE ITEM TO THE FIRST MEETING IN SEPTEMBER, AS RECOMMENDED BY MAYOR GOLDING. 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-213:

SUBJECT: Request for City Council determination of whether a K-12 Private School (Chabad-Lubavich Day School) is the same equivalent use as the university approved under the USIU Conditional Use Permit.
(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-292 Cor.Copy) ADOPTED AS RESOLUTION R-284501

Determining that the use which is proposed by Chabad Lubavich for a maximum of 800 full time equivalent students, is substantially the same as the university use approved by the City under the United States International University Conditional Use Permit, and therefore, no new Conditional Use Permit or amended Conditional Use Permit will be required for such proposed development and use.

OTHER RECOMMENDATIONS:

Planning Commission Recommendation:

This matter has not been heard by the Planning Commission.

Community Planning Group Recommendation:

The Scripps Miramar Community Planning Group voted on July 5, 1994 to support a finding of substantial conformance subject to specific conditions. (These conditions cannot be met or imposed by the City if the City Council determines that the K-12 school use is the same as the university under the USIU CUP.)

FILE LOCATION: PERM-CUP-133

COUNCIL ACTION: (Tape location: F555-G359.)

Hearing began at 6:26 p.m. and halted at 6:57 p.m.

Testimony in opposition by Donald Worley.

Testimony in favor by James Milch and Rabbi Yisroel Goldstein.

MOTION BY WARDEN TO ADOPT THE CITY MANAGER'S RECOMMENDATION FOR THIS PROJECT. 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-214:

SUBJECT: Authorization of Assistance Program for San Ysidro/Otay Mesa Enterprise Zone.
(See City Manager Report CMR-94-241. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-260) ADOPTED AS RESOLUTION R-284502

Waiving the Housing Trust Fund Fee that would normally be charged for a high technology engineering and development firm locating in the San Ysidro/Otay Mesa Enterprise Zone;
Authorizing the City Manager to negotiate such agreements as may be necessary to implement a waiver of the Housing Trust Fund Fee that would otherwise be charged to this business.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I047-342.)

MOTION BY VARGAS TO ADOPT, ACCEPTING THE CITY MANAGER'S REPORT. 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.

* ITEM-S400:

SUBJECT: Retention of the Law Firm of Alvarado, Smith, Wolff and Sanchez.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-94-241) ADOPTED AS RESOLUTION R-284503

Authorizing the City Auditor and Comptroller to set aside and expend an amount not to exceed \$100,000 from Office Space Project Fund No. 10404, Object Account No. 4141, Job Order No. 000500, exclusively for the purpose of defraying legal fees and costs incurred by the law firm of Alvarado, Smith, Wolff and Sanchez, retained to represent the City in potential litigation involving Executive Associates.

Aud. Cert. 9500171.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-S401:

SUBJECT: Consultant Services - Convention Center Expansion.
(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-272) ADOPTED AS RESOLUTION R-284504

Authorizing the City Auditor and Comptroller to set aside and expend an amount not to exceed \$275,000 from Fund 10221 exclusively for the purpose of the expansion of the Convention Center and that an interim agreement between the MCM/ZHA, Inc. and the City of San Diego be approved, and that a complete new contract between the City and MCM/ZHA, Inc., related to the Convention Center expansion be negotiated and brought back to the City Council within 60 days of adoption of this Resolution.

CITY MANAGER SUPPORTING INFORMATION:

On June 21, 1994, the City entered into a Memorandum of Understanding with the San Diego Unified Port District to expand

the Convention Center. The MOU provides that the City shall assume responsibility for all planning, permitting, design, construction and equipping of the new facility. To avoid any delay, an interim agreement between the City of San Diego and Martinez, Cutri and McArdle (MCM) and ZHA, Inc. for master planning and facility programming services is proposed. A complete new contract between the City and MCM/ZHA related to the Convention Center expansion will be negotiated and brought back to the City Council.
Aud. Cert. 9500187.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B165-412.)

CONSENT 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-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S402: REFERRED TO CLOSED SESSION

SUBJECT: In the matter of a discussion of a possible sale of Lot 8, Eastgate Technology Park to Bioplex Group, Inc. The negotiating party is Kendall R. Lang, Chief Executive Officer, and discussions involve the price and/or terms of the sale.
(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 on August 9, 1994.

CITY MANAGER'S RECOMMENDATION:

It is proposed that the City Manager's recommendation will be presented to the City Council in Closed Session on August 9, 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: I632-633.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 8:40 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: I633-634).