

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, DECEMBER 12, 1994  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 9:12 a.m. The meeting was recessed by Mayor Golding at 12:21 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:08 p.m. with Deputy Mayor Vargas not present. Mayor Golding commended Council Member George Stevens for his excellent service as Deputy Mayor during the past year. Mayor Golding also commended Council Member Roberts for his dedication and service as Council Member for District 2. Mayor Golding recessed the meeting at 8:26 p.m. to convene the Redevelopment Agency. Mayor Golding reconvened the regular meeting at 8:28 p.m. with Deputy Mayor Vargas and Council Member Stevens not present. The meeting was adjourned by Mayor Golding at 9:02 p.m. into Closed Session on Tuesday, December 13, 1994, at 9:00 a.m. in the twelfth floor conference room to discuss pending and potential litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present

(8) Council Member Vargas-excused by  
R-285391 (represented U.S. on a  
governmental/cultural Exchange Program)

Clerk-Abdelnour/Lane (ew/mc)

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-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by the City Clerk Chuck Abdelnour.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member  
Warden.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding Control.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-057.)

ITEM-PC-2:

Comments by Gary Hill regarding the City Council vacancy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A058-069.)

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Council Member McCarty announcing that Patrick Henry High School and Morse High School will be playing for the CIF Championship tonight.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A082-089.)

ITEM-CC-2:

Comments by Council Member Stevens regarding parking citations being issued for parking in the bike lanes during the Charger games and the Heisman Trophy Winner Rashaan Salaam from Skyline in San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A090-108.)

ITEM-CC-3:

Comments by Council Member Stallings reporting that the

Administrative Stadium Board will be discussing the issues of traffic and parking.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A109-115.)

\* ITEM-50:

SUBJECT: Lease with San Diego Visitor Information Center.

(Mission Bay Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-95-72) INTRODUCED, TO BE ADOPTED ON JANUARY 9, 1995

Introduction of an Ordinance authorizing a 20-year lease with San Diego Visitor Information Center in Mission Bay Park.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

In 1968, Theodore Jardine, Jr. was selected as the lessee to construct and operate the San Diego Visitor Information Center (SDVIC), in Mission Bay Park for a term of 25 years, expiring in October 1993. The agreement has been placed on holdover. The SDVIC provides visitor information to the general public on attractions, guest lodging and services offered in the San Diego area. The lease provides SDVIC with the right to sell advertising space, sundries, and other tourist oriented articles. In December 1993, the Council authorized the City Manager to negotiate a new lease with Theodore Jardine, Jr. for the Information Center, (Resolution No. R-283163). Mr. Jardine considered the possibility of adding a beer garden and audio visual room to the center, but after some research, determined that these proposed developments were not feasible. Accordingly the capital expenditures and rent projection for the Visitors Center have been revised. The proposed lease has the following

basic terms:

USES - Visitors Information Center, including a snack bar.

TERM - 20 years, commencing on the first day of the calendar month following execution by the City Manager.

RENT - Minimum annual rent of \$25,000 vs. a percentage of gross income, whichever is greater. The City will receive 5 percent of all gross income in lease years 1-5, 7.5 percent in lease years 6-10, and 10 percent of all gross income in lease years 11-20. In FY 94, the City received approximately \$19,315 from the existing agreement. It is anticipated that the City will receive annual revenue ranging from \$25,000 to \$50,000 over the proposed 20 year lease term.

DEVELOPMENT - The proposed development plan is consistent with the Mission Bay Master Plan. Approximately \$300,000 will be spent on improvements to the leased premises. The development plan requires that the lessee adhere to the Americans with Disabilities Act, remodel the snack bar, repair the parking lot, landscape the premises, paint the interior of the building and remodel the observation tower.

UTILITIES - Lessee will pay for all utilities.

MAINTENANCE - Lessee will be required to maintain the building and grounds.

FISCAL IMPACT:

In FY 93 the City received approximately \$21,768 and in FY 94 approximately \$19,315 from the existing agreement. It is anticipated the City will receive annual revenue ranging from \$25,000 to \$50,000 over the proposed 20 year lease term.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A116-266.)

CONSENT MOTION BY WARDEN 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-not present, Mayor Golding-yea.

\* ITEM-100:

SUBJECT: Awarding a Contract for Police Patrol Vehicles.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-892) ADOPTED AS RESOLUTION R-285107

Awarding a contract to Bob Baker Ford (San Diego), for furnishing Police Patrol Vehicles (1995 Ford Crown Victoria Police Interceptors), for the City of San Diego, County of San Diego, San Diego Unified Port District, City of Carlsbad, City of Chula Vista, City of El Cajon and City of La Mesa, for a total cost of \$3,219,588.34, and authorizing the City Manager to execute a contract for the City of San Diego's share, which is \$1,646,008, including tax and terms, less trade in allowances as follows:

QTY	DESCRIPTION	TRADE IN EQUIPMENT UNIT ALLOWANCE	EXTENSION
1 ea	1986 Ford Crown Victoria White	\$1,000.00	\$ 1,000.00
14 ea	1987 Ford Crown Victoria White	\$1,503.50	\$21,049.00
1 ea	1987 Ford Crown Victoria Black and White	\$1,426.99	\$1,426.99
5 ea	1988 Ford Crown Victoria Black and White	\$1,726.99	\$8,634.95
19 ea	1989 Ford Crown Victoria Black and White	\$2,156.99	\$40,982.81
25 ea	1990 Ford Crown Victoria Black and White	\$2,506.99	\$62,674.75
20 ea	1991 Ford Crown Victoria Black and White	\$2,808.99	\$56,179.80

TOTAL TRADE IN ALLOWANCE - \$191,948.30

Authorizing the expenditure of not to exceed

\$1,571,787.25 from Fund No. 100, Dept. 110,  
Organization No. 200, Object Account No. 6010, Job  
Order No. 111475;

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

(BID-P4549/95)

Aud. Cert. 9500626.

FILE LOCATION:                   CONT - Purchase - Bob Baker Ford (San  
  Diego)            CONFY95-1

COUNCIL ACTION:                   (Tape location: A116-266.)

CONSENT MOTION BY WARDEN 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-not present, Mayor Golding-yea.

\* ITEM-101:

SUBJECT: Extending the Lease for One Grove Hydraulic Crane with  
Hyacinth Harvesting Attachment from Hawthorne Machinery  
Co.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-636)    ADOPTED AS RESOLUTION R-285108

Extending the lease with option to purchase one grove  
hydraulic crane with hyacinth harvesting attachment  
from Hawthorne Machinery Co. (San Diego, CA) for a  
further eight months, from November 1, 1994 through  
June 30, 1995, at a monthly lease cost of \$7,500 per  
month plus tax;

Authorizing the expenditure of not to exceed \$64,200  
from Fund No. 41500, Department 700, Organization No.  
504, Object Account No. 4922, and Job Order No. 3644;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-B3886/93) Aud. Cert. 9500560.

FILE LOCATION: CONT - Purchase - Hawthorne Machinery Co. (San Diego) CONFY95-1

COUNCIL ACTION: (Tape location: A116-266.)

CONSENT MOTION BY WARDEN 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-not present, Mayor Golding-yea.

\* ITEM-102:

SUBJECT: Vacating a Portion of 17th Street between "E" and "F" Streets.

(Centre City Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-767) ADOPTED AS RESOLUTION R-285109

Vacating the westerly excess portion of 17th Street between "E" Street and "F" Street and adjacent to Block 8 of Culverwell's Addition, Map-143, under Section 8330 et seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

The abutting property owner has requested the vacation of the westerly excess portion of 17th Street to alleviate the encroachment of a four-story, 122-unit residential building within the existing right-of-way. The area-of-vacation and the adjacent properties are located in the Centre City Community and within the Central Business District (CBD) Zone. The area of vacation is approximately 9,445 square feet and will be utilized to support the 122-unit residential building. Under the CBD Zone, a maximum of 195 residential units would have been allowed.



Discretionary permits or tentative maps were not required for the existing development. City staff has no objections to the proposed vacation, and the Planning Commission recommended approval of the vacation on May 29, 1986, by a 7-0 vote. Due to financial restraints and change of ownership prior to the construction of the building, continued processing of the vacation was inadvertently omitted by the developer. The vacation consists of approximately the westerly 35 feet of the 80-foot-wide right-of-way. The steep topography precludes 17<sup>th</sup> Street from making an at grade intersection southerly to "F" Street where it dead-ends into a private driveway. The right-of-way to be vacated does not contain public utilities or franchise facilities. Easement reservations are not required. The existing improvements adjacent to the vacation include transitional curb, gutter, and sidewalk, 30-foot curb-to-curb street from "E" Street to a mid-block turnaround. Adequate right-of-way is being retained to accommodate the existing improvements and to provide an adjacent minimum 5.8-foot curb-to-property-line distance.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made.

FILE LOCATION: DEED F-6402 STRT J-2817 DEEDFY95-1

COUNCIL ACTION: (Tape location: A116-266.)

CONSENT MOTION BY WARDEN 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-not present, Mayor Golding-yea.

\* ITEM-103:

SUBJECT: Street Name Change - Mission Center Road to Auto Circle.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-812) ADOPTED AS RESOLUTION R-285110

Changing the name of Mission Center Road, located between Camino del Rio North and Camino del Rio South, to Auto Circle;

Declaring that signage shall indicate both the old street name and the new street name for a period of one year following the adoption date of the resolution for the convenience of the general public;

Declaring that the proponents for the street name change shall enter into an agreement with the City Manager for the installation and removal of the necessary signs and markings and for reimbursement by the City for 50 percent of the project cost, not to exceed \$50,000, subject to appropriate conditions. In the event an agreement is not entered into within 180 days following adoption of this resolution, then this resolution shall become void and be of no further force or effect.

CITY MANAGER SUPPORTING INFORMATION:

The Mission Valley Auto Dealers (proponents for the street name change) have requested that a segment of Mission Center Road, located between Camino Del Rio North and Camino del Rio South, be changed to Auto Circle. The name change will have no effect on the addressing of any of the adjacent properties. The reason for the street name change is to allow the auto dealers more visibility by allowing street and freeway signage that would reflect that there are several auto dealerships in the area. Normally, the applicant for a street name change is responsible for the cost of changing the existing street name signs. The Mission Valley auto dealers have agreed to advance all funds required for the installation of the new signage. However, they are requesting an agreement for reimbursement from the City for up to 50 percent of the total cost not to exceed \$50,000 should the taxable sales from the area auto dealers exceed \$135 million per year.

Staff supports that concept and will develop a reimbursement agreement, to be funded from an appropriate capital improvement program project. City staff has reviewed the proposed street name change project and recommends approval.

FILE LOCATION: DEED F-6408

COUNCIL ACTION: (Tape location: A116-266.)

CONSENT MOTION BY WARDEN 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-not present, Mayor Golding-yea.

\* ITEM-104:

SUBJECT: First San Diego River Improvement Project A.D. No. 4007  
Amendments.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-902) ADOPTED AS RESOLUTION R-285111

Ordering certain amendments to the Assessment Diagram  
and Modifications and Reapportionments to certain  
assessments in Assessment District No. 4007 - First San  
Diego River Improvement Project Special Assessment  
District.

CITY MANAGER SUPPORTING INFORMATION:

On June 2, 1987, the City Council adopted resolutions confirming  
assessments together with the assessment diagram for Assessment  
District No. 4007 (FSDRIP). Subsequent to this Council action,  
the assessment diagram was recorded and filed in the Office of  
the County Recorder and the assessments became liens against the  
various parcels of land within the district. At the time the  
diagram was recorded and the assessment liens were established,  
the parcels of land commonly referred to as the Rio Vista West  
property did not have a definite plan of development. Given the  
lack of any precise development information, assessments were  
apportioned to the Rio Vista West property based on the land use  
type, intensity and area contained in the Council approved FSDRIP  
Specific Plan. In January 1994, the City Council adopted an  
ordinance merging approximately 8.19 acres of land located  
outside the boundaries of the assessment district with the Rio  
Vista West property located within the assessment district. The  
property owner of Rio Vista West has recently recorded a final

map (Map-13148) which merges the land incorporated by the Council ordinance with the Rio Vista West parcels in the assessment district and subdivides the property. The owner has requested an amendment to the assessment district boundary and a reapportionment of the assessments to reflect the merger to and subdivision of the Rio Vista West property. A proposed First Amendment to the Assessment Diagram and Assessment Reapportionment for Assessment District No. 4007 has been prepared by the Superintendent of Streets. This first amendment and reapportionment contains boundary and assessment revisions based on the recorded Rio Vista West final map. By adoption of the Resolution Ordering the Amendment and Reapportionment, Council will formally order the amendment to the assessment diagram and reapportionment of assessments.

FILE LOCATION: STRT - D-2256

COUNCIL ACTION: (Tape location: A116-266.)

CONSENT MOTION BY WARDEN 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-not present, Mayor Golding-yea.

\* ITEM-105:

SUBJECT: Conflict of Interest Code for the Civil Service  
Commission.

PERSONNEL DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-95-906) ADOPTED AS RESOLUTION R-285112

Adopting without revision the Conflict of Interest Code  
for the Civil Service Commission.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A116-266.)

CONSENT MOTION BY WARDEN 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-not present, Mayor Golding-yea.

\* ITEM-106:

SUBJECT: Authorizing the Retention of Daley and Heft to Represent the City as Plaintiff in the Condemnation for San Ysidro Road Widening Project Phase II. (Dist. 8)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-846) ADOPTED AS RESOLUTION R-285113

A Resolution approved by the City Council in Closed Session on Tuesday, November 15, 1994 by the following vote: Mathis-yea; Roberts-not present; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-not present; McCarty-not present; Vargas-yea; Mayor-yea.

Authorizing the City Attorney and City Manager to retain the law firm of Daley and Heft to represent the City as plaintiff in the Condemnation for San Ysidro Road Widening Project Phase II, in the following cases:

City v. Simons, et al; Superior Court Case No. 673066-1;  
City v. Simco, et al; Superior Court Case No. 672652-1;  
City v. Simco, et al; Superior Court Case No. 672658-1;  
City v. Toth, et al; Superior Court Case No. 672655-1;  
City v. Zuniga, et al; Superior Court Case No. 674052-1.

SUPPORTING INFORMATION:

These lawsuits were filed to condemn properties necessary for the San Ysidro Road Widening Project, Phase II which will widen San Ysidro Boulevard between I-805 and Border Village Road. The necessity for outside counsel for these five lawsuits has been discussed by the City Council in Closed Session on November 15, 1994.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A116-266.)

CONSENT MOTION BY WARDEN 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-not present, Mayor Golding-yea.

\* ITEM-107:

SUBJECT: San Diego Drunk and Drugged Driving Month.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-905) ADOPTED AS RESOLUTION R-285114

Calling upon all citizens, government agencies, public and private institutions, businesses, hospitals and schools in the City of San Diego to promote awareness of causes of driver impairment, existing and proposed laws intended to further reduce and prevent impaired driving, and opportunities to establish safer and healthier norms regarding the use of alcohol and other drugs for all citizens, particularly young people;

Joining the hundreds of local, state and national organizations in supporting efforts to reduce preventable traffic collisions on our roadways and proclaiming the month of December 1994 to be "National Drunk and Drugged Driving Prevention Month" in San Diego.

CITY MANAGER SUPPORTING INFORMATION:

For the past several years, San Diego has had an ongoing Traffic Safety Program addressing the drinking and drugged driver, especially during the Christmas and New Year's holidays. During the past ten years, the City has been involved with the Conference of Mayors in supporting National Drunk and Drugged Driving Month. It is recommended that the City continue this policy and join with other cities supporting the National Drunk and Drugged Driving Month.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A116-266.)

CONSENT MOTION BY WARDEN 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-not present, Mayor Golding-yea.

\* ITEM-108:

SUBJECT: Consultant Agreement for Waring Road Median Enhancement.

(District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-884) ADOPTED AS RESOLUTION R-285115

Authorizing an agreement with BRW, Inc. (San Diego), to provide professional services for the Waring Road Median Enhancement, CIP-63-014.0;

Authorizing the expenditure of not to exceed \$300,000 from CIP-63-014.0, Waring Road Median Enhancement, TransNet - Bond Fund No. 30302;

Authorizing the City Manager to request advance funding from SANDAG through the debt financing program in an amount not to exceed \$300,000 for Waring Road Median Enhancement, CIP-63-014.0;

Authorizing the City Manager to execute any necessary documents relating to the receipt of the funds from SANDAG;

Declaring that the City of San Diego will be responsible for paying its proportionate share of the issuance costs and overall annual debt service requirements of the SANDAG debt financing program and that the costs shall be first priority use of the City of San Diego's annual allocation of TransNet revenues.

CITY MANAGER SUPPORTING INFORMATION:

On September 12, 1994 the Engineering Department interviewed five consultants who were shortlisted from the "As-Needed" Civil

Engineering list with BRW, Inc. being recommended for professional services. The interviews were conducted in accordance with Council Policy 300-7 and Administrative Regulation 25.60. BRW, Inc. will provide engineering services for replacing the existing asphaltic concrete median with decorative concrete median between Interstate 8 and Zion Avenue; constructing a 16-foot wide landscaped median from Zion Avenue to Navajo Road; replacement of the existing median from Navajo Road to Lance Street; and modifications to existing signals at intersections of Waring Road with Princess View Drive and Navajo Road. Fee negotiations were consummated on October 25, 1994, resulting in mutually acceptable terms and conditions including a base fee of \$131,700.50 and additional services of \$33,299.50.

Aud. Cert. 9500590.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A116-266.)

CONSENT MOTION BY WARDEN 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-not present, Mayor Golding-yea.

\* ITEM-109:

SUBJECT: 1995 Legislative Sponsorship Program.

(See City Manager Report CMR-94-375 and Intergovernmental Relations Department Report IRD-94-29.)

RULES COMMITTEE'S RECOMMENDATION:

On 11/21/94 RULES voted 5-0 to recommend adoption of the following resolution. (Councilmembers Roberts, Stevens, Stallings, McCarty and Mayor Golding voted yea):

(R-95-749) ADOPTED AS RESOLUTION R-285116

Approving the recommendations contained in Department of Intergovernmental Relations Report IRD-94-29, dated November 14, 1994, and modified by the Rules Committee



on November 21, 1994.

SUPPORTING INFORMATION:

Intergovernmental Relations Department Report IRD-94-29 was modified as follows: 1) Delete the reference to "choke-holds" in Legislative Sponsorship Proposal No. 1; 2) Amend Sponsorship Proposal No. 6 so that instead of prohibiting "wake-jumping" only, the Harbors and Navigations Code would prohibit "unsafe operation of personal watercraft"; 3) Legislative Sponsorship Proposal No. 19 is held, pending further information from the City Manager; 4) Add, as a Legislative Sponsorship Proposal: The amendment of Health & Safety Code Section 11353.1, to include marijuana as a substance for which there are enhanced penalties for selling within 1,000 feet of a school.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A116-266.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea (nay - on Section A.1. in the Intergovernmental Relations Department Report IRD-94-29), Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-200:

SUBJECT: Design/Build Team Selection for the Convention Center Expansion.

(District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-927) ADOPTED AS RESOLUTION R-285117

Authorizing the transfer of \$500,000 from Fund 102242 as interim financing for the Convention Center Expansion Fund 102212 with the transfer to be repaid from bond proceeds;

Authorizing the appropriation and expenditure of not to

exceed \$500,000 from Fund 102212 for interim funding for the winning design/build team to perform design work while a formal agreement for the design/build construction of the Convention Center expansion is finalized and returned to the City Council for approval;

Approving the proposed rank order of the design/build teams;

Authorizing the City Manager to negotiate and enter into an Interim Agreement for not to exceed \$500,000 with the number one-ranked design/build team;

Authorizing the City Manager to negotiate and enter into an amendment to Phase II of the agreement with Jim Steinmann, in an amount not to exceed \$42,000, to provide design/build consultant services;

Authorizing the expenditure of not to exceed \$50,000 from Fund 102212 for Phase II of an agreement to be negotiated by the City Attorney with Hillyer and Irwin, to continue to provide legal services related to design/build contractual issues.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A307-318.)

MOTION BY STEVENS TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-201:

SUBJECT: Personal Services Agreement for Legislative Representation and Consulting Services in Sacramento.

(See Intergovernmental Relations Department Report IRD-94-30.)

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-95-923 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-285118

Authorizing the negotiation of a Personal Services Agreement for Legislative Representation and Consulting Services in Sacramento, CA with the firms of The Flannery Group and The Ewing Group for a period from January 1, 1995 through December 31, 1996, and for a contract price not to exceed \$11,361 per month, all-inclusive, as set forth in the Request for Proposal approved by the Council on August 9, 1994 in Resolution R-284517.

FILE LOCATION: MEET CCONFY95-2

COUNCIL ACTION: (Tape location: A382-C101.)

Substitute motion by McCarty to approve a 9-month contract with Meshar/Vicknair. Second by Kehoe. Failed. Yeas: 3,7. Nays: 1,2,4,5,6,M. Not present: 8.

MOTION BY WARDEN TO APPROVE A 9-MONTH CONTRACT WITH THE FLANNERY GROUP. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-nay, Stevens-nay, Warden-yea, Stallings-nay, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-202:

SUBJECT: Personal Services Agreement for Legislative Representation and Consulting Services in Washington, D.C.

(See Intergovernmental Relations Department Report IRD-94-30.)

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-95-922) ADOPTED AS RESOLUTION R-285119

Authorizing a Personal Services Agreement for Legislative Representation and Consulting Services in Washington, D.C., with the firms of Copeland, Hatfield, Lowery and Jacquez and Patton, Boggs & Blow, for a period from January 1, 1995 through December 31, 1996, and for a contract price not to exceed \$20,000 per month, all-inclusive, as set forth in the Request for Proposal approved by the City Council on August 9, 1994 in Resolution No. R-284516.

FILE LOCATION: MEET CCONFY95-2

COUNCIL ACTION: (Tape location: A319-381.)

MOTION BY McCARTY TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-203:

SUBJECT: The Renaissance Project and Livable Neighborhoods Initiative.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-914) ADOPTED AS RESOLUTION R-285120

Directing the City Manager to complete the work program of the Renaissance Project and the Livable Neighborhoods Initiative, the transition of our communities to Livable Neighborhoods.

SUPPORTING INFORMATION:

THE RENAISSANCE PROJECT

The Renaissance Project is designed to stimulate and direct the City's efforts to foster truly livable neighborhoods throughout our City. The Project will be spearheaded by the Renaissance Commission, which will work in concert with each Councilmember and Mayor, community members, and the Livable Neighborhoods Staff Team to recommend and implement changes to revitalize inner city neighborhoods and to prevent deterioration in outlying neighborhoods.

#### THE RENAISSANCE COMMISSION

The Renaissance Commission will include community and business leaders, religious leaders, financial and urban experts, bankers, educators and local law enforcement officials, formed based on the recommendations and suggestions of the Mayor and City Councilmembers. The Commission will recommend ways to bring needed economic resources and specific expertise into the neighborhoods. Specific charges to the Commission will include:

- \* Conduct a "reconnaissance mission" in all of the City's neighborhoods, working with community leaders and other interested parties to identify the most serious impediments to the neighborhoods' livability, as well as exceptional opportunities for invigorating community action.
- \* Work with each Councilmember and Mayor, community leaders and the City's Office of Neighborhoods, as well as other public and private resources, for bringing about effective resolutions to neighborhood-specific problems and opportunities.
- \* Identify problems and opportunities that cross community boundaries, and make recommendations to the Mayor and Council for Citywide actions that address them.
- \* Specifically, the Commission will help the Livable Neighborhoods Program to set its priorities for action based on the findings from the Commission's findings of communities' needs and opportunities.

#### LIVABLE NEIGHBORHOODS INITIATIVE

The work program and plan to implement the Livable Neighborhoods Initiative by the City Manager and staff should include coordination of City services to neighborhoods, and proposed consolidation of existing City programs and budget allocations. Efforts will be focused on new approaches to planning, delivering City services and revitalization, community partnership, and working with other institutions.

#### LIVABLE NEIGHBORHOOD DEMONSTRATION PROJECTS

Seven demonstration areas have been chosen due to the on-going efforts in each which include: San Ysidro; Mid-City/City Heights; Mountain View; Barrio Logan; Centre City East; Linda Vista and Mira Mesa.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C102-370.)

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-not present, Mayor Golding-yea.

ITEM-204:

SUBJECT: Four actions related to Status of CHANGE 2 and Citywide STEP Recommendations.

(See City Manager Reports CMR-94-390 and CMR-94-367.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions and introduce the ordinance:

Subitem-A: (R-95-903 Rev.1) ADOPTED AS AMENDED AS  
RESOLUTION R-285121

Approving City Manager Report CMR-94-390, concerning the status of CHANGE 2 and Citywide STEP recommendations and the City Manager's recommendations; directing the City Manager to continue to review, and implement, where appropriate, the CHANGE 2 and Citywide STEP suggestions.

Subitem-B: (R-94-1882) ADOPTED AS RESOLUTION R-285122

Establishing Council Policy No. 100-13 regarding Procurement Limitations Adjustments Based on the Consumer Price Index.

Subitem-C: (R-94-1867) ADOPTED AS RESOLUTION R-285123

Establishing Council Policy No. 000-29, regarding Contract Award Protests by Non-Selected Bidders.

Subitem-D: (O-94-17 Cor.Copy) INTRODUCED, TO BE ADOPTED  
ON JANUARY 9, 1995

Introduction of an Ordinance Amending Chapter II, Article 2, of the San Diego Municipal Code, related to Purchasing Process and Limits, by:

Amending Municipal Code Section 22.0226 to increase the City Manager's authorization to award non-architectural and non-engineering contracts from \$25,000 to \$250,000;

and Amending Municipal Code Section 22.0504 to raise the limit at which purchasing formal bids are required from \$20,000 to \$50,000; increase the limit for small dollar purchases from \$500 to \$5,000; and authorize the Purchasing Agent to make awards for all purchasing contracts from \$50,000 to \$1,000,000 (materials, supplies, equipment, and non-professional services).

NOTE: See Item 205 for a companion item.

FILE LOCATION: Subitems A, B, & C: MEET; Subitem D:  
NONE

COUNCIL ACTION: (Tape location: C371-E051.)

MOTION BY McCARTY TO ADOPT THE CITY MANAGER'S RECOMMENDATIONS AND REPORT CMR-94-390 TO INCLUDE THE WAGE AND SALARY SURVEY TO SAY "THE FINDINGS WILL COME TO EXECUTIVE SESSION, AND THEN, AT THAT TIME, COUNCIL WILL DISCUSS THE POSSIBILITY OF MAKING THE FINDINGS PUBLIC" AND ADD 2 MEMBERS TO THE BLUE RIBBON CITIZENS COMMITTEE, ONE MEMBER THAT WILL REPRESENT THE LABOR UNION AND ONE MEMBER THAT WILL REPRESENT THE MANAGEMENT TEAM. DIRECT THE CITY MANAGER TO PREPARE AND RETURN TO COUNCIL WITH THE CHANGE 2 AND CITYWIDE STEP REPORT FOR FINAL APPROVAL IN ONE YEAR. THE REPORT SHOULD INCLUDE THE FOLLOWING: 1) RESPONSE TO: WHY CHANGE 2 RECOMMENDED TO ELIMINATE CIVIL SERVICE; 2) RESPONSE TO: WHAT IS THE BEST ALTERNATIVE FOR THE CIVIL SERVICE SYSTEM; 3) THE PROCUREMENT CARD PROGRAM; AND 4) THE PLAN FOR AN AUTOMATED PURCHASING SYSTEM. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-205:

SUBJECT: Two actions related to Streamlining and Efficiency Program (STEP) Recommendations Regarding the Capital Improvements Program (CIP).

(See City Manager Reports CMR-94-379 and CMR-94-258.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the following

resolution:

Subitem-A: (O-95-67) INTRODUCED AS AMENDED, TO BE  
ADOPTED ON JANUARY 9, 1995

Introduction of an Ordinance amending Chapter II,  
Article 2, of the San Diego Municipal Code, relating to  
Purchasing Process and Limits, by:

Amending Municipal Code Section 22.0209, to increase  
the City Manager's authority to approve construction  
contract alterations from \$100,000 to \$200,000 or 5% of  
the construction contract's value, whichever is  
greater; and Amending Municipal Code Section 22.0211,  
to increase the City Manager's authority to approve the  
award of construction contracts from \$50,000 to  
\$1,000,000 for projects approved by the City Council in  
the annual CIP budget.

Subitem-B: (R-95-807 Rev.) ADOPTED AS AMENDED AS  
RESOLUTION R-285124

Directing the City Manager to investigate the use of  
Phased Funding, Construction Management and Value  
Engineering.

NOTE: See Item 204 for a companion item.

FILE LOCATION: Subitem A: NONE; Subitem B: MEET

COUNCIL ACTION: (Tape location: E052-204.)

MOTION BY ROBERTS TO ADOPT THE RESOLUTION TO APPROVE THE  
CITY MANAGER'S REPORT NO. 94-379 DATED DECEMBER 7, 1994 TO  
SHOW THAT A PROJECT SIZE OF \$1 MILLION AND OVER TO HAVE A  
CONTINGENCY LIMIT OF 5%; THEN, TO SHOW A PROJECT SIZE UP TO  
\$1 MILLION TO HAVE A CONTINGENCY LIMIT OF 10%. Second by  
Kehoe. Passed by the following vote: Mathis-yea, Roberts-  
yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-206:

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-95-918) ADOPTED AS RESOLUTION R-285125

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 to be 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: A267-306.)

MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-207:

SUBJECT: Matter of the appeal of James Milch, Attorney, for Manuel A. & Mary Silva (Applicants) from the decision of the Board of Zoning Appeals in partially approving the request to maintain retaining walls/open fences, currently in violation, at 1311 Plum Street, in the R1-5000 Zone, within the Peninsula Community Plan area.

(C-21018. District-2.)

(Continued from the meetings of May 18, 1993, Item 332; June 15, 1993, Item 342; September 28, 1993, Item 330; and November 9, 1993, Item 331; last continued by Councilmember Behr to a date to be determined by Mayor Golding and Councilmember Roberts.)

CITY MANAGER'S RECOMMENDATION:

Sustain the decision of the Board of Zoning Appeals, which partially approved the requested variances with conditions.

(R-95-1271) GRANTED APPEAL/GRANTED VARIANCE, ADOPTED AS RESOLUTION R-285126

Adoption of a Resolution granting or denying the appeal and granting or denying the variance, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

The applicants are requesting to maintain the following combination of retaining walls and open/solid fences, currently in violation:

(1) A maximum 14'-0" high combination retaining wall/open fence within the 15'-0" front yard where a maximum combined height of 9'-0" is permitted, provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria;

(2) Portions of said retaining wall/open fence within

driveway visibility area where 3'-0 is the maximum height permitted;

(3) A maximum 15'-2" high combination retaining wall/open fence within the interior side yard where a maximum combined height of 12'-0" is permitted, provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria;

(4) A maximum 9'-10" high combination retaining wall/open fence within the 4'-0" rear yard where a maximum combined height of 12'-0" is permitted provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria;

(5) A maximum 7'-2" high wrought iron gate within the 15'-0" front yard where a maximum 6'-0" high gate is permitted provided that the bottom 3'-0" is solid and the top 3'-0" is 50 percent open in compliance with design criteria;

(6) A maximum 6'-9" column with a 2'-3" light fixture on top located within the required front yard where a maximum 3'-0" height is permitted;

(7) Said column also located within the driveway visibility area where a maximum 3'-0" height is permitted;

(8) A maximum 9'-0" high column located within the required front yard where a maximum height of 3'-0" is permitted;

(9) Portion of said column located within the driveway visibility area;

(10) Maximum 4'-0" high combination open fence/solid wall located within the driveway visibility area where a maximum 3'-0" height is permitted;

(11) A maximum 10'-4" high combination retaining wall and solid/open fence located within the required front yard where a maximum 9'-0" height is permitted provided that no single plane exceeds 6'-0" in height and the fence/wall meets design criteria for fences.

LEGAL DESCRIPTION:

The subject property is more particularly described as Lots 1, 2, and 3, Block 39, Roseville, Map-305.

FILE LOCATION:                      ZONE - Zoning Appeals Case C-21018

COUNCIL ACTION:                    (Tape location: F091-G103.)

Hearing began at 2:17 p.m. and halted at 3:02 p.m.

MOTION BY ROBERTS TO ADOPT WITH THE CONDITION THAT THE WALL BE REINFORCED TO THE SATISFACTION OF THE BUILDING DEPARTMENT AND THAT THE WORK BE DONE IN AS EXPEDITIOUSLY A MANNER AS

POSSIBLE. APPROVE THE OTHER VARIANCES THAT WERE BEING GRANTED. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-not present, Mayor Golding-nay.

ITEM-208: TRAILED TO TUESDAY, DECEMBER 13, 1994

SUBJECT: Consideration of 13 policy documents to be amended as a Regulatory Relief Action.

(See City Manager Report CMR-94-398. City-wide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions and introduce the ordinances:

Subitem-A: (O-95-32)

Introduction of an Ordinance amending Chapter VI, Article 2, Division 2, of the San Diego Municipal Code, by amending Section 62.0205, relating to Public Rights-of-Way.

Subitem-B: (O-95-33)

Introduction of an Ordinance amending Chapter X, Article 2, of the San Diego Municipal Code by amending Division 2, Section 102.0201, and by amending Division 3, Section 102.0301, both relating to Vesting Tentative Maps.

Subitem-C: (O-95-34)

Introduction of an Ordinance amending Chapter X, Article 2, Division 2, of the San Diego Municipal Code, by amending Section 102.0203, relating to Final Map Certificates.

Subitem-D: (R-95-618)

Adoption of a Resolution directing the Development Services Department to work with the City Attorney's

Office on proposed amendments to the San Diego  
Municipal Code Section 111.1040(b).

Subitem-E: (O-95-41)

Introduction of an Ordinance amending Chapter IX,  
Article 1, Division 3, of the San Diego Municipal Code  
by amending Section 91.0304; amending Chapter IX,  
Article 2, Division 3 of the San Diego Municipal Code  
by amending Section 92.0303; and amending Chapter IX,  
Article 3, Division 4 of the San Diego Municipal Code  
by amending Section 93.0402 all relating to Penalty  
Fees.

Subitem-F: (O-95-35)

Introduction of an Ordinance amending Chapter X,  
Article 1, Division 11, of the San Diego Municipal  
Code, by amending Sections 101.1120.1, 101.1120.2 and  
101.1120.4, relating to Sign Permits.

Subitem-G: (O-95-36)

Introduction of an Ordinance amending Chapter IX,  
Article 1, Division 29, of the San Diego Municipal  
Code, by amending Section 91.2905, relating to  
Foundation Investigation.

Subitem-H: (O-95-37)

Introduction of an Ordinance amending Chapter IX,  
Article 1, Division 3, of the San Diego Municipal Code,  
by amending Section 91.0301(b)(18), relating to  
Building Permits.

Subitem-I: (O-95-38)

Introduction of an Ordinance amending Chapter IX,  
Article 1, Division 3, of the San Diego Municipal Code,  
by amending Section 91.0301(b)(12), relating to  
Building Permits.

Subitem-J: (O-95-39)

Introduction of an Ordinance amending Chapter X,  
Article 1, Division 5, of the San Diego Municipal Code,

by amending Section 101.0580, relating to Child Care Facilities.

Subitem-K: (R-95-619)

Adoption of a Resolution directing the Development Services Department to work with the City Attorney's Office on proposed amendments to the San Diego Municipal Code Sections 101.0404, 101.0421.1, 101.0427, 101.0428, and 101.0510.

Subitem-L: (R-95-627)

Adoption of a Resolution directing the City Manager to work with the State Fire Marshall in seeking emergency state legislation to adopt the Revised Tables set forth in the 1995 Supplement to the Uniform Fire Code, 1994 edition.

Subitem-M: (O-95-42)

Introduction of an Ordinance amending Chapter V, Article 5, Division 7, of the San Diego Municipal Code, by adding Section 55.0781.0107, relating to Curtain Boards.

SUPPORTING INFORMATION:

Consideration of 13 policy documents to be amended as a Regulatory Relief Action for the following items:

- A. Authorize City Engineer to accept Streets into the City Street System. MC 62.0205; Highway Code 1806.
- B. Eliminate the requirement to process a concurrent Planned Residential Development Permit with the processing of a Vesting Tentative Map. MC 102.0201; MC 102.0301.
- C. Eliminate requirement that the Development Services Director sign Final Maps. MC 102.0203.
- D. Request direction on the preparation of an ordinance which would allow a Process One approval of amended Final Maps which meet specific requirements. MC 111.1040 (b); SMA 66469-66472.1.
- E. Suspend penalty fees from April 15, 1994 through October 15, 1994 for a six month period for construction work done without a permit. MC 92.0303; MC 91.0304; MC 93.0402.
- F. Eliminate bonding requirement for inflatable signs; Eliminate permitting requirement for Grand Opening Banners, Temporary Construction Signs, Real Estate signs. (Sign regulations still apply.) MC 101.1120.1G; MC 101.1120.4G;

- MC 101.1120.2 G, H, I.
- G. Eliminate requirement to submit Geologic Reports for projects more than 100 feet from a mapped fault line (where no other geologic hazards are mapped.) MC 91.2905 (h), footnote 2 to Table 29 E.
  - H. Eliminate permitting requirements for building repairs which do not aggregate over \$1,000.00 in valuation. (Uniform Building Code standards still apply.) MC 91.0301 (b) 18.
  - I. Eliminate permitting requirement for attached patio cover structures of 300 square feet or less in single-family zones. (This change is not proposed within the Coastal Zone.) MC 91.0301 (b), exception 12.
  - J. Eliminate requirement to file a "Notice of Intent to Operate a Large Family Day Care Home" under the Childcare Facility Regulations. MC 101.0580 D.
  - K. Request direction on the preparation of an ordinance which would permit Religious Institutions by right under certain conditions and in certain zones. (This change is not proposed within the Coastal Zone.) MC 101.0421.1; MC 101.0427; MC 101.0428; MC 101.0404; MC 101.0510.
  - L. Align the requirements for highly toxic solids and liquids within the San Diego Fire Code to those within the 1995 Uniform Fire Code Supplement. MC Tables 55.0780.0313 A; and 55.0780.0402 B.
  - M. Eliminate requirement for "Curtain Boards" within sprinklered warehouse buildings and replace this requirement with additional smoke vents. MC Table 55.0781.0107 A.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: G106-118.)

ITEM-209:

SUBJECT: Compromise Agreement and Mutual Release between the City of San Diego and Pacific Bell.

(See City Manager Report CMR-94-285.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/15/94.

(Council voted 8-0. District 3 ineligible):

(O-95-27) REINTRODUCED AS AMENDED, TO BE ADOPTED  
JANUARY 9, 1995

Adoption of an Ordinance approving the Compromise Agreement and Mutual Release between the City of San Diego and Pacific Bell pursuant to Section 103.1 of the Charter of the City of San Diego, concerning the provision of Video Dialtone Service (VDT) along and upon the public streets, ways, alleys and places within the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: H418-K219.)

Motion by Stevens to not enter into an agreement with Pacific Bell until we find answers to the loss of revenue and until we get some identification of who our partners are going to be in this new venture here with Pacific Bell. Direct the Auditor to give that information to us today as to whether or not there is a loss from 1998 to 2010. No second.

MOTION BY McCARTY TO REINTRODUCE THE ORDINANCE, APPROVING THE CITY MANAGER'S RECOMMENDATION AS AMENDED TO ADD THE FOLLOWING LANGUAGE TO SECTION 23 OF THE AGREEMENT: "NO LATER THAN SIX MONTHS PRIOR TO TERMINATION OF THIS AGREEMENT, THE PARTIES AGREE TO NEGOTIATE IN GOOD FAITH WITH RESPECT TO A FUTURE AGREEMENT CONCERNING VDT AND THE SUBJECT MATTER OF THIS AGREEMENT". REMOVE ITEM B ON PAGE 14 OF THE AGREEMENT WHICH READS AS FOLLOWS: "TO THE EXTENT PERMITTED BY THE FCC AND HEREUNDER ON TO ITS VDT CUSTOMERS ON A PRO-RATA BASIS AND SUCH VDT CUSTOMERS MAY PASS ON SUCH PRO-RATA PAYMENTS TO THEIR SUBSCRIBERS".

THE CITY AND PACIFIC BELL ARE TO CONTINUE WORKING TOGETHER TO CRAFT NEW LANGUAGE TO REPLACE ITEM B THAT WILL MEET THE CITY'S AND PACIFIC BELL'S CONCERNS TO THE SATISFACTION OF THE CITY ATTORNEY BEFORE RETURNING TO COUNCIL ON JANUARY 9, 1995. THE CITY RESERVES THE OPTION ON THE SECOND READING NOT TO APPROVE IT. THE CITY ATTORNEY IS TO CONTINUE EXAMINING THE SCOPE OF THE TRUST OWNERSHIP AND TRANSFER ISSUES. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-ineligible, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.



ITEM-210:

SUBJECT: Appropriate Rates for Basic Tier Cable Television Service provided by Cox Cable San Diego, Inc.

(See City Manager Report CMR-94-383.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-862) ADOPTED AS RESOLUTION R-285127

Seeking comment as to why existing rates and charges of Cox Cable for the Basic Service Tier and associated equipment should not be disapproved at a public hearing in March, 1995, at a date and time to be selected by the Mayor;

Directing Cox Cable to keep an accurate accounting of all amounts received by reason of the rates and charges at issue;

Directing Cox Cable to provide a refund plan to the City, pursuant to Rules and Regulations of the Federal Communications Commission (FCC), by January 5, 1995.

FILE LOCATION: FRAN - Cox Cable San Diego, Inc.

COUNCIL ACTION: (Tape location: K220-237.)

MOTION BY STALLINGS TO ADOPT ITEMS 210 AND 211. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-211:

SUBJECT: Appropriate Rates for Basic Tier Cable Television Services Provided by Southwestern Cable Television in the City of San Diego.

(See City Manager Report CMR-94-383.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-863 Rev.1) ADOPTED AS RESOLUTION R-285128

Determining that the existing rates and charges for the Basic Service tier and associated equipment appear to be in substantial conformity with the applicable Federal Communications Commission Benchmark standards, as indicated in the City Auditor-Comptroller's report dated December 5, 1994.

FILE LOCATION: FRAN - Southwestern Cable Television

COUNCIL ACTION: (Tape location: K220-237.)

MOTION BY STALLINGS TO ADOPT ITEMS 210 AND 211. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-212:

SUBJECT: Paramedic Services Contract.

(See City Manager Report CMR-94-323; City Manager Report CMR-94-188; City Attorney Memorandum of Law dated 5/19/94; Letter of Notification from the City Manager dated 8/16/94.)

(Continued from the meetings of November 1, 1994, Item 340, and November 28, 1994, Item 206; last continued at the City Manager's request, for further discussion with American Medical Services.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-624) ADOPTED AS RESOLUTION R-285129

Declaring American Medical Services to be in non-compliance with Section 2(n) of the Agreement for Paramedic System Management (Document No. RR-281705 on file in the office of the City Clerk), with regard to billing for paramedic services;

Declaring that American Medical Services, having failed to achieve compliance after appropriate written notice being given in accordance with Section IX 1.A.1 of the Request for Proposals for Paramedic System Management Procurement dated October 1992, which was incorporated into the Agreement by reference, is in breach of contract, therefore the contract may be terminated upon legal resolution of the dispute;

Authorizing the City Manager and City Attorney to pursue appropriate administrative and legal action necessary for the termination of the agreement.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: K238-L099.)

MOTION BY WARDEN TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-213:

SUBJECT: Ocean Front Walk (Mission Beach) Boardwalk Safety.

(See City Manager Report CMR-94-274. Mission Beach and Pacific Beach Community Areas. District-2.)

PUBLIC FACILITIES AND RECREATION COMMITTEE'S RECOMMENDATION:

On 9/21/94, PF&R voted 4-0 to recommend adoption of the following resolution (Councilmembers Kehoe, Warden, Stallings, and McCarty voted yea; Councilmember Mathis not present):

(R-95-872 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-285130

Receiving the Safety Study for the Boardwalk at Ocean Front Walk prepared by the planning firm Kawasaki, Theilacker, Ueno and Associates dated June 29, 1994;

Authorizing the use of Belmont Mission Beach Development Fund No. 10532, in an amount not to exceed \$100,000, as needed, to implement the following measures to improve safety on the boardwalk:

1. Draft an ordinance for an 8 mph maximum speed limit on the boardwalk and provide associate enforcement.
2. Install "Walk Zones" at Belmont/Mission Beach Park and between Santa Rita Place and Thomas Avenue.
3. Paint and sign pedestrian crossings between Place ends and existing seawall openings to the beach.
4. Install curb stops and signs at Street ends and stop signs at Court ends.
5. Add 8 mph and Stay to Right signage.
6. Paint seawall pilasters and buffers around them.
7. Enlarge the Belmont Park public restroom shower sump, and perform other shower repairs as needed.
8. Repair boardwalk drainage slopes and add seawall weep holes, as needed.
9. Begin routine enforcement of adjacent property owners' drainage responsibilities and wall height limits.
10. Repair boardwalk concrete/asphalt lifts and potholes.
11. Explore rerouting away from the boardwalk the Bike Centennial Class I Bikeway.
12. Use Workfare Crew to manually sweep the boardwalk once or twice per week year-round.
13. Work with organized bicycle, skate and skateboard boardwalk user groups to identify acceptable

restrictions on wheels in the event that the boardwalk is not widened.

14. Contract with the Safety Study consultants to evaluate, during Summer 1995 the impact on safety of the above-listed measures (1-13).

Directing the City Manager to return to the Committee in Spring 1995 with an information report giving the status of implementing the above measures;

Directing the City Manager to return to the Committee after Summer 1995 with an evaluation of the impact on Ocean Front Walk boardwalk safety by the above measures.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: L100-N393.)

Motion by Stallings to adopt the recommendations of the PF&R Committee as amended to include Item A of the City Manager's report as read into the record as follows: "Expediently taking the preliminary steps to separate pedestrian and wheeled uses on the boardwalk by widening to the east, only in the area where there is a 12 foot dedicated public right of way, with a 9 foot path and with a 3 foot landscaped buffer between the path and the adjacent residences". Direct the City Manager to return to the PF&R Committee in the Spring of 1995 with: 1) An information report giving the status of implementing the measures that were recommended; and 2) Not to exceed \$25,000 for conceptual design services for the refinement of the cost estimates. Direct the City Manager to return to the Committee after the Summer of 1995 with an evaluation of the impact on the Ocean Front Walk Boardwalk safety by the safety study measures. Accept and file the safety study for the boardwalk at Ocean Front walk prepared by KTUA dated June 29, 1994. Second by Kehoe. Vote not taken.

MOTION BY ROBERTS TO ADOPT THE RECOMMENDATIONS OF THE PF&R COMMITTEE. DIRECT THE CITY MANAGER TO: 1) RETURN TO THE PF&R COMMITTEE IN THE SPRING OF 1995 WITH AN INFORMATION REPORT GIVING THE STATUS OF IMPLEMENTING THE MEASURES THAT WERE RECOMMENDED. IN SPRING, CITY MANAGER RETURNS WITH OUTLINE OF CONCEPTUAL DESIGN SERVICES FOR WHERE AND HOW WE WOULD WIDEN SHOULD IT BE NECESSARY; AND 2) NOT TO EXCEED

\$25,000 FOR CONCEPTUAL DESIGN SERVICES AND REFINEMENT OF THE COST ESTIMATES AS A PREPARATORY STEP IF WIDENING IS NECESSARY AND \$100,000 FOR ALL THE OTHER SAFETY IMPROVEMENTS. DIRECT THE CITY MANAGER TO RETURN TO THE COMMITTEE AFTER THE SUMMER OF 1995 WITH AN EVALUATION OF THE IMPACT ON THE OCEAN FRONT WALK BOARDWALK SAFETY BY THE ABOVE MEASURES. RECEIVE AND FILE THE SAFETY STUDY FOR THE BOARDWALK AT OCEAN FRONT WALK PREPARED BY KTUA DATED JUNE 29, 1994. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-214:

SUBJECT: A Council Policy Allocating a Portion of Parking Meter Revenue for Traffic/Parking Improvements.

(See City Manager Reports CMR-94-355, CMR-94-319, CMR-94-318, and CMR-94-266. Districts 2, 3, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Do not adopt the following resolution:

(R-95-859) DEFEATED

Establishing Council Policy 500-8 entitled "Parking Meter Revenue - Use of a Portion for Parking Related Improvements in Parking Metered Areas," which provides that ten percent of annual parking meter revenue shall be used for traffic/parking improvements in the areas regulated by parking meters, subject to annual allocation by the City Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: N428-0310.)

MOTION BY ROBERTS TO ADOPT AS AMENDED TO ACCEPT A 25% FIGURE AS A GOAL TO BE ALLOCATED FOR NEXT YEAR'S BUDGET TO ESTABLISH A FUND TO ADDRESS THE PARKING ISSUES AND OTHER PROBLEMS WITHIN THE COMMUNITIES WITH METERS. DIRECT THE CITY MANAGER TO INFORM THE COMMUNITIES OF THE POSSIBILITY OF AVAILABLE FUNDS AND TO GET THEIR RECOMMENDATIONS FOR ITS

USE. Failed by the following vote: Mathis-not present, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-nay, McCarty-nay, Vargas-not present, Mayor Golding-yea.

MOTION BY McCARTY TO DIRECT THE CITY MANAGER TO SURVEY THE BIDS TO FIND OUT HOW MANY BIDS WANT TO HAVE PARKING METERS IN THEIR BUSINESS IMPROVEMENT DISTRICT AND RETURN TO COUNCIL WITH A PROPOSED POLICY. THE FUNDING FOR THIS ISSUE IS TO BE BROUGHT BACK DURING THE BUDGET SESSION. Second by Stallings. Passed by the following vote: Mathis-not present, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-215: TRAILED TO TUESDAY, DECEMBER 13, 1994

SUBJECT: Two actions related to the North Metro Interceptor Sewer-Phase I.

(Midway and Pacific Highway Community Areas. Districts-2 and 6.)

(Continued from the meetings of November 7, 1994, Item 200, and November 28, 1994, Item 201; last continued at Councilmember Roberts' request, to allow staff to make their presentation to the Midway and Peninsula Planning Groups on 12/6/94.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-694)

Establishing contract funding phases to construct the North Metro Interceptor - Phase I;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to

transfer an amount not to exceed \$3,990,947 within Fund No. 41508, consisting of \$160,088 from CIP-46-182.0, Chemical Feed Systems Upgrade;

\$2,798,913 from CIP-46-181.0, Force Main 1 & 2 Corrosion Study;

\$531,946 from CIP-45-910.1, Trucked Liquid Waste Disposal; and

\$500,000 from CIP-46-110.0, Point Loma - Scum Removal System, all to CIP-46-104.0, North Metro Interceptor Sewer;

Authorizing the expenditure of not to exceed \$47,150,000 from Fund No. 41508, CIP-46-104.0, North Metro Interceptor Sewer - Phase I, to provide funds for the above project and related costs, provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contracting funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Authorizing the use of City Forces to do all the work for additional minor construction services as required in connection with the North Metro Interceptor Sewer - Phase I; declaring that the cost of the work shall not exceed \$50,000.

Subitem-B: (R-95-695)

Certifying that the information contained in DEP-94-0557, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the Declaration reflects the independent judgement of the City of San Diego as Lead Agency;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the



project as required by Council, in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION:

On August 1, 1994, Resolution R-284371 authorized the Purchasing Agent to advertise for bids and Resolution R-284372 certified the EIR for North Metro Interceptor Sewer-Phase 1 Project (NMIS). The existing NMIS is a 96-inch diameter pipe which was built in 1961. This pipe has experienced some corrosion and is quickly reaching its design capacity. The NMIS is located between the Interstate 5 and 8 interchange and Pump Station No. 2 which is located on North Harbor Drive. It is a major link in the sewer collection system which carries flows from the northern and northeastern portions of the City and County. The proposed NMIS is a 108-inch diameter relief sewer pipe which originates at the intersection of Friars Road and Napa Street, traverses south under the San Diego River, Taylor Street and Pacific Highway, and terminates at Gearing Drive and Barnett Avenue. Phase II through Navy and Marine property will be brought to Council for authorization to bid and construct in about one year. The proposed NMIS is designed to carry the projected flow through year 2050. With this construction, approximately 90 local jobs would be provided.

Aud. Cert. 9500455.

WU-MWWD-95-047.

ITEM-S400:

SUBJECT: SANDAG's Request for City Funding.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-925 Rev.1)      ADOPTED AS AMENDED AS RESOLUTION R-285131

Authorizing the contribution of \$60,000 to the San Diego Association of Governments (SANDAG) for the purpose of funding part of a Market Demand and Opportunities for Air Transportation in the San Diego Region study;

Authorizing the expenditure of not to exceed \$60,000 from Fund 41100, Dept. 720, Account 4222, Job Order 001101, to pay for a portion of the study;

Authorizing the City Manager to expend the funds only if the Request for Proposal (RFP) and resulting contract is broad enough to allow the consultant to include the tasks within the study.

SUPPORTING INFORMATION:

SANDAG has asked that the City consider contributing \$60,000 to a Market Demand and Opportunities for Air Transportation in the San Diego Region study. The County has agreed to contribute \$60,000, the Port has agreed to contribute \$60,000 and CONVIS has allocated \$10,000. It is anticipated the study will cost about \$250,000. Generally the proposed RFP focuses on five points: 1) The existing market for air transportation; 2) The existing air transportation system; 3) The national and local markets and future business opportunities; 4) The airline industry's plans and forecasts; and 5) The effects of changes in technology and trade relationships on the market for air transportation service. The Mayor recommends that these broad categories remain but that the very detailed work tasks the RFP outlines should be eliminated. Twenty-five separate sub-tasks are called for and these would tie the hands of any respondent.

If SANDAG has the expertise to determine what is needed in such minute detail then there is no reason to hire an outside consultant. By sending out a broader RFP we will be able to review more creative responses and be able to respond to other areas of relevant study such as:

The number of air passenger trips and air cargo volumes per citizen, per \$1,000 of locally generated income.

- Trends as compared to other cities (Travel by type - discretionary, business, military travel, etc...).
- Trends measured by origination and destination market and by point of sale (how much local travel is sold in other cities).
- A before and after deregulation comparison of cities served non-stop and how San Diego has changed relative to other cities.

The consultant must be free to use their own creativity in determining some of the areas of study.

Aud. Cert. 9500624.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G121-H122.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION APPROVING THE MARKET DEMAND STUDY FOR AIR TRAFFIC WITH THE CONDITION THAT EACH AGENCY SHOULD APPROVE THE SCOPE OF WORK AND THE CONTRACTOR. STUDY SHOULD INCLUDE TAKING INTO ACCOUNT ANY FUTURE TRANSPORTATION MODES THAT ARE LIKELY TO HAVE AN AFFECT ON THAT MARKET DEMAND. IF HIGH SPEED RAIL IS AVAILABLE, PROJECT WHERE IT MIGHT GO AND HOW MUCH IT WOULD REDUCE AIR DEMAND. THE CITY MANAGER IS REQUESTED TO CHANGE THE RFP SO THAT IT DOES NOT PREDETERMINE THE RESULTS AND TO CONTACT THE FAA TO SEE IF THEY WILL REFUND THE CITY MORE THAN THE \$400,000 REFUNDED TO THE CITY FOR THE TWINPORT STUDIES. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-S401:

SUBJECT: 1994/1995 Inclement Weather Shelter Program.

(See City Manager Report CMR-94-399.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-939) ADOPTED AS RESOLUTION R-285132

Approving the Inclement Weather Shelter Program as developed by the Mayor's Inclement Weather Shelter Advisory Panel;

Authorizing the Housing Commission to execute a contract with Catholic Charities, to operate an Inclement Weather Shelter Program as outlined in City Manager Report CMR-94-399.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: H123-417.)

MOTION BY WARDEN TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 9:02 p.m. in honor of the memory of LaDonna Hatch, aide to former San Diego Mayor Maureen O'Connor, as requested by Mayor Golding and City Attorney John Witt.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: 0311-330.)