

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 17, 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 2:08 p.m. Mayor Golding adjourned the meeting at 2:52 p.m. to meet in closed session on Tuesday, October 18, 1994 at 9:00 a.m. in the 12th floor conference room to discuss pending litigation, potential litigation and property acquisition.

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 (gb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Elder Joel Trout of North Park Apostolic Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding FEMA and the constitution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-066.)

ITEM-PC-2:

Comment by Darlene Davis regarding wasting of tax payer's money.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A067-083.)

ITEM-PC-3:

Comment by Joseph Cuseo regarding homeless shelters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A084-112.)

ITEM-PC-4:

Comment by Bob Scheidt regarding City departments being held accountable.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A141-167.)

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Council Member Warden honoring Morning Creek Elementary School as a blue ribbon school.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A168-175.)

ITEM-CC-2:

Comments by Council Member Mathis recognizing Boy Scout Troop 506 from La Jolla.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A176-182.)

ITEM-CC-3:

Comments by Mayor Golding regarding the deaths of San Diego Police Officers Marc Abulencia and Steve Santi. Mayor Golding also commented on the video of Seal Rock Marine Mammal Reserve which was shown to the Council and the public.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A183-235.)

ITEM-CC-4:

Comments by Council Member Stallings thanking the volunteers who helped to make the Seal Rock Marine Mammal Reserve video.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A236-238.)

ITEM-30:

SUBJECT: Torrey Pines State Reserve Day.

COUNCILMEMBER MATHIS' RECOMMENDATION:

Adopt the following resolution:

(R-95-560) ADOPTED AS RESOLUTION R-284765

Declaring Friday, October 28, 1994 to be "Torrey Pines State Reserve Day" on the occasion of the publication of Torrey Pines - Landscape and Legacy and in honor of thousands of visionary citizens who have worked diligently to ensure the preservation of this magnificent botanical gem.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A239-373.)

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

ITEM-31:

SUBJECT: Arab-American Day.

COUNCILMEMBER ROBERTS' RECOMMENDATION:

Adopt the following resolution:

(R-95-603) ADOPTED AS RESOLUTION R-284766

Proclaiming October 25, 1994 to be "Arab-American Day" in San Diego in recognition of the contributions of Arab-Americans;

Encouraging all residents to share and enjoy the festivities and cultural significance of this day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A374-524.)

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

ITEM-32:

SUBJECT: ARC - San Diego Staff Recognition Day.

COUNCILMEMBER STALLINGS' RECOMMENDATION:

Adopt the following resolution:

(R-95-559 Cor.Copy 11/25/94) ADOPTED AS RESOLUTION R-284767

Recognizing the significant contributions the Association of Retarded Children - San Diego has made towards the advancement of human rights;

Proclaiming October 8, 1994 to be "ARC - San Diego Staff Recognition Day."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A525-588.)

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

* ITEM-50:

SUBJECT: Otay Mesa Development District.
(Otay Mesa Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/4/94.

(Council voted 8-0. District 2 not present):

(O-95-20) ADOPTED AS ORDINANCE O-18105 (New Series)

Amending Chapter X, Article 3, Division 11, of the San Diego Municipal Code by amending Section 103.1102, relating to the Otay Mesa Development District, to include permitted activities as development projects or projects to operate facilities and to enable the charging of Development Impact Fees for development projects.

FILE LOCATION: LAND Otay Mesa Development District

COUNCIL ACTION: (Tape location: A589-621.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Mathis. Passed by the following

vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-60:

SUBJECT: Two actions related to Conflict of Interest Code for the EmTek Loan Committee.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-95-26) INTRODUCED, TO BE ADOPTED OCTOBER 31, 1994

Introduction of an Ordinance indemnifying the EmTek Loan Committee Members from personal liability when serving within the scope of their duties.

Subitem-B: (R-95-543) ADOPTED AS RESOLUTION R-284768

Adopting a Conflict of Interest Code for the San Diego Emerging Technology Seed Capital Fund Loan (EmTek Loan) Committee.

CITY MANAGER SUPPORTING INFORMATION:

On January 11, 1994, the City received grant funding in the amount of \$5.8 million from the U.S. Department of Commerce, Economic Development Administration (EDA), to implement a Defense Conversion Program. An integral component of the Program is a seed capital fund to provide financing for emerging technology firms which will likely provide the foundation for San Diego's future job growth. Designated the "EmTek" Loan Program, this fund consists of \$750,000 provided by the EDA grant and \$250,000 provided by the City of San Diego. As prudent practice for any financing activity, a loan committee has been established to provide technical advice to the City regarding the viability of emerging technology projects and the financial capacity of the applicants. This committee consists of acknowledged experts in the fields of finance, technology, and law who are donating their time and expertise to the City to help accomplish the City's long-term economic development goals. As defined by the California Political Reform Act of 1974, the members of the EmTek

Loan Committee are considered "public officials" even though they provide only advice to the Manager and the Council regarding prudent loan decisions. Thus, as public officials, the EmTek Loan Committee must adopt a Conflict of Interest Code and the members must individually file appropriate Disclosure Forms with the City Clerk annually. In addition to adopting a Conflict of Interest Code for the Committee, it is recommended that the members be indemnified from personal liability by the City when serving within the scope of their duties. Given the professional standing of persons who would be selected to serve on the Committee, it is likely that few would be willing to serve without the City providing indemnification.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-100:

SUBJECT: Awarding a contract to Aztec Landscaping, Inc. for Furnishing Janitorial Maintenance.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-474) ADOPTED AS RESOLUTION R-284769

Awarding a contract to Aztec Landscaping, Inc. (San Diego, CA) for furnishing janitorial maintenance at various police facilities, as may be required for a period of one year beginning November 1, 1994 through October 31, 1995, for a total estimated cost of \$130,246.90, including terms, with option to renew the contract for four additional one year periods with price increase not to exceed 15 percent of prices in effect at the end of the prior contract;

In the event the Contractor fails to perform in

of \$170,649, with options to renew the contract for four additional one year periods, with price escalations not to exceed 3 percent of prices in effect at the end of each prior contract year;

In the event the successful bidder fails to perform in accordance with specifications, the Purchasing Agent is authorized to terminate the contract and award to the next low bidder and to subsequent bidders, if necessary, until a bidder is found who complies with specifications;

In the event no bidder is found who complies with specifications, the Purchasing Agent is authorized to obtain this service on the open market until the contract can be rebid;

Authorizing the expenditure of not to exceed \$170,649 from Fund No. 10332, Department No. 932, Organization No. 102, Object Account No. 4222, and Job Order No. 057609;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any to the appropriate reserves.
(BID-P4407/94)

Aud. Cert. 9500377.

FILE LOCATION: CONT-Purchase W.M.P. Security Service
Company (San Diego, CA) CONT FY95-1

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-102:

SUBJECT: Two actions related to Inviting Bids for Water and
Sewer Replacement Group 621.
(Uptown Community Area. Districts-2 & 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-465) ADOPTED AS RESOLUTION R-284771

Inviting bids for the Construction of Water and Sewer Main Replacement Group 621 on Work Order Nos. 181491 (W) / 171881 (S);

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of not to exceed \$892,000 from Sewer Revenue Fund 41506, CIP-44-001, and the expenditure of not to exceed \$720,287 from Water Revenue Fund 41500, CIP-73-083. (BID-K95029)

Subitem-B: (R-95-466) ADOPTED AS RESOLUTION R-284772

Authorizing the use of City Forces to isolate and make connections to the existing water system; declaring that the cost of the work shall not exceed \$126,287.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project is part of the City's ongoing cast iron water main replacement program. The project provides for the replacement of 4,294 feet of water main, 101 water services and 8 fire hydrants in various streets in the Uptown Community Planning Area. The old deteriorated 4, 6 and 8-inch diameter mains will be replaced with 8-inch polyvinyl chloride (PVC) or ductile iron pipe. Also included in this project is the replacement of 5,315 feet of old, undersized and/or deteriorated concrete and vitrified clay sewer mains. Twenty-eight manholes and thirty sewer laterals will be replaced. Existing 6-inch concrete and vitrified clay will be upgraded to 8-inch. The following streets will be affected by construction operation: New Hampshire, Rhode Island and Hoffman Street, Madison Avenue between Caminito Fuente and Rhode Island Street, Massachusetts Street from Hoffman Street to Madison Avenue and 10th Street north of Johnson Avenue. Residents will be notified by mail at least one month before construction by the Water Utilities Department and ten working days before construction by the contractor.

Aud. Cert. 9500130.

WU-P-94-182.

FILE LOCATION: W.O. 181491/171881 CONT-Ortiz
Corporation CONT FY95-1

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-103:

SUBJECT: Inviting Bids for Construction of Mission Bay Shoreline
Protection Phase I.
(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-468) ADOPTED AS RESOLUTION R-284773

Inviting bids for Construction of Mission Bay Shoreline
Protection Phase I on Work Order No. 119809;

Authorizing a contract with the lowest responsible
bidder;

Authorizing the expenditure of CIP-21-834.0, Balboa
Park/Mission Bay Park Requirements, sublet project,
Mission Bay Shoreline Protection Phase I of \$3,202,515
from Transient Occupancy Tax Fund 102242, \$50,000 from
Capital Outlay-Other, and \$3,958,455 from San Diego
Facilities and Equipment Leasing Corporation
Construction Fund 91101;

Stating for the record that the information contained
in DEP-89-0225, has been reviewed and considered by the
Council.

(BID-K95033)

CITY MANAGER SUPPORTING INFORMATION:

On May 7, 1990, the San Diego City Council approved the Mission
Bay Park Shoreline Stabilization and Restoration Project Plan,

the Mission Bay Park Natural Resource Management Plan, and the accompanying Environmental Impact Report (DEP-89-0225) per Resolution numbers R-275666 and R-275667, for the purpose of restoring the eroding shoreline at various locations within Mission Bay Park. The Plan, for the purpose of implementation, has been divided into two phases: Phase I, upon permitting agency approval, includes sand replenishment at Bahia Point and N.E. Vacation Island; rock revetment replenishment at Mission Point, Ventura Cove (South), North Cove Vacation Island, South Ingraham Street Bridge Crossing, and the Visitor's Center; bulkhead wall constructed at Santa Clara Point, Rivera Shores, and De Anza Boat Ramp (North); and new rock revetment at Mariner's Point and the Visitor's Center. East Ski Island and the Mission Bay Channel Shoal (by Dana Point) are to be dredged. Phase I, permitting/approval with the California Coastal Commission, the U.S. Corps of Engineers and the Regional Water Quality Control Board is in process. The construction contract will not be awarded until all permits have been obtained and all approval conditions incorporated into the construction documents. Council approval at this time is necessary to expedite this project and stabilize as soon as possible the rapidly eroding shoreline sites mentioned above. Phase II, not part of this contract but to follow later, includes softscape (sand placement and replenishment) improvements at 17 sites.

Aud. Cert. 9401118.

FILE LOCATION: W.O. 119809 CONT-Summit/Keller CONT
FY95-1

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-104:

SUBJECT: Inviting Bids for Demolition of College Heights
Elevated Tank.
(South Central Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-467) ADOPTED AS RESOLUTION R-284774

Inviting bids for Demolition of College Heights
Elevated Tank on Work Order No. 182611;

Authorizing a contract with the lowest responsible
bidder;

Authorizing the expenditure of not to exceed \$320,000
from Water Revenue Fund 41500, from CIP-73-277.0,
Annual Allocation - Standpipe and Reservoir
Restorations;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.
(BID-K95032)

CITY MANAGER SUPPORTING INFORMATION:

The existing one-half million gallon College Heights Elevated
Tank, located at Saranac Street and 72nd Street, is a circular
steel tank supported on steel columns. The tank was built in
1938 and is no longer in service.

College Heights Elevated Tank is no longer needed to support the
water distribution system; therefore, it was decided to demolish
and remove this large utility structure from the residential
area. The tank removal will reduce maintenance cost associated
with this facility.

Aud. Cert. 9500194.
WU-P-156.

FILE LOCATION: W.O. 182611 CONT - Cin-Mar Industries,
Inc. CONT FY95-1

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-105:

SUBJECT: Flood Water Storage Easement Exchange.
(Located on the north side of Airway Road and east of
Britannia Boulevard. Otay Mesa Community Area.
District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-608) ADOPTED AS RESOLUTION R-284775

Accepting the deed of USX Credit, conveying to the City
a flood water storage easement in Parcels 2,3,5 and 6
of Parcel Map PM-16584;

Authorizing the execution of a quitclaim deed,
quitclaiming to USX Credit, all the City's right, title
and interest in a flood water storage easement in
Parcels 2, 3, 5 and 6 of Parcel Map PM-16584.

FILE LOCATION: DEED F-6383 DEED FY95-1

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-106:

SUBJECT: Conflict of Interest Code for the Office of the City
Clerk.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-95-518 Cor.Copy) ADOPTED AS RESOLUTION R-284776

Accepting without revision the City Clerk's Conflict of
Interest Code, as adopted by Resolution R-280601 on
September 14, 1992, which remains in full force and

effect.

CITY CLERK'S SUPPORTING INFORMATION:

The existing Conflict of Interest Code for the Office of the City Clerk was adopted by Council Resolution R-280601 on September 14, 1992, as required by the Political Reform Act. No revision has been made to the Code. This request for acceptance of the Code in its current form is intended to conform to Government Code No. 87306.5 requiring biennial review and update of local Conflict of Interest Codes, as reflected in City Council Resolution R-284140, adopted on June 27, 1994.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-107:

SUBJECT: Second Amendment to the Conflict of Interest Code for the Metropolitan Wastewater Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-521 Cor.) ADOPTED AS RESOLUTION R-284777

Adopting a revised Conflict of Interest Code for the Metropolitan Wastewater Department.

CITY MANAGER SUPPORTING INFORMATION:

The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On March 25, 1991 Council approved the Conflict of Interest Code for the Clean Water Program, the predecessor to the Metropolitan Wastewater Department. The Conflict of Interest Code has been amended once to reflect organization changes. This Amendment updates Exhibit A of the Code. This exhibit lists the duties and

categories of those designated positions required to submit Conflict of Interest Statements. Several organizational changes render the current Exhibit A obsolete. Impacted employees have been given the opportunity to review and comment on the Amendment.

WU-CWP-95-039.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-108:

SUBJECT: Seventh Amendment to the Conflict of Interest Code for the Water Utilities Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-522 Cor.) ADOPTED AS RESOLUTION R-284778

Adopting a revised Conflict of Interest Code for the Water Utilities Department.

CITY MANAGER SUPPORTING INFORMATION:

The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On April 27, 1977 Council approved the Conflict of Interest Code for the Water Utilities Department. The Conflict of Interest Code has been amended six times to reflect organization changes. This Amendment again updates Exhibit A of the Code. This exhibit lists the duties and categories of those designated positions, the incumbents of which are required to submit Conflict of Interest Statements. Several organizational changes render Exhibit A obsolete. This amendment changes Exhibit A of the Code. This Amendment also updates the Code itself and Exhibit B to conform to overall City policy. The City Attorney's office

has reviewed the proposed revisions to the Water Utilities Department's designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC). Employees filling new positions designated as having potential conflicts of interest were afforded the opportunity to review and comment on this Amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-109:

SUBJECT: St. Paul United Methodist Church 50th Anniversary.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-95-595) ADOPTED AS RESOLUTION R-284779

Commending St. Paul United Methodist Church on its 50th Anniversary and Reverend John A. Green for his commitment and devotion, not only to the members of the church, but to the community as a whole.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-110:

SUBJECT: Chollas United Methodist Church Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-95-596) ADOPTED AS RESOLUTION R-284780

Commending Chollas View United Methodist Church on its 50th Anniversary, and commending Pastor Patricia McRae for her commitment and devotion, not only to the members of the church but to the community as a whole;

Proclaiming October 8, 1994 to be "Chollas United Methodist Church Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-111:

SUBJECT: Conversion of Designated Street Lights to High Pressure Sodium Vapor.
(Districts-2, 3, 4, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-579) ADOPTED AS RESOLUTION R-284781

Authorizing the expenditure of an amount not to exceed \$187,000 from CIP-68-012.0 - Annual Allocation - Installation of City-Owned Street Lights in High Crime Areas, Transnet Fund 30300; \$7,179 from CDBG Fund 18530/4071; and \$500 from CDBG 18529/4050, for the purpose of converting designated street lights in District 3 to high pressure sodium vapor.

CITY MANAGER SUPPORTING INFORMATION:

On September 28, 1993, Council directed the City Manager to convert street lights from Low Pressure Sodium (LPS) to High Pressure Sodium (HPS) in the Central Business District, Gas Lamp District, High Crime Areas south of I-8, Golden Hill Revitalization Area, Skyline Drive from 58th Street to East Skyline Drive, and Imperial Avenue from Euclid Avenue to 69th Street.

The approved HPS conversion project will convert a total of 5,800 street lights between FY 94 and FY 95 as a group (Phase I) with the remaining 2,900 street lights to be converted between FY 96 and FY 99 as they burn out (Phase II).

During FY 94, Council approved the expenditure of \$918,000 to begin the group conversion phase of the project. Authorization to expend a total of \$194,679 is now requested to complete Phase I, to start Phase II of the project, and to complete the accelerated HPS conversion of designated street lights in District 3. Council District 3 has proposed an expenditure of \$7,179 from CDBG Fund 18530, and \$500 from CDBG Fund 18529 to accomplish the accelerated District 3 conversion effort.

Aud. Cert. 9500332.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A589-621.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.
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-112:

SUBJECT: Agreement to Purchase Property for Park Land Purposes.
(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-592) ADOPTED AS RESOLUTION R-284782

Authorizing the expenditure of not to exceed \$4,452,800

from the Mira Mesa Facilities Benefit Assessment Fund 79006, CIP-29-653.0 and CIP-29-654.0 for the acquisition of property rights and related costs for the Carroll and Breen park sites as approved in the Memorandum of Understanding, dated December 8, 1992, by Resolution R-281240, between the City of San Diego and the San Diego Unified School District;

The funds of \$4,452,800 shall be expended in the following manner:

	CIP-29-653.0	CIP-29-654.0
1995	\$2,072,000	
1995	\$ 93,000	\$ 86,600
1996	\$1,093,000	\$ 86,600
1997		\$1,021,600
	\$3,258,000	\$1,194,800

The funds from Fiscal Years 1996-1997 are contingent upon City Council approval for each year's consecutive budget;

Authorizing the City Manager to execute a Promissory Note to the San Diego Unified School District as security for the balance of payment of funds for the two park sites;

Payments under the Promissory Note shall be limited to funds available from facilities benefit assessments and if amounts required for payment are not available from facilities benefit assessment funds, then from lease income from the long term City lease with the Torrey Pines Hotel Associates.

CITY MANAGER SUPPORTING INFORMATION:

Pursuant to the MOU adopted December 8, 1992 (R-281240), the City agreed to purchase two park sites, Carroll and Breen, totalling 20.73 acres, from the San Diego Unified School District. The Carroll Site is located between New Salem Street and Westmore Road and the Breen Site is located between Polaris and Crater Drive, both in the Mira Mesa Community of San Diego. The appraisal of the two parcels indicates a value of \$3,060,000 for Carroll and \$935,000 for Breen. The School District concurs with this appraisal.

Aud. Cert. 9500308.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-113:

SUBJECT: Seized Assets - Fire Department Metro Arson Strike
Team.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-441) ADOPTED AS RESOLUTION R-284783

Authorizing the City Manager to accept and expend funds
acquired from the transfer of federally forfeited
property for the use of the San Diego Fire Department
Metro Arson Strike Team;

Authorizing the Auditor and Comptroller to establish a
special fund, entitled "Fire Department Seized Assets"
for the purpose of accepting monies transferred from
federal or state agencies to the San Diego Metro Arson
Strike Team as a participant in law enforcement actions
which result in forfeiture of property;

Authorizing the Auditor and Comptroller to accept,
deposit into and disburse monies from this special
fund.

CITY MANAGER SUPPORTING INFORMATION:

The Metro Arson Strike Team (MAST) responds to incidents
involving arson and/or explosive devices. MAST is often called
to assist other law enforcement agencies in investigating such
incidents, and is authorized to carry firearms and make arrests.
In February, 1994, the Narcotics Street Team requested MAST to
investigate reported explosives found during the execution of a

search warrant. MAST located, identified and removed the devices.

As a participant at such incidents, the San Diego Fire Department's MAST unit is eligible for a share of property for forfeiture as a result of these law enforcement actions. The Comprehensive Crime Control Act of 1984 permits the transfer of forfeited property to federal, state or local law enforcement agencies which participate directly in the seizure or forfeiture of property. The recipient agency must use the assets for law enforcement purposes. The Fire Department requests the establishment of a special fund for depositing and disbursing monies acquired as a result of federal seizure of cash assets.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-114:

SUBJECT: Centre City East Litter Removal Project.
(Centre City East Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-576) ADOPTED AS RESOLUTION R-284784

Authorizing a third year extension to the agreement of August 10, 1992, with the Alpha Project for the Homeless to provide litter removal services in Centre City East;

Authorizing the expenditure of not to exceed \$25,000 from the Downtown Maintenance Assessment District, Fund No. 70212 for the extension to the agreement.

CITY MANAGER SUPPORTING INFORMATION:

The purpose of a third year extension is to continue the City's

effort to involve homeless individuals in providing a public service. By contracting with the Alpha Project for the Homeless to remove litter from the Centre City East area of downtown, two issues can be addressed productively: maintenance of the public right-of-way and employment of the homeless.

The Alpha Project for the Homeless is currently under a City contract to operate the Neil Good Homeless Day Center. The Downtown Maintenance Assessment District, administered by the Park and Recreation Department, is currently providing core litter removal service in Centre City East.

For FY 95, it is proposed that the District continue its contract with the Alpha Project for the Homeless for the 3 days per week litter removal service. The area is approximately 50 blocks: Market Street South to Commercial, and Sixth Avenue east to I-5. The contract extension period will be from July 1, 1994 to June 30, 1995. The Original Agreement was filed with the City Clerk on August 10, 1992 - Document Number RR-280523.

Aud. Cert. 9500365.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-115:

SUBJECT: Agreement with ASL Consulting Engineers for the design of Sewer Main Replacement Group 609.
(Golden Hill Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-561) ADOPTED AS RESOLUTION R-284785

Authorizing an agreement with ASL Consulting Engineers, for the design of Sewer Main Replacement Group 609;

Authorizing the expenditure of not to exceed \$125,750 from Sewer Revenue Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

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

CITY MANAGER SUPPORTING INFORMATION:

This agreement is for the design of the Sewer Main Replacement Group 609, which will replace approximately 12,831 feet of existing concrete sewer main that is deteriorated or undersized. A list of six consultants was provided by the City's Consultant Coordinator.

The firms were interviewed in accordance with Council Policy 300-7, and ASL Consulting Engineers was selected. ASL Consulting Engineers' responsibilities will include an alternative evaluation study, preparation of the construction plans, specification and cost estimate, and support services during bidding and construction, for a contract amount not to exceed \$125,750. Project subconsultants (if required) are: Hirsch and Company (MBE) for utility potholing \$7,500; Carroll, Chapin and Arevalo (WBE) for geotechnical \$10,750.

Aud. Cert. 9500381.
WU-U-95-022.

FILE LOCATION: MEET CCONT FY95-1

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-116:

SUBJECT: Reimbursement Agreement for Calle Cristobal Assessment District No. 4013 - Assessment Reapportionment. (Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-515) ADOPTED AS RESOLUTION R-284786

Authorizing the execution of a Reimbursement Agreement with The Newland Group, Inc.;

Authorizing the Auditor and Comptroller to establish the Calle Cristobal Third Assessment Reapportionment Fund;

Accepting a cash advance of \$15,000 from The Newland Group, Inc. for the purpose of funding this action.

CITY MANAGER SUPPORTING INFORMATION:

On May 23, 1989, the City Council confirmed assessments for Assessment District No. 4013 (Calle Cristobal). Two parcels of land, identified as APN 311-020-03 and APN 311-492-17, are included in the district. At the time the district was established, the proposed development on these two parcels was in accordance with the conditions established for the Lopez Ridge Development by TM-83-0722, TM-84-0500, and the Planned Residential Development Permits associated with these two tentative maps. The development entitlements granted by the PRD permits allowed the developer to construct 242 multi-family units on the two parcels. Each parcel received an assessment based on the number of equivalent dwelling units proposed for that parcel. None of the proposed multi-family units have been constructed, and both parcels remain vacant.

The City Council has recently approved a new Vesting Tentative Map (VTM-87-1038) and a new PRD permit for Monarch Pointe, Units 1 and 2, which will allow construction of 90 single-family residential units on the two parcels, instead of the 242 multi-family units originally proposed. Because the type, number, and location of dwelling units which were proposed for the two parcels when they were part of the Lopez Ridge Development differ from those which are now proposed for the Monarch Pointe Development, the existing assessment on each parcel is no longer based on the number of equivalent dwelling units planned for the parcel. Therefore, if the existing assessments on the parcels are apportioned to the new Monarch Pointe lots which will be filed over the parcels, the resulting assessments placed on the Monarch Pointe single-family lots will vary widely, contrary to the intent of the original assessment spread. In order to avoid this situation, the property owner has requested a

reapportionment of the original assessments on the proposed Monarch Pointe Development. This Council action will authorize the City Manager to execute an "Assessment District Reimbursement Agreement" with The Newland Group. Following execution of the agreement, staff will respread the assessments and proceed with changes and modifications to the final engineer's report for the district. When the work has been completed, a resolution ordering the changes and modifications will be presented to the Council for their consideration.

FILE LOCATION: STRT D-2258

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-117:

SUBJECT: Two actions related to Sewer Replacement Group 84 Construction Change Order No. 14.
(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-565) ADOPTED AS RESOLUTION R-284787

Approving close out Change Order No. 14, dated March 31, 1994, issued in connection with the contract between the City of San Diego and Dietrich Corporation, filed in the office of the City Clerk as Document No. RR-278727, amounting to a net decrease in the contract price of \$250,810.70.

Subitem-B: (R-95-566) ADOPTED AS RESOLUTION R-284788

Stating for the record that the City of San Diego as Lead Agency has reviewed and considered Mitigated Negative Declaration and Mitigated Monitoring Reporting Program DEP-91-0153, including any comments received during the public review process, in connection with

Sewer Replacement Group 84.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Replacement Group 84 was authorized by the City Council on October 7, 1991, to upgrade the water and sewer systems in the La Jolla Community Area. Dietrich Corporation, the low bidder for this job, has completed the construction work on this project. The plans for Group 84 called for the replacement of 260 sewer laterals; however, during construction it was determined that only 22 sewer laterals needed to be replaced. The sewer lateral replacement decreased the contract amount by \$152,619.85. In addition, 831 feet of 8" sewer pipe was deleted from this job, thus decreasing the contract amount by \$78,935. Also, this construction change order will decrease water funds by the amount of \$19,255.85.

WU-U-95-004.

FILE LOCATION: CONT Dietrich Corporation CONT FY95-1

COUNCIL ACTION: (Tape location: A589-621.)

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

* ITEM-S400:

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-95-553) ADOPTED AS RESOLUTION R-284789

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. The State of Emergency was first declared by City Council on September 7, 1993. This action requests the continuation of the State of Emergency 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: A589-621.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 2:52 p.m. in honor of the memory of Marc Abulencia and Dorothy Jean Poole as requested by Mayor Golding, and Edward Nielsen as requested by City Clerk Chuck Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A622-659).