

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, OCTOBER 10, 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 2:11 p.m. The meeting was adjourned by Mayor Golding at 4:03 p.m. into Closed Session at 9:30 a.m. on Tuesday, October 11, 1994, in the twelfth floor conference room to discuss pending 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 (mp)

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 Fr. David Montzingo of St. Luke's Episcopal Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Kehoe.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell on America Comes First.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-076.)

ITEM-PC-2:

Comments by Mel Shapiro on the racial and economic balance

of the community of Rancho Bernardo.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A078-105.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Stallings announced that Governor Wilson has proclaimed the week of October 10, 1994 as International Folk Dance Week and that she would like to invite everyone to the San Diego Folk Dance Center's open house on Saturday and Sunday, October 15 and 16, 1994.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A193-205.)

ITEM-CC-2:

Mayor Golding and Council members Warden and Roberts commented on the San Diego Chargers' standing in the National Football League.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A206-220.)

ITEM-CC-3:

Mayor Golding announced that the legislation on the Clean Water Act which was forwarded by Senator Boxer has passed the Senate. Staff will begin preparation on the application for the waiver immediately, and the application will be submitted next April. Mayor Golding expressed appreciation to all the people who helped to get this legislation through the House and the Senate, namely: Boxer, Schenk, Filner, Cunningham, Packard, Governor Wilson, Senator Dole, and the Sierra Club.

Council Members Warden and Mathis expressed appreciation to

Mayor Golding for her leadership in this matter and also to the Mayor's staff, as well as City staff.

Deputy Mayor Stevens expressed appreciation to former Council Member Bruce Henderson for the role he played by taking the matter to court.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A221-269.)

ITEM-CC-4:

Mayor Golding announced that she and Council Member Warden were present this morning at the Mira Mesa Library for the unveiling of the first computerized information kiosk. Staff and Data Processing Corp. were commended on a job well done.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A270-300.)

ITEM-30:

SUBJECT: Party on the Pier: Yachts of Fun Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-546) ADOPTED AS RESOLUTION R-284739

Proclaiming October 30, 1994 to be "Party on the Pier: Yachts of Fun Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A150-190.)

MOTION BY STALLINGS TO ADOPT. 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-31: THANK YOU ACCEPTED

Sweater Saturday Thank You to Honorary Chairperson Susan Golding and San Diego City Councilmembers.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A109-149.)

ITEM-32: APPROVED

Approval of Council Minutes for the Meetings of:

9/19/94

9/20/94

9/26/94 Adjourned

9/27/94 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A191-192.)

MOTION BY STALLINGS TO APPROVE. 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-100:

SUBJECT: Awarding a Contract for the Construction of Highland Avenue Storm Drain.  
(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-462) ADOPTED AS RESOLUTION R-284740

Accepting the low base bid of \$53,133.12, which is 48 percent over the City's estimate of \$36,000, and awarding a contract to RTB General Engineering Co., Inc. (San Diego), for the Construction of Highland Avenue Storm Drain;

Authorizing the City Manager to accept \$32,348 from Federal Emergency Management Agency (FEMA), Fund 30300, and \$8,087 from State Office of Emergency Services (OES), Fund 30331 (plus additional funds received should cost overruns occur), for construction of Highland Avenue Storm Drain (DSR No. 97786);

Authorizing the City Auditor and Comptroller to increase the FY95 Capital Improvement Program budget by adding CIP-12-088.0, Highland Avenue Storm Drain, for \$32,348, from FEMA and \$8,087 from OES;

Authorizing the City Auditor and Comptroller to transfer \$85,565 from CIP-17-002.0, Annual Allocation - Storm Drain Projects Not Yet Identified, TransNet Fund 30300, to CIP-12-088.0, Construction of Highland Avenue Storm Drain;

Authorizing the expenditure of not to exceed \$126,000 from CIP-12-088.0, for the project and related costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K95016M)

CITY MANAGER SUPPORTING INFORMATION:

Private property at 4559 and 4565 Highland Avenue had substantial slope failure behind the residences during heavy rainstorms in January and February 1993. Within the failed slope, a City storm drain was damaged and portions were found to be deteriorated. This project will replace the storm drain system in its entirety to the bottom of the canyon. This construction is related to a settlement agreement between the City and affected property owners. Completing this project before November 1, 1994 also qualifies this project for FEMA and OES funding being accepted by this action.

Aud. Cert. 9500348.

FILE LOCATION: CONT - RTB General Engineering Co., Inc.  
(San Diego) W.O. 112441 CONFY95-1

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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 Contracts for Furnishing Miscellaneous Trench Plate Rentals.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-285) ADOPTED AS RESOLUTION R-284741

Awarding contracts for furnishing miscellaneous trench plate rentals, as may be required for a period of one year beginning August 15, 1994 through August 14, 1995, for an estimated cost of \$47,800 for the initial contract period for the primary contract with Trench Shoring Services only, as follows:

1) Trench Shoring Services (El Cajon, CA), for the primary contract, with options to renew the contract for four additional one year periods, with option year price increases not to exceed the prices in effect for the previous contract period by more than 5 percent.

2) Trench Plate Rental Co. (Escondido, CA), for the secondary contract, with options to renew the contract for four additional one year periods, with no option year price increases.  
(BID-E4458/95)

FILE LOCATION: CONT - Purchase-Trench Shoring Services  
(El Cajon, CA); Trench Plate Rental Co.  
(Escondido, CA) CONFY95-2

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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-102:

SUBJECT: Awarding a Contract for Sodium Hypochlorite, 12.5 Percent in Solution.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-283) ADOPTED AS RESOLUTION R-284742

Awarding a contract to Jones Chemicals, Inc. (Torrance, CA), for furnishing sodium hypochlorite 12.5 percent in solution, as may be required for a period of one year beginning October 1, 1994 through September 30, 1995, at a cost of \$.527 per gallon for a total estimated cost of \$56,389, including tax, with options to renew for four additional one year periods with price escalation not to exceed 20 percent of prices in effect at the end of each prior year;

In the event the vendor is unable to deliver material meeting specifications at any time during the contract period, the Purchasing Agent is authorized to terminate the contract and award to the next low responsible and responsive bidder, and to subsequent bidders, if necessary, until a bidder is found who can comply with specifications;

In the event no bidder is found who can comply with specifications, the Purchasing Agent is authorized to obtain this material on the open market until the requirement can be rebid. (BID-B4452/95)

FILE LOCATION: CONT - Purchase-Jones Chemicals, Inc.  
(Torrance, CA) CONTFY95-1

COUNCIL ACTION: (Tape location: A346-375.)



CONSENT MOTION BY KEHOE 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-103:

SUBJECT: Inviting Bids for Torrey Pines Golf North Course Pump Station.  
(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-461) ADOPTED AS RESOLUTION R-284743

Inviting bids for the Construction of Torrey Pines Golf North Course Pump Station on Work Order No. 119936A;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of \$195,385 from CIP-29-704.0, Torrey Pines Golf Course - Irrigation System and Cart Path/Phase II - North, Golf Course Enterprise Fund 41402;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID-K95025)

CITY MANAGER SUPPORTING INFORMATION:

Torrey Pines Golf Course is located at 11480 North Torrey Pines Road in the University City Community Area. The proposed project will provide a pump station for the 18-hole north course. This is the first phase of a complete irrigation system renovation project for the north course. Currently, the required irrigation time window interferes with the golf course daily operations, especially during the summer, due to low water pressure. The pump station will increase the pressure, and thereby shorten the irrigation time window.

Aud. Cert. 9500133.

FILE LOCATION: W.O. 119936A CONT - S.C.W. Contracting Corporation CONFY95-1

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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: Inviting Bids for Construction of Kellogg Park Comfort Station.  
(La Jolla Shores Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-463) ADOPTED AS RESOLUTION R-284744

Inviting bids for the Construction of Kellogg Park Comfort Station on Work Order No. 119333;

Authorizing a contract with the lowest responsible bidder;

Authorizing the Auditor and Comptroller to transfer \$67,000 from PSD Fund No. 11500, and \$88,000 from PSD Fund No. 17000, to CIP-29-693.0, Kellogg Park Comfort Station;

Authorizing the expenditure of not to exceed \$164,000 from CIP-29-693.0, Kellogg Park Comfort Station, PSD Fund No. 11500 (\$67,000), PSD Fund No. 17000 (\$88,000), and Urban Impact Fees Fund 79515 (\$9,000);

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID-K95026)

CITY MANAGER SUPPORTING INFORMATION:

Kellogg Park is located at 2112 Vallecitos, in the La Jolla Planning Area. This project will replace the existing deteriorating comfort station in the center of the park with a new comfort station including exterior showers, drinking fountain and walkways.

Aud. Cert. 9400151.

FILE LOCATION: W.O. 119333 CONT-R. M. Hasson, Inc.  
CONFY95-1

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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: Final Subdivision Map of MBM West III.

(A 3-lot subdivision located on the northwest corner of Mission Center Road and Camino de la Reina, and in the First San Diego River Improvement Project (FSDRIP). Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-557) ADOPTED AS RESOLUTION R-284745

Approving the final subdivision map of MBM West III.

FILE LOCATION: MBM West III

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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: Sewer, Water, Drainage and Public Utility Easement  
Abandonment.  
(Located at Mission Blvd. and Grand Ave. Pacific Beach  
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-529) ADOPTED AS RESOLUTION R-284746

Determining a sewer, water, drainage and public utility  
easement in a portion of Lot 1 of Grand-Mission Tract,  
Map-3867 to be surplus and authorizing it to be sold to  
Robert F. Hendrickson and San Diego Trust and Savings  
Bank, as Trustees of the Robert F. Faust Trust;

Authorizing the execution of a quitclaim deed,  
quitclaiming the easement to Robert F. Hendrickson and  
San Diego Trust;

Declaring that no broker's commission shall be paid by  
the City on the negotiated sale.

CITY MANAGER SUPPORTING INFORMATION:

An application has been received by the Engineering and  
Development Department for abandonment of a sewer, water,  
drainage and public utility easement that encumbers property at  
the corner of Mission Blvd. and Grand Ave. The easement was  
acquired by the City of San Diego at no cost by Subdivision Map.  
The easement has been reviewed by all affected City departments  
and all have concluded there is no present or prospective public  
need. Also, per Council Policy 600-15, the abandonment has been  
reviewed by the Pacific Beach Community Group and they have no  
objection to the abandonment. Therefore, abandonment is  
recommended.

FILE LOCATION: DEED F-6379 DEEDFY95-1

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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: Traffic Safety and Education Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-455) ADOPTED AS RESOLUTION R-284747

Authorizing the City Manager to apply for, accept and expend a grant from the California Office of Traffic Safety titled "Traffic Safety & Education Program," to develop and present a traffic safety education program for high school and elementary students, and senior citizen groups.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department has prepared a grant proposal to the California Office of Traffic Safety for a Traffic Safety & Education Program, the purposes of which are to provide traffic safety education to 9,600 Driver Education students in the sixteen area high schools, to small senior citizen groups, and to elementary school students, and to develop state-of-the-art (including computer assisted) visual safety presentations. The grant will fund one Police Officer II, a computer system, a portable projection system, training, promotional items, and miscellaneous supplies and expenses.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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: Transfer of Funds from Pump Station No. 65 Expansion

and Force Main to Carmel Valley Trunk Sewer Replacement Project.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-527) ADOPTED AS RESOLUTION R-284748

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$600,000 from CIP-46-117.0, Pump Station No. 65 Expansion and Force Main, Fund No. 41506 to CIP-46-122.0, Carmel Valley Trunk Sewer Replacement;

Authorizing the expenditure of not to exceed \$600,000 from Fund No. 41506, CIP-46-122.0, Carmel Valley Trunk Sewer Replacement for construction contingency.

CITY MANAGER SUPPORTING INFORMATION:

Construction of the Sorrento Valley Utilities Improvement Project began in July 1994 and includes relocation of the City's fourth largest sewer pump station and several large sewer and water mains. Since these improvements are located in a highly sensitive wetland area, the resource agencies have placed many conditions and restrictions on the methods and duration of construction. At the time of award of the construction contract insufficient contingency was authorized for the Carmel Valley Trunk Sewer Replacement project. This request is for the transfer of \$600,000 from Pump Station No. 65 Expansion and Force Main (CIP-46-117.0) to cover construction contingency for Carmel Valley Trunk Sewer Replacement (CIP-46-122.0). Adequate contingency funds will assure satisfaction of all the conditions and project completion deadline.

Aud. Cert. 9500352.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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: Transfer of Funds - San Dieguito River Park Center.  
(San Pasqual Valley Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-525) ADOPTED AS RESOLUTION R-284749

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$9,000 from the San Dieguito River Valley Trust Fund No. 10593 to the Joint Powers Authority of the San Dieguito River Valley Regional Open Space Park.

CITY MANAGER SUPPORTING INFORMATION:

Sikes Adobe, located in the Lake Hodges/Rancho Bernardo area of San Diego, was designated a State Point of Historic Interest (No. SDI-013) on May 7, 1993. The Joint Powers Authority of the San Dieguito River Valley Open Space Park, working with a consultant, has designed a method to temporarily protect the structure from additional deterioration until funding can be identified to permanently protect and restore the site.

San Diego Gas and Electric has committed to provide and install poles and cables, however an additional \$9,000 is needed for materials and labor to install the cover.

Aud. Cert. 9500350.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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: Outside Counsel Expenses for the Property Damage Claim of Wimpey Commercial, Inc., v. The United States of America, et al.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-471) TRAILED TO TUESDAY, OCTOBER 11, 1994

A Resolution approved by the City Council in Closed Session on Tuesday, September 13, 1994 by the following vote: Mathis-yea; Roberts-yea; Kehoe-not present; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-ineligible.

Authorizing the retention of the law firm of Gray, Cary, Ware & Freidenrich, as counsel, to represent The City of San Diego in the defense of litigation in the case, Wimpey Commercial, Inc. v. The United States of America, et al., United States District Court Case No. 941068R (AJB);

Authorizing the City Auditor and Comptroller to set aside and expend an amount not to exceed \$150,000 for the purpose of paying legal fees and costs incurred by counsel in representing The City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The plaintiff in this suit alleges that its property (Lots 5 and 6 of the La Jolla Pines Technology Center) east of John Hopkins Drive, San Diego, has been contaminated by hazardous substances due to refuse burned and a sewage treatment plant operated on it. The City allegedly owned the site from about 1929 through 1972 and leased it or operated it at various times in that period. Plaintiff seeks recovery of clean up costs.

Aud. Cert. 9500383.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C030-035.)

ITEM-111:



SUBJECT: Outside Counsel Expenses for the Property Damage Claim of Solar Turbines Inc. v. Navistar International Transportation Corp. et al. v. City of San Diego, et al.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-472) TRAILED TO TUESDAY, OCTOBER 11, 1994

A Resolution approved by the City Council in Closed Session on Tuesday, September 13, 1994, by the following vote: Mathis-yea; Roberts-yea; Kehoe-not present; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-ineligible.

Authorizing the City Manager to retain the law firm of Higgs, Fletcher & Mack as counsel representing the City in the case of Solar Turbines Incorporated v. Navistar International Transportation Corp., et al. v. City of San Diego, et al, United States District Court Case No. 921612 GT (BTM);

Authorizing the Auditor and Comptroller to set aside and expend not to exceed \$150,000 for the purpose of paying legal fees and costs incurred by counsel in representing the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The defendant Navistar in this suit, a former owner of property located at 2200 Harbor Drive, San Diego, has cross-complained against the City for costs of clean up which it may have to pay in the action against it by Solar Turbines for cost recovery due to hazardous substances released in the soil and groundwater due to aircraft manufacture. The City allegedly owned the site from 1927 to 1963.

Aud. Cert. 9500346.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C030-035.)

\* ITEM-112:

SUBJECT: Agreement for Consultant Services for Sewer Main Replacement Group 608.  
(Golden Hill Community Area. Districts-3 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-510) ADOPTED AS RESOLUTION R-284750

Authorizing an agreement with Boyle Engineering Corporation (Orange County), for the design of Sewer Main Replacement Group 608;

Authorizing the expenditure of not to exceed \$104,266 from Sewer Revenue Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

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

CITY MANAGER SUPPORTING INFORMATION:

This agreement is for the design of the Sewer Main Replacement Group 608 which proposes to replace approximately 6,300 feet of the existing concrete sewer main that is deteriorated or undersized in the Golden Hill area. A list of five consultants was provided by the City's Consultant Coordinator. The firms were interviewed in accordance with Council Policy 300-7 and Boyle Engineering Corporation was selected. Boyle Engineering Corporation's responsibilities will include alternatives evaluation study, preparation of the construction plans, specifications and cost estimate, and support services during bidding and construction, for a contract amount not to exceed \$104,266. Project sub-consultants are: Corrao Group (WBE) for record search, \$8,024; O'Rourke Engineering (WBE) for traffic control plans, \$16,500; KTUTA/Parctec (MBE) for landscape/mitigation plans, \$5,700 if required.

Aud. Cert. 9500347.

WU-U-95-020.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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: Agreement for Technical Assistance for Loan Applications to the Seed Capital Loan Fund.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-524) ADOPTED AS RESOLUTION R-284751

Authorizing an agreement with CDC Small Business Finance Corporation, a California nonprofit private corporation, to provide technical assistance for loan applications to the Seed Capital Loan Fund, pursuant to California Trade and Commerce Agency Grant No. C93-167;

Authorizing the expenditure of not to exceed \$64,000 from Fund/Dept 19305, Org. 100.

CITY MANAGER SUPPORTING INFORMATION:

On January 31, 1994, the City Council authorized the acceptance of a \$100,000 grant from the California Trade and Commerce Agency, State of California, to provide technical assistance for the seed capital loan fund program. CDC Small Business Finance Corp. was identified in the grant application as the service provider of technical assistance for loan applications to the Seed Capital Loan fund. Under this agreement, CDC Small Business Finance Corp. will conduct a marketing program of the Seed Capital Fund, and directly assist loan applicants in the packaging of loan applications such that the application will address the requirements of the loan program. Additionally CDC will assist in the finalizing of approved loans and subsequent loan collection and servicing. The term of this agreement is one year with provisions to renew, in order to continue such technical assistance for the Seed Loan Capital program. The subject agreement will be funded at \$64,000 from the grant

amount, and CDC will provide an equivalent amount of services as in-kind match to the grant.

This agreement has been prepared in accordance with the California Trade and Commerce Agency administrative grant requirements, and has been reviewed and approved by that Agency.

Aud. Cert. 9500334.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: C039-239.)

MOTION BY McCARTY TO ADOPT. Second by Kehoe. 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-114:

SUBJECT: Agreement with Educational Enrichment Systems, Inc. for Phase II of the Linda Vista Child Development Center. (Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-509) ADOPTED AS RESOLUTION R-284752

Authorizing an agreement with Educational Enrichment Systems, Inc., for Phase II design and renovation of the building at 6960 Linda Vista Road;

Authorizing the expenditure of not to exceed \$252,000 from CDBG Fund 18530, Dept. 4062, Org. 6221, J.O. 112532.

CITY MANAGER SUPPORTING INFORMATION:

Educational Enrichment Systems, Inc., is a non-profit organization providing a child care facility at 6960 Linda Vista Road. The project is to convert the old Linda Vista Library into a child care facility to provide child care services for low to moderate income families in Linda Vista. In January 1994, Phase I was completed. Phase I renovation included the creation of

various child care areas, restrooms, a small kitchen, and electrical and mechanical improvements. Since the original funding for this project was insufficient to complete the necessary work in Phase I, Phase II was created. Phase II will consist of additional interior partitions to add more rooms and bathrooms, parking lot resurfacing, landscaping, and playground equipment. On May 9, 1994 Council adopted Resolution R-283845 granting the \$252,000 of Community Development Block Grant (CDBG) funding for this project.

Aud. Cert. 9500342.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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: Amendment No. 4 to the Agreement with Lee & Ro Consulting Engineers Associated with the Digester N1/N2 Rehabilitation at the Point Loma Wastewater Treatment Plant.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-526) ADOPTED AS RESOLUTION R-284753

Authorizing Amendment No. 4 to the Agreement with Lee & Ro Consulting Engineers to provide engineering services for construction phase services associated with the Digester N1/N2 Rehabilitation at the Point Loma Wastewater Treatment Plant;

Authorizing the expenditure of not to exceed \$229,622 from the Sewer Revenue Fund 41508, CIP-46-129.0, for engineering and additional services to be rendered during construction.

CITY MANAGER SUPPORTING INFORMATION:

This amendment is for engineering services to be rendered during the construction phase of the rehabilitation of the N1 and N2 Digesters at the Point Loma Wastewater Treatment Plant. This agreement will allow for the necessary engineering review and response to construction questions that will arise during the construction of the project. Additional services funds will allow for the preparation of an Operations and Maintenance Manual and other design services that may be deemed necessary as the project progresses.

Aud. Cert. 9500351.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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-116:

SUBJECT: Agreement with Project Design Consultants for Design Services in Connection with the University City Subsystem - Reclaimed Water Project.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-545) ADOPTED AS RESOLUTION R-284754

Authorizing an agreement with Project Design Consultants (San Diego), for design services in connection with the University City Subsystem - Reclaimed Water Project;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$146,264 within the

Water Revenue Fund 41500 Fiscal Year 1995 Budget, from CIP-70-917.0, Miramar Storage Tank & Raw Water Connection, to CIP-70-927.0, University City Subsystem;

Authorizing the expenditure of not to exceed \$545,795 from the Water Revenue Fund 41500, CIP-70-927.0, University City Subsystem, to be expended as follows: \$508,264 from Fiscal Year 1995 appropriations; and \$37,531 from Fiscal Year 1996 appropriations, contingent on Council's approval of funds for this purpose in the Fiscal Year 1996 CIP budget.

CITY MANAGER SUPPORTING INFORMATION:

The University City Subsystem is an integral part of the Reclaimed Water Distribution System. This project is necessary to implement the Consumer's Alternative and to distribute reclaimed water provided by the North City Water Reclamation Plant. As discussed in the Reclaimed Water Distribution System Master Plan, The University City Subsystem will carry Title 22 Reclaimed Water. This package consists of four segments totaling approximately 21,000 feet of 6" to 20" pipelines.

- 1) From a tee connection at the intersection of Executive Drive, running south along Regents Road, turning east along Arriba Street, then north along Cargill Avenue, and terminates at the intersection of Cargill and Camino Ticino.
  
- 2) From a tee connection at intersection of Regents Road and Nobel Drive, running west along Nobel Drive, terminating at Lebon Drive.
  
- 3) From the intersection of Regents Road, running east along Nobel Drive, to its terminus.
  
- 4) From the terminus of package 3, at the end of Governor Drive west along Governor Drive to Erlanger Street and terminating at the end of the street, where it will connect to Highway 52 Irrigation System. The MBE/WBE participation for this project is 10.8 percent MBE and 12.7 percent WBE. With this agreement, approximately ten local jobs would be provided.

Aud. Cert. 9500371.

WU-CWP-95-027.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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-117:

SUBJECT: Agreement for Step 1 Environmental Protection Agency (EPA) Grant Management Assistance for Clean Water Act Grant Projects.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-547) ADOPTED AS RESOLUTION R-284755

Authorizing an agreement with Larry Walker and Associates (Davis, CA), on a sole source basis, for professional consultant services for assistance with the Environmental Protection Agency (EPA) Step 1 Grant Management for Clean Water Act Grant Projects and the training of City Staff on EPA grants and related projects;

Authorizing the expenditure of \$64,750 from Water Utilities Department Fund 41500.

CITY MANAGER SUPPORTING INFORMATION:

In 1974, the City was awarded, through the State Water Resources Control Board (SWRCB), an Environmental Protection Agency (EPA) Clean Water Act Grant. This grant has been amended numerous times to provide for a variety of planning and research activities including the development of the aquaculture wastewater treatment technology and the construction of the San Pasqual Wastewater Treatment (Aqua III) Facility. As grantee for over \$36 million, the City expends its funds on the grant projects and receives reimbursement for those expenditures deemed allowable and eligible under the terms of the grant. Interim decisions on allowability and eligibility are made by SWRCB. The



projects are almost complete and the next phase of work the City faces is the Final Request for Payment and the Federal audit. Such audits typically focus on issues of eligibility and allowability pertaining to the City's use of grant funds regardless of such determinations made by the SWRCB when administering the grant. It has been beneficial to enlist additional professional support prior to and during the course of the audit to assure that appropriate eligibility documentation is available to facilitate the audit as well as avoid unnecessary disputes. Larry Walker Associates (LWA) has assisted the City with final audit resolution for various other EPA grants and has worked with the current projects since 1981. Grants Management Assistance is very specialized and LWA is the only firm in California with the engineering and grant administration expertise specifically oriented to EPA Clean Water Act Grant projects. They are familiar with the latest EPA audit practices and strategies to defend against eligibility disallowances.

Aud. Cert. 9500373.

WU-S-95-043.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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-118:

SUBJECT: Appointments to the Small Business Advisory Board.  
(See memorandum from Mayor Golding dated 9/26/94 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-554) ADOPTED AS RESOLUTION R-284756

Council confirmation of the following appointments by the Mayor to the Small Business Advisory Board,

representing the category of Member-at-Large, for terms ending as indicated:

Term ending July 1, 1995  
Jacqueline C. Wise  
(Replacing Elida Chavez, whose term has expired.)

Term ending July 1, 1996  
Alice M. Tana  
(Replacing Nghiep C. Le, whose term has expired.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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: Appointment to the Planetarium Authority Governing Board.  
(See memorandum from Mayor Golding dated 9/26/94 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-555) ADOPTED AS RESOLUTION R-284757

Council confirmation of the appointment by the Mayor of Rita Neeper to serve as a member of the Planetarium Authority Governing Board, for a term ending April 12, 1997, replacing Doris Anderson, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A346-375.)

CONSENT MOTION BY KEHOE 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: Park and Recreation Department - New and Significantly Revised Fees.  
(See City Manager Report CMR-94-175.)

PUBLIC FACILITIES AND RECREATION COMMITTEE'S RECOMMENDATION:

The Committee voted 4-1 to recommend adoption of the following resolution:  
(Councilmembers Mathis, Kehoe, Warden and Stallings voted yea. Councilmember McCarty voted nay.)

(R-95-270) ADOPTED AS AMENDED AS RESOLUTION R-284758

Approving two new fees and five significantly revised fees for inclusion in the Park and Recreation Department's Fee Schedule.

SUPPORTING INFORMATION:

The new and revised fees recommended by the City Manager are as follows:

1. Balboa Park Building and Room Use Fee - Central Division  
Increase fees by 5 percent to assist in recovering costs associated with room set-ups and take down. Marston House set-ups are increased by \$5 to cover extensive set-up due to preponderance of weddings scheduled.
2. Dance Instructor Coordinator - Central Division  
Increase in revenue to fully recover .75 Recreation Specialist and 3.63 Recreation Leader II labor cost and affiliated NPE.
3. Youth Symphony Instructor - Central Division  
Increase in revenue to fully recover .75 Recreation Specialist and affiliated NPE.
4. Picnic Shelter Reservations Fee, Pepper Grove - Balboa Park, Central Division  
Charge standard San Diego Park & Recreation picnic shelter reservation fee of \$7.50 per hour for the Pepper Grove picnic area.
5. Recreation Center Building Users Fee - Community Park and Recreation Division  
Charge all adult user groups a \$5 per meeting

fee for meeting rooms and activity rooms. Auditoriums/gymnasiums fee would be \$7 per meeting. There would continue to be free use by youth organizations and Park and Recreation Department conducted activities. In addition, some activities that meet Departmental guidelines will also be given free use. These groups are: School districts, government agencies, recreation councils, planning groups, and community councils. Resident senior citizens would be given reduced rates.

6. Park Use Permit Application Fee - All Divisions

This proposed increase from \$15.25 to \$30 per event will be effective upon approval for Central, Coastline Parks and Community Park and Recreation Divisions. Currently only three parks in Community Park and Recreation Division are charging a Park Use Permit fee. It is proposed that all parks in the Division will be included in the Park Permit Application Policy. The new fee category recommended by the Public Facilities and Recreation Committee is as follows:

7. 12-Month Swimming Pool Rental. The fee proposed is \$20.50 per hour. The six month rental fee will be increased to \$24 per hour.

On June 22, 1994, the Public Facilities and Recreation Committee approved the six fees recommended by the City Manager (Numbers 1-6 above) and requested a new fee category for a 12-month swimming pool rental (Number 7).

FILE LOCATION: GENL - Fees & Charges

COUNCIL ACTION: (Tape location: A376-B321.)

MOTION BY WARDEN TO ADOPT THE CITY MANAGER'S RECOMMENDATION. Second by Stallings. The motion was divided.

Vote on the adoption of the fee schedule with the exception of the swimming pool fees passed by the following vote: Mathis-yea, Roberts-nay, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-nay, Mayor Golding-yea.

Vote on increasing fees for use of the swimming pools failed by the following vote: Mathis-yea, Roberts-nay, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-nay, Vargas-nay, Mayor Golding-nay.

MOTION BY McCARTY TO RECONSIDER COUNCIL'S PREVIOUS ACTION DUE TO A MISUNDERSTANDING. 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.

MOTION BY McCARTY TO ESTABLISH A \$20.00 YEAR-ROUND FEE FOR USE OF THE SWIMMING POOLS. 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-200:

SUBJECT: Awarding Contracts for Traffic Paint.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-284) ADOPTED AS RESOLUTION R-284759

Awarding contracts for furnishing traffic paint, as may be required for a period of one year beginning October 1, 1994 through September 30, 1995, for a total estimated cost of \$234,483.01, including tax and terms, as follows:

John C. Henberger Co. Inc. (San Diego), for Schedule I, with an option to renew the contract for four additional one year periods with increases for Option Period 1 not to exceed 10 percent of the prices in effect at the end of the initial period, for Option 2 not to exceed 12 percent of the prices in effect at the end of Option Period 1, for Option Period 3 not to exceed 12 percent of the prices in effect at the end of Option Period 2 and for Option Period 4 not to exceed 15 percent of the prices in effect at the end of Option Period 3;

Pervo Paint Company dba Colorama Paint (San Diego), for Schedules II, III and IV, with options to renew the contract for four additional one year periods with price increase not to exceed 10 percent of the prices in effect at the end of each prior period. (BID-Q4360/94)

FILE LOCATION: CONT - Purchase - John C. Henberger Co.

Inc. (San Diego); Pervo Paint Company  
dba Colorama Paint (San Diego) CONFY95-  
1

COUNCIL ACTION: (Tape location: B325-662; C242-275.)

MOTION BY McCARTY 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-201:

SUBJECT: Balboa Park - Japanese Garden Reimbursement Agreement.  
(Balboa Park Community Area. District-3.)

(Continued from the meeting of September 12, 1994, Item  
138, at Councilmember Kehoe's request, to allow time to  
work with the Japanese Garden Board.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-324) ADOPTED AS RESOLUTION R-284760

Authorizing an agreement with the Japanese Friendship  
Garden Society, for the reimbursement of a substantial  
portion of the cost to improve the garden;

Authorizing the expenditure of not to exceed \$1,824,700  
from CIP-21-834.0, Balboa Park/Mission Bay Park  
Requirements, to provide funds for this project, to be  
expended as follows:

\$578,800 from Fiscal Year 1994 appropriations; and  
\$1,245,900 from Fiscal Year 1995 and other fiscal year  
appropriations, contingent on the City Council's  
appropriation of funds for this purpose.

CITY MANAGER SUPPORTING INFORMATION:

The Balboa Park Master Plan identifies \$2.0 million for  
landscaping and facility improvements to the Japanese Garden.  
The Japanese Friendship Garden Society and the City of San Diego

desire to provide substantial improvements to the Garden jointly in the form of a reimbursement agreement. The total estimated cost of the project is \$1,901,900 of which the City proposes to fund, in the form of a reimbursement agreement, the sum of \$1,824,700. The proposed improvements include fencing the site, grading, and landscaping development, implementing disabled access requirements and constructing a new cultural center with view decks.

Aud. Cert. 9500162.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A300-375.)

CONSENT MOTION BY KEHOE 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:03 p.m. in honor of the memory of Frank L. Hope, Sr. as requested by Council Member Roberts; and Sgt. Steve Santi as requested by Council Member Kehoe.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C281-290).