

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 14, 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 2:16 p.m. Mayor Golding adjourned the meeting at 6:05 p.m. to meet in Closed Session on Tuesday, November 15, 1994, at 9:00 a.m. in the 12th floor conference room to discuss pending litigation.

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 Dr. Clayton Schletewitz, First Christian Missionary Alliance 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:

Comments by Don Stillwell regarding Outcome-based Education.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A044-068.)

ITEM-PC-2:

Comments by Lone Wolf, Morton Friedlander, Christine

Knoller, Leo Porter, and John Hartley regarding winter shelter for the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A069-223.)

ITEM-PC-3:

Comments by Edwin Robinson regarding Homeless Advocates of San Diego, Inc. concerning public toilets.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A224-255.)

ITEM-PC-4:

Comments by Reverend David Thompson regarding homelessness and requested that 1995 be the "Year of the Child."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A256-275.)

ITEM-PC-5:

Comments by Mr. Ottoemme regarding erosion to Soledad Mountain Road. Requested Transnet Funding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A276-300.)

ITEM-PC-6:

Comments by Judie Italiano, President of M.E.A., regarding Channel 10 News report on "City Slackers."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A317-458.)

COUNCIL COMMENT:

None.

ITEM-30: PRESENTED

Mayor Golding to accept the national Pedestrian
Casualty Prevention Award from the American Automobile
Association (AAA).

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A460-530.)

ITEM-31:

SUBJECT: Bern and Carmelita Swarts Day.

COUNCILMEMBER ROBERTS' RECOMMENDATION:

Adopt the following resolution:

(R-95-730) ADOPTED AS RESOLUTION R-284883

Commending Bern and Carmelita Swarts for their ongoing
commitment and dedication to the City of San Diego and
the community of Pacific Beach;

Proclaiming November 14, 1994 to be "Bern and Carmelita
Swarts Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A531-608.)

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-32:

SUBJECT: Copley Family YMCA.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-95-675) ADOPTED AS RESOLUTION R-284884

Commending the Copley Family YMCA for their fifty years of dedicated services to the young citizens and families of San Diego, and for their efforts to eradicate the social ills of our city.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B010-041.)

MOTION BY WARDEN 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: Alcohol Ban at Parks in the Clairemont Community.

(Clairemont Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/31/94.

(Council voted 8-0. District 3 not present):

(O-95-30) ADOPTED AS ORDINANCE O-18107 (New Series)

Amending Chapter V, Article 6, Division 5, of the San Diego Municipal Code by amending Section 56.54, relating to Prohibition of Alcoholic Beverages in the following parks in the Clairemont Community: Marian

Bear Natural Park, Cadman Community Park, Clairemont Community Park, Mt. Etna Neighborhood Park, MacDowell Neighborhood Park, North Clairemont Community Park, Tecolote Community Park, Tecolote Canyon Natural Park, and Western Hills Neighborhood Park.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-51: CONTINUED TO NOVEMBER 28, 1994

SUBJECT: Lease Agreement with VVH Resorts, Ltd. (San Diego Princess Resort).

(Mission Bay Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/31/94.

(Council voted 8-0. District 3 not present):

(O-95-29)

Authorizing a 50-year lease agreement with VVH Resorts, Ltd. for property located in Mission Bay Park.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B043-252.)

CONSENT MOTION BY KEHOE TO CONTINUE THE ITEM TO NOVEMBER 28, 1994, AS RECOMMENDED BY THE CITY MANAGER, TO ALLOW FOR PROPER NOTICING. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-100:

SUBJECT: Awarding Contracts for Thirty-Four Dump Trucks.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-633) ADOPTED AS RESOLUTION R-284885

Awarding a contract to Miramar Ford Truck Sales, Inc. (San Diego, CA) and Fuller Ford (Chula Vista, CA), for the purchase of thirty-four dump trucks, as follows: Miramar Ford Truck Sales, Inc. (San Diego, CA), for Item 1 at a cost of \$130,486.50, including tax and terms; Fuller Ford (Chula Vista, CA), for Item 2 at a cost of \$1,112,986.18, including tax and terms;

Authorizing the expenditure of not to exceed \$1,243,472.68 from Fund No. 50031, Department No. 8201, Organization No. N/A, Object Account No. 6013, and Job Order Nos. 088085/088095;

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

(BID-P4481/95)

Aud. Cert. 9500449.

FILE LOCATION: CONT-PURCHASE-Miramar Ford Truck Sales, Inc. (San Diego, CA); Fuller Ford (Chula Vista, CA) CONT FY95-2

COUNCIL ACTION: (Tape location: E318-336.)

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

* ITEM-101:

SUBJECT: Awarding a Contract for Non-Metallic Collector Chain and Attachments.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-632) ADOPTED AS RESOLUTION R-284886

Awarding a contract to Gierlich-Mitchell Inc. (El Segundo, CA), for the purchase of non-metallic collector chain and attachments;

Authorizing the expenditure of not to exceed \$400,586 from Fund No. N/A, Department No. 700, Organization No. 405, Object Account No. 3265, and Job Order No. 002511;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-E4518/95)

Aud. Cert. 9500464.

FILE LOCATION: CONT-PURCHASE-Gierlich-Mitchell Inc. (El Segundo, CA) CONT FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-102:

SUBJECT: Awarding a Contract to Barrett Engineered Pumps for the purchase of One Variable Speed Sludge Transfer Unit, Complete.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-482) ADOPTED AS RESOLUTION R-284887

Awarding a contract to Barrett Engineered Pumps (San Diego, CA) for the purchase of one variable speed sludge transfer unit, complete, for an estimated cost of \$71,108.99;

Authorizing the expenditure of not to exceed \$71,108.99 from Department 700, Organization 301, Object Account 3306, and Job Order 002501, for said project and related costs;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-E4514/95)

Aud. Cert. 9500463.

FILE LOCATION: CONT-PURCHASE-Barrett Engineered Pumps (San Diego, CA) CONT FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stallings. 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 Construction of Traffic Signal and Street Lighting Systems for Crest Way at Del Mar Heights Road and Marlborough Avenue at Orange Avenue.

(Torrey Pines and Corridor Community Areas. Districts-1 & 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-587) ADOPTED AS RESOLUTION R-284888

Inviting bids for the Construction of Traffic Signal

and Street Lighting Systems for Crest Way at Del Mar Heights Road and Marlborough Avenue at Orange Avenue on Work Order No. 112477;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of \$210,000 from CIP-68-010.0, Construct Top 10-15 Traffic Signals, TransNet Fund 30300;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to retain excess monies, if any, in CIP-68-010.0. (BID-K95042)

CITY MANAGER SUPPORTING INFORMATION:

The subject Capital Improvement Program project to install traffic signal and street lighting systems on Del Mar Heights Road at Crest Way and on Orange Avenue at Marlborough Avenue, provides for the safe passage of emergency equipment, pedestrians and vehicles through the intersections.

Traffic signal features include a protected left-turn lane on Del Mar Heights Road and emergency vehicle preemption equipment on Crest Way, Del Mar Heights Road, Marlborough Avenue and Orange Avenue.

Aud. Cert. 9500392.

FILE LOCATION: W.O. 112477 CONT-Select Electric, Inc. CONT
FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-104:

SUBJECT: Two actions related to the Final Subdivision Map of Carmel Valley Neighborhood 1 Unit 16A-2.

(A 12-lot subdivision located on the southwest corner

of Del Mar Heights Road and Carmel Canyon Road. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-693) ADOPTED AS RESOLUTION R-284889

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

Subitem-B: (R-95-692) ADOPTED AS RESOLUTION R-284890

Approving the final map.

FILE LOCATION: SUBD-Carmel Valley Neighborhood 1 Unit 16A-2
CONT FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-105:

SUBJECT: Two actions related to the Final Subdivision Map of Cornerstone Scripps Ranch Village.

(A 63-lot subdivision located on the east side of Spring Canyon Road, south of Scripps Poway Parkway. Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-706) ADOPTED AS RESOLUTION R-284891

Authorizing a Subdivision Improvement Agreement with Encore Scripps Ranch, L.P. for the installation and completion of public improvements.

Subitem-B: (R-95-705)ADOPTED AS RESOLUTION R-284892

Approving the final map.

FILE LOCATION: SUBD-Cornerstone Scripps Ranch Village CONT
FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-106:

SUBJECT: Two actions related to the Final Subdivision Map of
Monarch Estates Unit No. 8.

(A 40-lot subdivision located northeasterly of I-805
and Sorrento Valley Boulevard. Mira Mesa Community
Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-722)ADOPTED AS RESOLUTION R-284893

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

Subitem-B: (R-95-721)ADOPTED AS RESOLUTION R-284894

Approving the final map.

FILE LOCATION: SUBD-Monarch Estates Unit No. 8 CONT FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,

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

* ITEM-107:

SUBJECT: Three actions related to the Final Map of Torrey Reserve Unit No. 2.

(A 7-lot subdivision located northeasterly of El Camino Real and Arroyo Sorrento Road. Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-263) ADOPTED AS RESOLUTION R-284895

Authorizing a Subdivision Improvement Agreement with Pacific Torrey Reserve Assets, Inc., for the installation and completion of public improvements.

Subitem-B: (R-95-262) ADOPTED AS RESOLUTION R-284896

Approving the final map.

Subitem-C: (R-95-264) ADOPTED AS RESOLUTION R-284897

Authorizing an Interim Street Detour Agreement with Pacific Torrey Reserve Assets, Inc.

CITY MANAGER SUPPORTING INFORMATION:

On February 9, 1993 the City Council of the City of San Diego approved Resolution No. R-281473, authorizing the vacation of portions of El Camino Real. Right-of-way for the new alignment of El Camino Real will be dedicated with the filing of the subject final map. However, in order to construct the new street improvements, it will be necessary to detour traffic through adjacent private property. Staff is recommending that the City enter into an "Interim Street Detour Agreement" with Pacific Torrey Reserve Assets, Inc., in order to provide for this detour and maintain physical access to residents along Arroyo Sorrento Road during construction. The agreement will authorize the construction of an interim detour route or routes. The detour route will traverse properties owned by the City, the State, and

Pacific Torrey Reserve Assets, Inc. The contractor of the street realignment will be responsible for obtaining appropriate permits for this work.

FILE LOCATION: SUBD-Torrey Reserve Unit No. 2 CONT FY95-2

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-108:

SUBJECT: Street Vacation - Carrara Place South of Renaissance Avenue.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-445) ADOPTED AS RESOLUTION R-284898

Resolution of Intention to vacate Carrara Place, south of Renaissance Avenue; and fixing a time and place for a public hearing.

FILE LOCATION: DEED F-6388; STRT J-2812 DEED FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-109:

SUBJECT: Water Easement Abandonment over San Diego State University Campus.

(College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-717) ADOPTED AS RESOLUTION R-284899

Authorizing the sale by negotiation of an unneeded water easement in Lots 21 and 67, Rancho Mission of San Diego, located on San Diego State University campus, for \$500 to the State of California;

Authorizing a quitclaim deed, quitclaiming the water easement to the State of California;

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

CITY MANAGER SUPPORTING INFORMATION:

San Diego State University has requested abandonment of a water easement over portions of Lots 21 and 67, Rancho Mission of San Diego, to remove any cloud on the title of State-owned land and enabling them to proceed with a bond sale for the parking, housing or auxiliary activities on the SDSU campus. The City has previously abandoned portions of the same easement to the University, once in 1969 and again in 1975. The subject easement has been reviewed by all concerned departments and determined that there is no present or prospective need for the easement; therefore, abandonment is recommended.

FILE LOCATION: DEED F-6389 DEED FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-110:

SUBJECT: Conflict of Interest Code for the City Council Departments.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-95-601) ADOPTED AS RESOLUTION R-284900

Accepting without revision the Conflict of Interest Code for the City Council Departments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-111:

SUBJECT: Amendment to the Conflict of Interest Code for the City Treasurer's Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-519) ADOPTED AS RESOLUTION R-284901

Adopting a revised Conflict of Interest Code for the City Treasurer's Department.

CITY MANAGER SUPPORTING INFORMATION:

Government Code Section 87306.5 requires all agencies to review their Conflict of Interest Codes on every even numbered year. Accordingly, the City Treasurer's Department has reviewed its Conflict of Interest Code and has made necessary changes. Exhibits A and B, which list the designated positions in the department and the disclosure categories for those positions, respectively, have been updated to accommodate organizational changes within the department. In addition, Exhibit A has been revised to include all statutory filers (i.e. City Treasurer and Investment Officers) in order to clarify which positions in the department are required to file as well as which disclosure forms

each position is required to complete.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-112:

SUBJECT: Revised Conflict of Interest Code for the Financial
Management Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-520) ADOPTED AS RESOLUTION R-284902

Adopting a revised Conflict of Interest Code for the
Financial Management Department;

Rescinding the Purchasing Department's Conflict of
Interest Code, which was amended by Resolution R-
280739, adopted September 29, 1992, since the positions
designated in that Code are now included in the
Conflict of Interest Code for the Financial Management
Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-113:

SUBJECT: Conflict of Interest Code for the Planning Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-620) ADOPTED AS RESOLUTION R-284903

Adopting the revised Conflict of Interest Code for the Planning Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-114:

SUBJECT: Conflict of Interest Code for the San Diego Festivals Inc.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-598) ADOPTED AS RESOLUTION R-284904

Accepting without revision the Conflict of Interest Code adopted by Resolution R-280874 on October 19, 1992, for the San Diego Festivals Inc.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-115:

SUBJECT: Council for Learning Disabilities Day.

COUNCILMEMBER STALLINGS' RECOMMENDATION:

Adopt the following resolution:

(R-95-731) ADOPTED AS RESOLUTION R-284905

Commending the Council for Learning Disabilities for its dedication and commitment to the enhancement of the lives of people with learning disabilities;

Proclaiming November 10, 1994 to be "Council for Learning Disabilities Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-116:

SUBJECT: Six actions related to Suggestion Awards.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions authorizing Suggestion Awards to City Employees:

Subitem-A: (R-95-699) ADOPTED AS RESOLUTION R-284906

Douglas Nakama - Fire Department - \$45.00
Duane Hewlett - Water Utilities/Production - \$80.00

Subitem-B: (R-95-700) ADOPTED AS RESOLUTION R-284907

Kirk A. Laughead and Olive Hoffman - Auditor's - \$82.44 to be shared equally between two suggesters.
Richard R. Voss - Park and Recreation/Coastal - \$90.00

Subitem-C: (R-95-701) ADOPTED AS RESOLUTION R-284908

Tony Padilla - Water Utilities/Production - \$180.00

Subitem-D: (R-95-702) ADOPTED AS RESOLUTION R-284909

William C.L. Tripp - Development Services Department
- \$904.80

Subitem-E: (R-95-703) ADOPTED AS RESOLUTION R-284910

Duane Hewlett - Water Utilities/Production - \$1,710.00

Subitem-F: (R-95-704) ADOPTED AS RESOLUTION R-284911

Terry P. Powers - Fire Department - \$4,095.00

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-117:

SUBJECT: Community Oriented Policing in San Diego:
Implementation and Assessment Demonstration Grant
Application.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-611)ADOPTED AS RESOLUTION R-284912

Authorizing the City Manager to apply for, accept and
expend a grant from the United States Department of
Justice, Bureau of Justice Assistance, titled
"Community Oriented Policing in San Diego:
Demonstration and Assessment," to develop, implement
and evaluate department-wide community policing.

CITY MANAGER SUPPORTING INFORMATION:

The Police Department has been invited by the U.S. Bureau of Justice Assistance to apply for demonstration grant funds for the purpose of designing, implementing, and evaluating Community Policing on a department-wide basis. The demonstration project will be guided by the national Community Policing Consortium, consisting of representatives of the International Association of Chiefs of Police, the Police Executive Research Forum, the Police Foundation, and the National Sheriff's Association. Funds will be used for professional support and clerical personnel, automation systems, required travel/training, and miscellaneous equipment and supplies.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-118:

SUBJECT: Interest Waiver for Purchases of Service Credit in the Retirement System.

RETIREMENT BOARD'S RECOMMENDATION:

Adopt the following resolution:

(R-95-733) ADOPTED AS RESOLUTION R-284913

Authorizing the Retirement Board to implement the waiver of a portion of the interest to be charged from June 30, 1990 through July 1, 1994, for certain purchases of service credit for previous City service involving unrepresented employees in unclassified, part-time and hourly service of the City, pursuant to San Diego Municipal Code Section 24.1310.

SUPPORTING INFORMATION:

The ability to purchase service credit in the Retirement System has created a variety of inequitable situations for a group of members (unclassified, part-time and hourly City employees) who are not represented by any bargaining unit. San Diego Municipal Code Section 24.1310 provides that any member seeking to purchase service credit must pay into the Retirement System both the employee and employer contributions which would have been made had she or he been a member during the time for which he or she seeks service credit, including the interest which would have accrued. In 1989 and 1990, a number of broad changes were authorized by the City Council which expanded the service eligible for purchase, expanded the number of employees eligible to purchase their previous City service and removed restrictions previously imposed upon the purchase of service credit. The Board experienced delays for a variety of reasons in establishing procedures and staffing to implement these benefit changes. The Retirement Board unanimously approved a waiver of a portion of the interest to be charged from June 30, 1990 to July 1, 1993, on purchases of service credit involving the affected employees.

This period was selected because it covered the period of delay and because it was estimated that it would take until the latter part of 1993 to accomplish the necessary changes to the San Diego Municipal Code. The present recommendation waives interest from June 30, 1990 through July 1, 1994, reflecting the additional delay actually incurred in resolving this matter. In an abundance of caution, the Board sought review by the City Attorney and outside fiduciary counsel on the question of whether this action might constitute a gift of public funds. Both the City Attorney and fiduciary counsel indicated that the proposed interest waiver would not be a gift of public funds. Outside counsel, however, suggested that the proposed waiver was more akin to a benefit determination and recommended that the matter be referred to the City Council for action. As such, the Board has referred the matter to the City Council.

The City Manager supports the City Council's approval of the interest waiver. It would maintain and enhance the confidence and morale of the System's current members, assure that the System's members will be treated fairly and equitably and retain qualified and competent employees. Finally, with the recent amendment to the Retirement System regarding mandatory membership for all employees hired by the City on or after August 11, 1993, the proposed waiver becomes a one-time proposition.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-119:

SUBJECT: Transfer of Funds for Owner-Controlled Insurance and
for the State Ocean Compliance Waiver.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-727) ADOPTED AS RESOLUTION R-284914

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$500,000 from the Metropolitan Wastewater Department Sewer Fund No. 41509, CIP-46-170.0, Point Loma Digester Facility Upgrade and Expansion, to CIP-46-184.0, Deductible for Owner-Controlled Insurance Program, for the insurance deductible related to the City's owner-controlled insurance, with authorization to expend these funds to be requested at a later date;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,000,000 from the Metropolitan Wastewater Department Fund No. 41509, CIP-42-910.1, North City Water Reclamation Plant, to Metropolitan Technical Services Fund No. 41508, Major Program 77810, Program Element 77811, Object Account 4151, for the City's State Ocean Plan compliance waiver, with authorization to expend these funds to be requested at a later date.

CITY MANAGER SUPPORTING INFORMATION:

On June 21, 1994, by Resolution R-284112, Council approved the owner-controlled insurance program for the Metropolitan Wastewater Department, and awarded a contract to Sedgewick James of California to administer the program. This action identifies funds in the amount of \$500,000 to meet our deductible requirement. Authorization for expenditure of these funds will

be obtained as needed. Per Council direction, the Metropolitan Wastewater Department is staffing an effort with the intent to apply for a waiver from secondary treatment at the Point Loma Wastewater Plant. With this action funds will be identified in the amount of \$1,000,000 for administrative work related to this effort.

Authorization for expenditure of these funds will be obtained at a later date.

Aud. Cert. 9500495.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-120:

SUBJECT: Construction of Vermont Street Pedestrian Bridge.

(Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-406 Cor. Copy) ADOPTED AS RESOLUTION R-284915

Authorizing the Auditor and Comptroller to transfer not to exceed \$17,578 from Tyler Avenue Storm Drain, CIP-11-263.0, Fund No. 30300, TransNet - Proposition A to Vermont Street Pedestrian Bridge, CIP-53-048.0;

Authorizing the Auditor and Comptroller to transfer not to exceed \$48,139 from Chaparral Way Storm Drain, CIP-11-251.0, Fund No. 30300, TransNet - Proposition A to Vermont Street Pedestrian Bridge, CIP-53-048.0;

Authorizing the Auditor and Comptroller to transfer not to exceed \$43,214.59 from Annual Allocation -

Miscellaneous Requirements City Streets, CIP-58-004.0,
Fund No. 30300, TransNet - Proposition A to Vermont
Street Pedestrian Bridge, CIP-53-048.0;

Increasing the limit on Law/Crandall, Inc.'s purchase
order to \$70,000 pursuant to their additional service
request letter dated July 28, 1994 for the Vermont
Street Pedestrian Overcrossing, CIP-53-048.0;

Authorizing the expenditure of not to exceed
\$108,931.59 from Vermont Street Pedestrian Bridge CIP-
53-048.0, Fund No. 30300, TransNet - Proposition A.

CITY MANAGER SUPPORTING INFORMATION:

Capital Improvement Project CIP-53-048.0 provides for the design
and reconstruction of the Vermont Street Pedestrian Bridge. The
reconstruction of the bridge was awarded to L.R. Hubbard
Construction, Co., Inc. on September 30, 1993 for \$817,506.50.

The construction bid for the project was \$78,682.50 over the
engineer's estimate of \$738,824. Funds were shifted from
construction inspection so the project could be awarded. In
addition, Law/Crandall, Inc. was hired via a purchase order for
special inspection of work listed in their August 16, 1993
letter.

Their original fee was \$13,000. The original scope of work
required two weeks of full time inspection with periodic follow-
up inspections based on an American Institute of Steel
Construction (AISC) certified fabricator.

The City opted to approve the non-AISC certified minority
fabricator, Edteq, for the project based on the condition that
the contractor, L.R. Hubbard Construction, Inc., would be
responsible for any extra inspection created by Edteq's work.
Law/Crandall, Inc. has spent more time than anticipated because
of the fabricator's failure to adequately staff the project. To
cover this, the City will withhold funds due L.R. Hubbard
Construction, Inc. for the extra inspection time required.
Law/Crandall, Inc. has requested an additional \$57,000 for
project testing and inspection services. Their work is expected
to be completed in October 1994.

It is requested that Law/Crandall, Inc. continue project testing
and inspection services and increase the authorized amount noted
in Law/Crandall, Inc. purchase order. The total fee would be
increased to \$70,000. This request would allow the construction

of the project to continue without delays. \$108,931.59 in additional funds will be necessary for the completion of the project, plus \$57,000 withheld for L.R. Hubbard (the prime contractor) to provide for the additional inspection by Law/Crandall, Inc.
Aud. Cert. 9500247.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

ITEM-121:

SUBJECT: Sorrento Hills Funding for SR-56 and CVREP Right of Way.

(See City Manager Report P-94-169. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-681) ADOPTED AS RESOLUTION R-284916

Authorizing the elimination of funding obligations for SR-56 right of way in the Future Urbanizing Area;

Authorizing the release of the \$4.5 million letter of credit as required in Development Agreement No. OO-17300;

Authorizing the expenditure of not to exceed \$1,972,037 from CIP-52-356.0, Fund 790022, SANDAG Advance for the purpose of providing funds to provide equitable treatment to Sorrento Hills.

Aud. Cert. 9500429.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E342-F138.)

MOTION BY MATHIS TO ADOPT THE CITY MANAGER'S RECOMMENDATION.
Second by Vargas. Passed by the following vote: Mathis-
yea, Roberts-not present, Kehoe-yea, Stevens-yea, Warden-
nay, Stallings-nay, McCarty-nay, Vargas-yea, Mayor Golding-
yea.

* ITEM-122:

SUBJECT: Settlement of Claim Regarding the Construction of the
Alvarado Filtration Plant, Joint Laboratory Facility.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-680) ADOPTED AS RESOLUTION R-284917

A Resolution approved by the City Council in Closed
Session on Tuesday, October 18, 1994 by the following
vote: Mathis-yea; Roberts-yea; Kehoe-yea; Stevens-nay;
Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea;
Mayor-yea.

Authorizing the City Manager to pay the total sum of
\$264,000 in the settlement of each and every claim
against the City, its agents and employees, Superior
Court Case No. 670559, Blake Construction Co., Inc. v.
City of San Diego, et al., resulting from extra work
and delay costs, as well as extra costs incurred by the
subcontractor, Arcon Electric, in the construction of
the Alvarado Filtration Plant, Joint Laboratory
Facility;

Authorizing the City Auditor and Comptroller to issue
one check in the amount of \$264,000, made payable to
the Perkins and Miltner Trust Account, in full
settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Blake
Construction Company, Inc. claim as a result of construction
activities for the Alvarado Filtration Plant-Joint Laboratory.

Aud. Cert. 9500509.

WU-U-95-051.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stallings.
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-123:

SUBJECT: Settlement of the Property Damage Claim of Rodvold
Enterprises, Inc.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-670) ADOPTED AS RESOLUTION R-284918

A Resolution approved by the City Council in Closed
Session on Tuesday, October 18, 1994 by the following
vote: Mathis-yea; Roberts-yea; Kehoe-not present;
Stevens-nay; Warden-yea; Stallings-yea; McCarty-yea;
Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of
\$87,500 in the settlement of each and every claim
against the City, its agents and employees, resulting
from the property damage claim of Rodvold Enterprises,
Inc. v. Chino-Corona Farms, Inc. et al., Superior Court
Case No. 66634;

Authorizing the City Auditor and Comptroller to issue
one check in the total amount of \$87,500 made payable
to Rodvold Enterprises, Inc. and their attorney,
Schall, Boudreau & Gore, 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 Rodvold Enterprises, Inc. against the City of San Diego, its agents and employees, as a result of an incident which occurred during 1992-1993.

Aud. Cert. 9500477.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stallings. 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-124:

SUBJECT: Annual Election of the College Community Project Area Committee (PAC).

(See City Manager Report CMR-94-340. College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-686) ADOPTED AS RESOLUTION R-284919

Ratifying the results of the College Community Project Area Committee (PAC) Election of October 4, 1994.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-125:

SUBJECT: Ridesharing Marketing Research.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-593) ADOPTED AS RESOLUTION R-284920

Authorizing an agreement with the Air Pollution Control District to accept and expend funding for regional Ridesharing Marketing Research in the amount of \$75,000;

Authorizing an agreement with the top recommended consultant, Ilium Associates, Inc., to conduct Ridesharing Marketing Research for a total cost of \$74,900.

CITY MANAGER SUPPORTING INFORMATION:

Under authority of AB2766, the Air Pollution Control Board (APCD) established a \$2.00 per motor vehicle registration fee to fund Transportation Control Measures and other programs to reduce vehicle emissions in San Diego County. The Air Pollution Control Board approved a funding allocation plan last September for projects submitted by a number of cities and other interests. The APCB authorized an allocation of \$75,000, requested by the City of San Diego, to conduct County marketing research of public attitudes, habits, and awareness towards commute modes and alternatives to bring about behavioral changes in favor of ridesharing.

Following the recommendation of a five person consultant selection committee, based upon the independent review of 12 consultant proposals solicited by the City and interviews with the top four consultants, Ilium Associates of Bellevue, Washington was selected as the top candidate.

Subsequent negotiations with Ilium Associates resulted in the signed agreement for Council approval in the amount of \$74,900. Ilium has committed to spending over 30 percent of the total funding on local subcontractors, and is DBE/WBE certified. The research information and recommended marketing strategies will be used to encourage changes in behavior among regional solo drivers towards ridesharing through public education, awareness, and advertising in coordination with the San Diego Marketing Alliance for Ridesharing and Transportation (SMART). This regional coalition is composed of the City of San Diego (Chair), the Air

Pollution Control District, Commuter Computer, SANDAG, SDG&E, MTDB, San Diego Transit and regional Transportation Management Associations among others. SMART develops coordinated regional marketing and public education campaigns with funding provided through member organizations, and coordinates special events and other activities among its membership.

Aud. Cert. 9500393.

FILE LOCATION: MEET CONT FY95-1; CCONT FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-126:

SUBJECT: Amendment No. 3 to the Agreement with Kramer, Chin, and Mayo (KCM) for Value Engineering Services.

(Point Loma/Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-726) ADOPTED AS RESOLUTION R-284921

Authorizing a third amendment to the agreement of December 10, 1990, with Kramer, Chin, and Mayo, for value engineering services required for projects in the City's Point Loma Wastewater Treatment Plant;

Authorizing the City Auditor and Comptroller to transfer amounts within Fund No. 41509, consisting of an amount not to exceed \$85,602 from CIP-46-170.0, Point Loma - Digester Upgrade & Expansion, \$52,745 from CIP-46-175.0, Point Loma - Headworks, Odor Control and Grit Processing Facilities, and \$77,542 from CIP-46-179.0, Point Loma - Power Generation and Distribution Upgrade, all to Fund No. 41509, CIP-45-910.3, Program Planning & Studies;

Authorizing the expenditure of an amount not to exceed \$306,130 from Fund No. 41509, CIP-45-910.3, Program Planning and Studies.

CITY MANAGER SUPPORTING INFORMATION:

On December 10, 1990, the City entered into an agreement with Kramer, Chin, and Mayo, Inc. (KCM), for value engineering services for both pre-design and detailed design packages. Based on the original agreement, eleven value engineering workshops were completed by Amendment No. 1 signed on January 27, 1992, and Amendment No. 2 signed on October 25, 1993. A twelfth value engineering workshop was done in April 1994 under additional services.

This Amendment No. 3 which identifies and describes four more pre-design and detailed design packages is submitted to provide the value engineering services for the identified four design packages. These additional value engineering services under Amendment No. 3 will complete the pre-design and detailed design projects of North and Central Subsystems.

- Exhibit "A" describes the general scope of work for KCM.
- Attachment No. 1 to Exhibit "A" identifies the number of value engineering workshops.
- Attachment No. 2 to Exhibit "A" provides workshop descriptions.
- Exhibit "B" describes the Schedule of Work/Deliverables.
- Exhibit "C" provides Progress Payment Schedules.

With this amendment approximately eight local jobs would be provided.

Aud. Cert. 9500496.

FILE LOCATION: MEET CCONT FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stallings.
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-127:

SUBJECT: Southwest Technology Transfer Center.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-714) ADOPTED AS RESOLUTION R-284922

Authorizing the City Manager to execute a contract with the NASA Far West Technology Transfer Center;

Authorizing the establishment of the Southwest Technology Transfer Center and allocating \$135,000 from EDA funds previously designated for the High Technology Resource Center;

Accepting the grant in the amount of \$107,000 from the NASA Far West Regional Technology Transfer Center for the establishment of the Southwest Technology Transfer Center, subject to the conditions imposed.

CITY MANAGER SUPPORTING INFORMATION:

The NASA Far West Regional Technology Transfer Center, located at the University of Southern California, Los Angeles, has established a network of outreach affiliates in Alaska, Arizona, Hawaii, Idaho, Nevada, Oregon, Washington, and other parts of California. This Center can provide businesses with specialized needs assessment, problem solving, market analysis, database searches, licensing opportunities, strategic partnering, and NASA and federal laboratory expertise.

The Center proposes to add San Diego as an outreach affiliate, to be called the "Southwest Technology Transfer Center," and will operate through the already-established High Technology Resource Center. The contract as proposed by the NASA Far West Technology Transfer Center would provide \$107,000 to the City of San Diego to augment the High Technology Resource Center staff to increase and facilitate awareness of and access to the technology and utilization support assets of NASA and federal research and development laboratories. This agreement requires the City to provide a match in the amount of \$135,000, which is already being provided through the City's grant from the Economic Development Administration for the High Technology Resource Center.

Aud. Cert. 9500481.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-128:

SUBJECT: Agreement with Science Applications International
Corporation to Establish the California Small Business
Assistance Network.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-723) ADOPTED AS RESOLUTION R-284923

Authorizing an agreement with Science Applications
International Corporation, a Delaware corporation with
principal offices in San Diego, CA, to establish the
California Small Business Assistance Network (CSBAN)
pursuant to California Trade and Commerce Agency Grant
No. C94-0021;

Authorizing the expenditure of not to exceed \$250,000
from Fund/Dept. 19306, Org. 100.

CITY MANAGER SUPPORTING INFORMATION:

On May 31, 1994, the City Council authorized the acceptance of a
\$250,000 grant from the California Trade and Commerce Agency,
State of California, to fund the establishment of the California
Small Business Assistance Network (CSBAN). The CSBAN will
provide small-to-medium defense dependent companies with the
business data, information and support they need to successfully
convert from defense to commercial related activities.

The CSBAN will become a significant element of the City's
Economic Defense Conversion program. Science Applications
International Corporation (SAIC) was identified in the grant
application and the subsequent grant contract as the grant
participant to establish the CSBAN. Under this agreement, SAIC

will design the CSBAN, and following the City's approval of the design, establish an operational CSBAN. The effective date of this agreement is July 1, 1994 through June 30, 1995. The subject agreement will be funded entirely by the California Trade and Commerce grant, for the amount of \$250,000. The terms and conditions of this agreement have been prepared in accordance with the California Trade and Commerce Agency administrative grant requirements.

Aud. Cert. 9500493.

FILE LOCATION: MEETCONT FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-129:

SUBJECT: Extension of Time of the Memorandum of Understanding with the Unified School District.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-665) ADOPTED AS RESOLUTION R-284924

Approving the extension to July 1, 1995 of the Memorandum of Understanding adopted by Resolution R-283071, with the Unified School District regarding property located in the Scripps Miramar Ranch Community scheduled to expire on December 31, 1994.

CITY MANAGER SUPPORTING INFORMATION:

The Memorandum of Understanding between the City and the San Diego Unified School District was passed by Resolution in 1993 with an expiration date of 12/31/94 for certain property located in the Scripps Miramar Ranch Community. Consideration of the property is still in process which requires an extension of time

to complete. The request for the extension of time is to 7/1/95.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-130:

SUBJECT: Two actions related to Water and Sewer Main Replacement
Group 612 Contract Change Order No. 4.

(Peninsula, Midway/Pacific Highway Corridor Community
Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-711) ADOPTED AS RESOLUTION R-284925

Approving Change Order No. 4, dated August 23, 1994,
with Dietrich Corporation, increasing the contract
price by \$72,400;

Authorizing the expenditure of not to exceed \$72,400
from Water Revenue Fund No. 41500, CIP-73-083.0, Annual
Allocation - Water Main Replacement Program.

Subitem-B: (R-95-712) ADOPTED AS RESOLUTION R-284926

Stating for the record that the Council of the City of
San Diego as Lead Agency has reviewed and considered
the information in Environmental Impact Report,
Mitigated Negative Declaration and Mitigation,
Monitoring and Reporting Program DEP-91-0705, in
connection with construction of Water and Sewer Main
Replacement Group 612.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Group Job 612 includes the replacement of 4,000

feet of water main within Caltrans right-of-way. Dietrich Corporation, the low bidder for this job, was directed to provide a trench cap consisting of a 6-inch concrete base and a 2-inch asphalt overlay as requested by Caltrans. Caltrans has also requested paving of damaged road surface caused by recent water main breaks within the State right-of-way. In addition, Water Distribution Division requested the replacement of water mains within Rosecrans right-of-way (290 feet).

Aud. Cert. 9500465.

WU-U-95-024.

FILE LOCATION: CONT-Dietrich Corporation CONT FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

ITEM-131: TRAILED TO NOVEMBER 15, 1994

SUBJECT: Change Order No. 6 for the Construction of University Avenue/Lincoln Avenue Two-Way Couplet System.

(North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-669)

Approving Change Order No. 6, dated September 28, 1994, issued in connection with the contract with West Coast General Corporation for the Construction of University Avenue/Lincoln Avenue Two-Way Couplet System, amounting to a net increase in the contract price of \$222,210.13.

CITY MANAGER SUPPORTING INFORMATION:

On June 1, 1993, by Resolution R-282050 the City Council approved the construction documents and authorized the City Manager to execute a contract for Construction of University Avenue/Lincoln

Avenue Two-Way Couplet System Improvements. On June 17, 1993 the Couplet System construction contract was awarded to West Coast General Corporation in the amount of \$1,898,425.59. Contract Change Order (C.C.O.) No. 6 will reimburse the Contractor for mitigating unforeseen field conditions encountered during construction. Major items of work in C.C.O. No. 6 involve excavating and disposing of unsuitable clay sub-grade material discovered in the existing roadway section scheduled for demolition.

Although unanticipated the excavation along with an upgraded pavement section is necessary and recommended in order to eliminate future pavement failures.

Aud. Cert. 9500435.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B043-252.)

* ITEM-132:

SUBJECT: Appointments and Reappointments to the Commission for Arts and Culture.

(See memorandums from Mayor Golding dated October 28, 1994 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-729) ADOPTED AS RESOLUTION R-284927

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Commission for Arts and Culture for terms ending August 31, 1997:

Appointments:

Gerry McAllister

(to replace Jess Stoddart, whose term has expired)

Dr. Roger Cornell

(to replace Pauline des Granges, whose term has expired)

Dorothy Hom
(to replace Sylvia M. Thompson, whose term has expired)

Reappointments:
Marylou Valencia
Darlene G. Davies

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-133:

SUBJECT: Appointment to the Commission on the Status of Women.

(See memorandum from Mayor Golding dated 11/1/94 with
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-734) ADOPTED AS RESOLUTION R-284928

Council confirmation of the appointment by the Mayor of
Sounanthana "Sue" Nosavan to serve as a member of the
Commission on the Status of Women, for a term ending
March 1, 1996, replacing Joan E. Malone, whose term has
expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-134:

SUBJECT: Reappointment to the San Diego County Water Authority Board.

(See memorandum from Mayor Golding dated 10/28/94.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-728) ADOPTED AS RESOLUTION R-284929

Council confirmation of the reappointment by the Mayor of Fredrick H. Thompson, to the San Diego County Water Authority Board, for a term ending October 27, 2000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-135:

SUBJECT: Exclusive Lease Negotiations with Harmonium Inc.

(See City Manager Report CMR-94-314. Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-698) ADOPTED AS RESOLUTION R-284930

Authorizing a Reimbursement Agreement with Harmonium Inc., to disburse funds in an amount not to exceed \$40,000, from Mira Mesa Community Fund No. 10516, to pay for development/architectural reuse plans for the old Mira Mesa Library located at 8450 Mira Mesa

Boulevard.

OTHER RECOMMENDATIONS:

Transportation and Land Use Committee's Recommendation:
Initiated by T&LU on 10/19/94. The Committee voted 4-0 on a recommendation to support the concept presented by the Mira Mesa Community and Harmonium, Inc. (Councilmembers Mathis, Warden, Stallings, and Vargas voted yea. Councilmember Roberts not present.)

Aud. Cert. 9500440.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-136:

SUBJECT: Street Tree Replacement Program - People for Trees.

(See City Manager Report CMR-94-322.)

PUBLIC FACILITIES AND RECREATION COMMITTEE'S RECOMMENDATION:
On 10/26/94, PF&R voted 4-0 to recommend adoption of the following resolution (Councilmembers Mathis, Warden, Stallings and McCarty voted yea; Councilmember Kehoe not present):

(R-95-616) ADOPTED AS RESOLUTION R-284931

Authorizing the City Manager to engage the services of People for Trees (San Diego, CA), to implement a street tree replacement program as set forth in the City Manager's Report CMR-94-322;

Authorizing the expenditure of not to exceed \$29,916 from Fund 100, Department 443, Org. 630, Account 4127, Job Order 044363.

Aud. Cert. 9500416.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B043-252.)

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

* ITEM-137:

SUBJECT: Agreement for the City Treasurer to Pursue the
Collection of Returned Checks.

(See City Manager Report CMR-94-315.)

PUBLIC SERVICES AND SAFETY COMMITTEE'S RECOMMENDATION:

On 10/19/94, PS&S voted 4-0 to recommend adoption of the
following resolution (Councilmembers Kehoe, Stevens, McCarty, and
Vargas voted yea; Councilmember Roberts not present):

(R-95-609) ADOPTED AS RESOLUTION R-284932

Authorizing an agreement with the Metropolitan Transit
Development Board for the City Treasurer to pursue the
collection of delinquent returned checks on a
contingency fee basis.

CITY MANAGER SUPPORTING INFORMATION:

Earlier this year, the Metropolitan Transit Development Board
(MTDB) requested the assistance of the City Treasurer's office in
the recovery of delinquent returned checks. Subsequent
negotiations between MTDB and City staff resulted in a proposed
agreement whereby City staff will undertake action to collect the
outstanding delinquent amounts plus returned check fees, treble
damages, City collection referral fees, and interest, pursuant to
applicable law.

In consideration of this, the City will retain a percentage of
the amounts collected as a fee for providing this service. The
proposed agreement, brought before the MTDB at its regular
meeting on May 12, 1994, was unanimously approved. Currently,
MTDB is prepared to refer approximately 700 returned checks
totaling \$38,000.

FILE LOCATION: MEETCONT FY95-1

COUNCIL ACTION: (Tape location: B043-252.)

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

ITEM-200:

SUBJECT: Water-Conserving Plumbing Standards.

(See Memorandum from Coleman Conrad dated 7/6/94; City
Manager Reports CMR-94-178, CMR-94-125 & CMR-94-86;
letters from San Diego Association of Realtors dated
10/27/94, 7/8/94 and 4/22/94.)

CITY COUNCIL'S RECOMMENDATION:

Introduce the following ordinance, which has been amended
according to the direction of the City Council on October
31, 1994. (Council voted 7-1. District 6 voted nay.
District 3 not present.)

(O-94-71 Rev.2) INTRODUCED, TO BE ADOPTED NOVEMBER 28, 1994

Introduction of an Ordinance amending Chapter IX,
Article 3, Division 2, of the San Diego Municipal Code,
by amending Section 93.0208, relating to Water-
Conserving Plumbing Standards.

WU-U-94-137.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B043-252.)

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

ITEM-201:

SUBJECT: Proposition B Revisions to the San Diego Municipal Code
- Filling Council Vacancies.

(See City Clerk Report CC-94-04.)

CITY CLERK'S RECOMMENDATION:

Introduce the following ordinance:

(O-95-45) INTRODUCED AS AMENDED, TO BE ADOPTED NOVEMBER
28,1994

Introduction of an Ordinance amending Chapter II, Article 7, Division 31, of the San Diego Municipal Code by amending Sections 27.3101, 27.3102, 27.3103, 27.3104, 27.3105, 27.3106 and 27.3107; by adding a new Section 27.3108; and by renumbering and amending the former Section 27.3108 to Section 27.3109, relating to Procedures for Filling Vacancies in Elective Offices.

SUPPORTING INFORMATION:

Sections 27.3101 through 27.3108 of the Municipal Code establish procedures for filling vacancies in elective offices by appointment.

Voter approval of Proposition "B" in June, 1994 has resulted in the need to revise these sections. Specifically, changes are needed to distinguish between appointments to fill a vacancy in the office of the Mayor and City Attorney and those to fill a vacancy in a Council District office.

In an instance of a vacancy in the office of the Mayor or City Attorney, the Council has the authority to appoint someone to fill the vacancy.

However, if the appointment is not made within thirty (30) days, the Council must immediately call a special election to fill the vacancy.

With the approval of Proposition "B," the Council must appoint someone to fill a vacancy in a Council District seat only if there is less than one year remaining in the term. All other Council vacancies must be filled by election.

Specifically, the proposed changes include:

1. Proposed Section 27.3101 makes a distinction between appointments to the offices of the Mayor and City Attorney and those to a Council District seat.
2. Proposed Section 27.3102 specifies that in the case of a vacancy in a Council District seat, the presiding officer of the Council shall call a special meeting for the public hearing required by Section 27.3105. It eliminates the requirement that there be a special meeting to consider the alternative of appointment or election when the appointment is for a Council District seat.
3. Proposed Section 27.3104 includes a requirement that applicants provide their Social Security Number and file the Form 721 Statement of Economic Interest at the same time all other documents are filed with the City Clerk.
4. Proposed Section 27.3105 provides that a second public hearing is optional. This allows flexibility so that an appointment can be made following the first public hearing. This section further provides that the public hearing shall be held no sooner than the fifth (5th) working day after the period for filing applications with the Clerk. This provides time for the Clerk to verify the petition signatures and to conduct the police and credit checks, required by Section 27.3104, prior to the public hearing.
5. Proposed Section 27.3106 provides a process for a single public hearing and appointment.
6. Proposed Section 27.3107 provides a process for an optional second public hearing and appointment.
7. Proposed Section 27.3108 states that a person appointed to fill a Council District seat is not eligible to run for that office for the next succeeding term.
8. Proposed Section 27.3109 is a renumbering of previous Section 27.3108. This section applies only to appointments to the office of the Mayor and the City Attorney.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B295-604.)

Motion by McCarty to accept the City Clerk's recommendation that we not have a mandatory second hearing if Council is able to solve it at the first hearing. Second by Roberts. Vote not taken.

MOTION BY McCARTY TO ACCEPT THE CITY CLERK'S RECOMMENDATION NOT TO AVE A MANDATORY SECOND HEARING, AND TO INCLUDE MAYOR GOLDING'S RECOMMENDATION TO AMEND THE LANGUAGE IN SECTION

27.3105 FROM "... THE PUBLIC HEARING SHALL BE HELD NO SOONER THAN THE FIFTH WORKING DAY ..." TO "... THE PUBLIC HEARING SHALL BE HELD NO LONGER THAN A REASONABLE AMOUNT OF TIME ..." 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: Two actions related to Reduced Water and Sewer Capacity Charges for Certain Commercial and Industrial Business Enterprises.

(See City Manager Report CMR-94-349.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the following resolution:

Subitem-A: (O-95-66) INTRODUCED, TO BE ADOPTED NOVEMBER

