

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 17, 1995
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 10:07 a.m.
City Manager McGrory presented awards to the following employees:

Earl Hayden Trophy for Project Manager of the Year Award for
1994:

Nicolas Kanetis, Sr. Civil Engineer, Park and
Recreation Department.

Earl Hayden Plaque for Honorable Mention Project Manager of
the Year for 1994:

Jerilynn Larson, Associate Civil Engineer, Engineering
Department.

Earl Hayden Citation for Project Manager of the Year for
1994:

William Pearce, Associate Civil Engineer, Metropolitan
Wastewater Department.

In addition, City Manager McGrory recognized all outstanding
managers of the City of San Diego, and Mayor Golding extended
congratulations to all the employees. The meeting was recessed
by Mayor Golding at 12:21 p.m. to reconvene at 2:00 p.m.
The meeting was reconvened by Deputy Mayor Vargas at 2:07 p.m.
with Mayor Golding not present. Deputy Mayor Vargas adjourned
the meeting at 4:05 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Harvey-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 (mpiew)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Richard Widmann of Grace Lutheran Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Deputy Mayor Vargas.

FILE LOCATION: MINUTES

PUBLIC COMMENT:
None.

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Council Members McCarty and Harvey regarding the San Diego Chargers' win and on being the AFC champions.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A058-108.)

ITEM-CC-2:

Mayor Golding congratulated the San Diego Chargers and commented on her bet with the mayor of San Francisco. Mayor Golding read her draft proclamation which she stated was prepared last week, declaring January 15-21, 1995 as San Diego Chargers Week. She announced that she would be bringing the formal resolution forward soon.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A058-108.)

ITEM-30:

SUBJECT: San Diego Opera 30th Anniversary.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1039) ADOPTED AS RESOLUTION R-285226

Commending the staff and company of San Diego Opera for three decades of commitment to bringing quality entertainment to the citizens of San Diego;
Proclaiming January 15-21, 1995 to be "San Diego Opera 30th Anniversary Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E012-035.)

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

ITEM-31: APPROVED

Approval of Council Minutes for the Meetings of:

11/28/94

11/29/94

12/05/94

12/06/94

12/12/94

12/12/94 Held on 12/13/94

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E012-035.)

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

* ITEM-50:

SUBJECT: Two actions related to Creation of a New Classification of Plant Process Control Supervisor. (See Civil Service Commission Report dated 11/14/94.)

CIVIL SERVICE COMMISSION'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-95-71) INTRODUCED, TO BE ADOPTED ON
JANUARY 30, 1995

Introduction of an Ordinance amending Ordinance No. O-18072 entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1994-95," by amending Exhibit B to create and add a new class entitled "Plant Process Control Supervisor" in the Skilled Trades Occupational Group;

Amending Exhibit A of the Ordinance to provide a new salary rate of 66.8 for the position in the Classified Service.

Subitem-B: (R-95-968) ADOPTED AS RESOLUTION R-285189

Amending Resolution R-283930 to place the newly created class entitled "Plant Process Control Supervisor" in the Supervisory Bargaining Unit;

Amending Resolution R-283929 to approve the above newly created position as eligible for premium rate overtime by placing it in Group B of the Addendum to Personnel Regulations Section H-4, Overtime.

FILE LOCATION: Subitem-A: None; Subitem-B: MEET

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-100:

SUBJECT: Awarding a Contract to Carmenita Truck Center for One Roll-Off Truck System (Ford LTS-8000 Complete with Amrep Roll Off System).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-896) ADOPTED AS RESOLUTION R-285190

Awarding a contract to Carmenita Truck Center (Santa Fe Springs, CA), for one roll-off truck system (Ford LTS-8000 complete with Amrep roll off system), and seven roll off containers, for a combined total cost of \$94,793.44, including tax and terms, with an option to purchase additional equipment at the same price for a period of six months from the date of the original purchase order;

Authorizing the expenditure of not to exceed \$94,793.44 from Fund No. 50033, Department No. 8203, Object Account No. 6013, and Job Order No. 88085, for providing funds for the 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-C4562/95)

Aud. Cert. 9500661.

FILE LOCATION: CONT - Purchase - Carmenita Truck Center
(Santa Fe Springs, CA) CONFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-101:

SUBJECT: Awarding a Contract for Three Fuel Truck Cab and
Chassis.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-745) ADOPTED AS RESOLUTION R-285191

(San Diego) for the purchase of three fuel truck cab and chassis,
for a total estimated cost of \$83,550, including tax and terms;

Authorizing the expenditure of not to exceed \$83,550
from Fund No. 50031, Department No. 8201, and Job Order
No. 88095;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.
(BID-F4543/95)

Aud. Cert. 9500686.

FILE LOCATION: CONT - Purchase - Miramar Ford Truck Sales,
Inc. (San Diego) CONTFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-102:

SUBJECT: Awarding a Contract to O&B Mathews Construction, Inc.,
for On Call Concrete Crews.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-980 Cor Copy 2/13/95) ADOPTED AS RESOLUTION R-285192

Awarding a contract to O&B Mathews Construction, Inc.

(R-95-748) ADOPTED AS RESOLUTION R-285193

Awarding a contract to Cooley's Landscaping (San Diego, CA), for furnishing complete landscape maintenance of 12 Police Department sites, as may be required for a period of one year beginning January 1, 1995 through December 31, 1995, for an estimated annual cost of \$43,573.74, including terms, (\$22,231.50 for the current fiscal year), with options to renew the contract for four additional one year periods with increases not to exceed 12 percent, 13 percent, and 13 percent sequentially of the prices in effect in each prior year;

In the event the Contractor does not perform to specifications, the Purchasing Agent is authorized to terminate the contract and award to the next low responsive and responsible bidder and to subsequent bidders, if necessary, until a bidder is found who performs to specifications;

Authorizing the expenditure of not to exceed \$22,231.50 for FY95 from Fund No. 100, Department No. 110, Organization No. 312, Object Account No. 4217, and Job Order No. 111452 and \$22,231.50 contingent upon FY96 funding;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-P4528/95)

Aud. Cert. 9500666.

FILE LOCATION: CONT - Purchase - Cooley's Landscaping (San Diego, CA) CONTFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-104:

SUBJECT: Awarding a Contract to Cable Mechanical for Repair of the Baltimore Air Coil Cooling Tower at Police Headquarters.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-743) ADOPTED AS RESOLUTION R-285194

Awarding a contract to Cable Mechanical (El Cajon, CA), for the repair of the Baltimore Air Coil Cooling Tower at Police Headquarters, for a total cost of \$56,143.82; Authorizing the expenditure of not to exceed \$56,143.82 from Fund No. 100, Department No. 110, Organization No. 312, Object Account No. 4213, and Job Order No. 111209;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-P4250/94)

Aud. Cert. 9500664.

FILE LOCATION: CONT - Purchase - Cable Mechanical (El Cajon, CA) CONTFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-105:

SUBJECT: Awarding a Contract to Firemaster for Portable Fire Extinguisher Service, Maintenance, Repair and Training.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-891) ADOPTED AS RESOLUTION R-285195

Awarding a contract to Firemaster (San Diego, CA), for furnishing portable fire extinguisher service, maintenance, repair and training, as may be required for a period of one year beginning December 1, 1994 through November 30, 1995, for an estimated cost for the first year of \$47,027.30, including tax, with options to renew the contract for four additional one year periods, with option year price increases not to

exceed the prices in effect for the previous contract period by more than 10 percent.
(BID-E4558/95)

FILE LOCATION: CONT - Purchase - Firemaster (San Diego, CA)
CONFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-106:

SUBJECT: Extending the Contract with Xerox Corporation for the
Lease of One Xerox Docutech 135.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-747) ADOPTED AS RESOLUTION R-285196

Extending the contract with Xerox Corporation (San Diego, CA), for the lease of one Xerox Docutech 135, for an additional one year period from May 1, 1994 through April 30, 1995, with an option to renew the contract for four additional one year periods, at the discretion of the City Manager, for an estimated cost for one year of \$192,000;

Authorizing the expenditure of not to exceed \$192,000 from Fund No. 50020, Department No. 815, Organization No. 640, Object Account No. 4686, and Job Order No. 60001;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-H4581/95)

Aud. Cert 9500658.

FILE LOCATION: CONT - Purchase - Xerox Corporation (San Diego, CA) CONFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-107:

SUBJECT: Awarding a Contract to G.E. Supply for Rheostat Parts.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-895) ADOPTED AS RESOLUTION R-285197

Awarding a contract to G.E. Supply (San Diego, CA), for
rheostat parts, for a total cost of \$66,715, including
tax and terms;

Authorizing the expenditure of not to exceed \$66,715
from Department 700, Organization No. 533, Object
Account No. 3310, and Job Order No. 2311;
Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.
(BID-I4553/95)
Aud. Cert. 9500693.

FILE LOCATION: CONT - Purchase - G. E. Supply (San Diego,
CA) CONFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

ITEM-108:

SUBJECT: Awarding a Contract for a Mobile Lift System.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-739) ADOPTED, RECONSIDERED, AND READOPTED AS
RESOLUTION R-285198

Awarding a contract to Automotive Resources, Inc.
(Fairfax, VA), for furnishing a mobile lift system for
the City of San Diego Fire Department, for a total
estimated cost of \$57,567.66, including tax and terms;

Authorizing the expenditure of not to exceed \$57,567.66
from Fund N/A, Dept. 120, Organization No. N/A, Object
Account No. 6010, Job Order No. 5110;

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

(BID-Q4535/95)

Aud. Cert. 9500612.

FILE LOCATION: CONT - Purchase - Automotive Resources, Inc.
(Fairfax, VA) CONFY95-1

COUNCIL ACTION: (Tape location: A210-287; G224-373.)

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

MOTION BY WARDEN TO RECONSIDER TO ALLOW PEOPLE TO SPEAK.
Second by Kehoe. Passed by the following vote: Mathis-yea,
Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not
present.

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

* ITEM-109:

SUBJECT: Two actions related to Construction of Sewer Pump
Station 61 Force Main.
(Kearny Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-779) ADOPTED AS RESOLUTION R-285199

Inviting bids for the Construction of Pump Station 61
Force Main on Work Order No. 173041;

Authorizing a contract with the lowest responsible
bidder;

Authorizing the expenditure of not to exceed \$270,550
from Sewer Revenue Fund 41506, CIP-44-001, and \$19,620
from Water Revenue Fund 41500, CIP-73-083.
(BID-K95058)

Subitem-B: (R-95-780) ADOPTED AS RESOLUTION R-285200

Authorizing the use of City Forces to highline, cut and
plug the existing water main in conflict with the
proposed force main, and perform operational checks
involving construction of Pump Station 61 Force Main;

Declaring that the cost of the work shall not exceed
\$9,620.

CITY MANAGER SUPPORTING INFORMATION:

The Sewer Pump Station 61 Force Main Improvements Project
proposes to install a parallel force main. The existing techite
force main was constructed in 1972 and has broken a number of
times in recent years. This project consists of installing
approximately 1,840 feet of 8-inch diameter pipeline, along
Mercury Street between Mercury Court and Ronson Road in the
Kearny Mesa Community area.

Aud. Cert. 9500622.

WU-P-95-071.

FILE LOCATION: Subitem-A,B: W.O. 173041 CONT - Drainage
Construction Co. Inc. CONTFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-110:

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-988) ADOPTED AS RESOLUTION R-285201

Ordering certain changes and modifications to the final
Engineer's Report for Special Assessment District No.
4013 (Calle Cristobal).

CITY MANAGER SUPPORTING INFORMATION:

On May 23, 1989, the City Council confirmed assessments for Assessment District No. 4013 (Calle Cristobal). Two parcels of land, identified as APN 311-020-03 and APN 311-492-17, are included in the district. At the time the district was established, the development entitlements granted by existing PRD permits allowed the developer to construct 242 multi-family units on the two parcels. Each parcel received an assessment based on the number of equivalent dwelling units proposed for that parcel. None of the proposed multi-family units have been constructed, and both parcels remain vacant. The City Council has recently approved a new PRD permit for Monarch Pointe that will allow construction of 90 single-family residential units on the two parcels, instead of the 242 multi-family units originally proposed. Because the type, number, and location of dwelling units that were originally proposed for the two parcels differ from those which are currently proposed, the existing assessment on each parcel is no longer based on the number of equivalent dwelling units planned for the parcel. Therefore, if the existing assessments on the parcels are apportioned to the new Monarch Pointe lots which will be filed over the parcels, the resulting assessments placed on the Monarch Pointe single-family lots will vary widely, contrary to the intent of the original assessment spread. In order to avoid this situation, the property owner has requested a reapportionment of the original assessments on the proposed Monarch Pointe Development. A proposed Third Modification to the Final Engineer's Report for Assessment District No. 4013 has been prepared by the Superintendent of Streets. This third modification contains revised assessments based on the number of equivalent dwelling units now planned for each parcel. By adoption of the Resolution Ordering Changes and Modifications, Council will formally order

the amendments and modifications, as contained in the third modification, and the new assessments will immediately go into effect.

FILE LOCATION: STRT - D-2258

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-111:

SUBJECT: Alley Reservation in the Rear of 5527 Beaumont Avenue
in Bird Rock Addition.
(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-974) ADOPTED AS RESOLUTION R-285202

Accepting the deed entitled "Offer of Dedication - Road
Purposes" of Walter Hill and Dinah Hill, granting to the
City an easement for public alley purposes in a portion of
Lot 10 in Block 13, Bird Rock Addition, Map-1083; Reserving
the right at any time in the future to officially accept the
easement for public alley purposes and to adopt a resolution
formally accepting the easement and dedicating the property
to public alley use.

FILE LOCATION: DEED F-6409 DEEDFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-112:

SUBJECT: Street Reservation in Via De San Ysidro at San Ysidro

Boulevard.
(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-972) ADOPTED AS RESOLUTION R-285203

Accepting the deed entitled "Offer of Dedication - Road Purposes" of Shell Oil Company, granting to the City a street easement in a portion of Landers Road vacated and closed to public use, a portion of Southeastern Railway Company right-of-way and Lot A-30 as shown on Map of San Ysidro, Map No. 1174;

Reserving the right at any time in the future to officially accept the easement for public street purposes and to adopt a resolution formally accepting the easement and dedicating the property to public street use.

Subitem-B: (R-95-973) ADOPTED AS RESOLUTION R-285204

Stating for the record that the information contained in Negative Declaration DEP-91-0334, in connection with the approval of the acceptance of a street reservation in Via De San Ysidro, has been completed in compliance with the California Environmental Quality Act of 1970 as amended and State guidelines, and that the Declaration has been reviewed and considered by Council.

FILE LOCATION: Subitem-A,B: DEED F-6410 DEEDFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-113:

SUBJECT: Excusing Councilmember Judy McCarty from Attending
Council and Committee Meetings of 12/6/94 and 12/7/94.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-95-987) ADOPTED AS RESOLUTION R-285205

Excusing Councilmember Judy McCarty from attending the afternoon session of the Council meeting of December 6, 1994, and the Natural Resources, Culture and the Arts Committee meeting of December 7, 1994, due to illness.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-114:

SUBJECT: Settlement of the Personal Injury Claim of Lauren Luce.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1001) ADOPTED AS RESOLUTION R-285206

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

Authorizing the City Manager to pay the total sum of \$54,000 in the settlement of each and every claim against the City, its agents and employees, resulting from an accident which occurred on January 15, 1993 (Superior Court Case No. 668343, Lauren Luce and Christopher Luce v. Siulagi Isako, et. al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$54,000 made payable to Lauren Luce and her attorney of record, Daniel Williams, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Lauren Luce against the City of San Diego, its agents and employees, as a result of a traffic

collision which occurred on January 15, 1993.
Aud. Cert. 9500707.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-115:

SUBJECT: Grant Application to the California Department of Parks
and Recreation for Land and Water Conservation Fund
(LWCF) Assistance for the Florida Canyon Urban Trail
Project. (District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1011) ADOPTED AS RESOLUTION R-285207

Approving the application for Land and Water
Conservation Funds for the Florida Canyon Trail System
Restoration Project.

CITY MANAGER SUPPORTING INFORMATION:

This project was applied for under a different grant program
(National Trails Act Program) and approved by Resolution R-282760
on October 11, 1993. However, the federal government later
decided not to appropriate funds for the program in that year.
Applications are now being accepted for projects funded out of
the Federal Land and Water Conservation Fund (LWCF) program which
is administered by the California Department of Parks and
Recreation. Because this is a reimbursement program, the City is
required to front the project financing and will be reimbursed as
expenses are incurred. There is a 50% project match, which will
be funded through the use of volunteer and County probation
labor. According to the California Department of Parks and
Recreation, the most competitive projects will be trails in
urbanized areas that link people to open space. Based upon this
fact, and limited amount of funding available, staff will make an
application for the Florida Canyon Urban Trail System project.
The project will restore existing nature trails on both sides of

the Florida Canyon area of Balboa Park and restore native plant growth to areas where trails are not desired. Interpretive signage and markers would be added as well as pedestrian observation points. Access would be enhanced through development of urban trail heads near home and play areas, and a self-guided native plant demonstration area would be created. Lastly, an Erosion Control Plan would be developed for long-term preservation of the trail system. All proposed improvements are consistent with the Balboa Park Master Plan, Florida Canyon Master Plan and East Mesa Precise Plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-116:

SUBJECT: Preliminary Alcohol Screening (Breath Test) Device for the Statewide Preliminary Alcohol Screening Device Distribution Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-950) ADOPTED AS RESOLUTION R-285208

Authorizing the City Manager to accept and place into use 230 Preliminary Alcohol Screening devices from the California Highway Patrol for the Statewide Preliminary Alcohol Screening (PAS) Device Distribution Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-117:

SUBJECT: Jurisdictions Unified for Drug Gang Enforcement (JUDGE)
Multi-Agency Grant Participation.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-951) ADOPTED AS RESOLUTION R-285209

Authorizing the City Manager to enter into, participate in, and accept and expend grant funds from the California Office of Criminal Justice Planning with the County Office of the District Attorney as lead agency for the Jurisdictions Unified for Drug Gang Enforcement (JUDGE) Program.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department has participated in the multi-agency, grant funded JUDGE program for six years. The San Diego District Attorney is the primary grantee, with several local law enforcement agencies acting cooperatively and receiving varying shares of the overall grant. The 1994/95 JUDGE grant will fund San Diego Police Department personnel as follows:

Police Lieutenant	40 percent
Police Sergeant	100 percent
Police Detectives (2)	100 percent

The purpose of the program is to ensure the coordinated vertical arrest and prosecution of habitual drug gang offenders. The program operates county-wide.
Aud. Cert. 9500644.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-118:

SUBJECT: Addition to FY 95 CIP.
(South Encanto Neighborhood. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1002) ADOPTED AS RESOLUTION R-285210

Modifying the Fiscal Year 1995 Capital Improvements Program budget by adding CIP-29-817.0, Martin Luther King Jr. Memorial Park - Additional Improvements;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$12,449 from PSD Fund No. 11680 and \$32,551 from PSD Fund No. 15000 to CIP-29-817.0, Martin Luther King Jr. Memorial Park - Additional Improvements.

CITY MANAGER SUPPORTING INFORMATION:

Martin Luther King Jr. Memorial Park is located at 6353 Skyline Drive in the South Encanto Neighborhood. The proposed new CIP project will provide paving for pedestrian access and drainage improvements at the rear of the recreation center building. Turf will be removed and the irrigation system modified to fit the new concrete walkway.

Aud. Cert. 9500679.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-119:

SUBJECT: Two actions related to City Heights Community Park - Development Phase III.
(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-964) ADOPTED AS RESOLUTION R-285211

Authorizing the Auditor and Comptroller to transfer not to exceed \$200,000 from Mid-City Development Fund No. 39094 to CIP-29-700.0, City Heights Community Park -

Development, Phase III;

Authorizing the expenditure of not to exceed \$200,000 from CIP-29-700.0, City Heights Community Park - Development, Phase III, to provide funds for removal of existing structures adjacent to the City Heights Community Park.

Subitem-B: (R-95-965) ADOPTED AS RESOLUTION R-285212

Certifying that the information contained in Negative Declaration DEP-91-0733, in connection with the approval of City Heights Community Park - Development, Phase III, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the Declaration has been reviewed and considered by Council.

CITY MANAGER SUPPORTING INFORMATION:

The funds requested for CIP-29-700.0, City Heights Community Park Development, Phase III, will provide the removal of existing residential units on Highland Avenue between Landis and Wightman Streets, east of and adjacent to the existing City Heights Community Park. The properties were purchased to provide 2.01 acres of land for the expansion of the community park. Removal of the existing structures will permit the development of the park expansion in conjunction with the construction of the Rosa Parks Elementary School as a joint-use facility. The San Diego Unified School District expects construction to begin in January 1996 with completion of the school and joint-use park in September 1997.

Aud. Cert. 9500632.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-120:

SUBJECT: Insurance Related General Reconstructive Contracting and Clean-Up Work.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1006 REV.1) ADOPTED AS RESOLUTION R-285213

Authorizing an agreement with Luth & Turley, Inc., for general reconstructive contracting and cleanup work for damages to private property as outlined in Council Policy 400-10 and for those property damages for which the City may be responsible;

Authorizing the expenditure of not to exceed \$700,000 consisting of \$363,300 from the Water Utilities Water Fund 41500 and \$336,700 from Sewer Fund 41506, for the above contract.

CITY MANAGER SUPPORTING INFORMATION:

The recommendation is to approve the fourth and final year renewal of the previously approved five year agreement with the firm of Luth and Turley contractors, by Council on January 28, 1991. The renewal of the fourth option year is based upon the past fiscal year's overall above standard performance by the contractor, and their response to incidents reported by the City involving property damages to the public that result from City sewer and water main failures. The negotiations of the renewal of the fourth option year with the contractor has resulted in an agreement not to increase any of the rates for services presently being charged. There was no rate increase in the previous second and third option year. It is also noted that Luth & Turley, Inc. currently utilizes over ten (10) MBE/WBE businesses in the performance of their contract and has exceeded the City's goals governing the use of sub-contractors for the past three years. Aud. Cert. 9500703.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

ITEM-121: CONTINUED TO JANUARY 23, 1995

SUBJECT: Two actions related to Water Reimbursement Agreement
for Miramar Ranch North. (Miramar Ranch North

Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1007)

Authorizing a reimbursement agreement with Miramar Ranch North, for construction of major water distribution facilities in the Scripps-Miramar area.

Subitem-B: (R-95-1008)

Stating for the record that the information contained in DEP-85-0100, has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION:

Portions of the complete water distribution system were constructed by earlier property developers at costs exceeding their pro rata share. Accordingly, the earlier property developers entered into the following agreements with the City in order to be reimbursed for expenditure of funds in excess of their pro rata shares. These earlier reimbursement agreements are as follows:

1. Upper Scripps Ranch Major Water Facilities Reimbursement Agreement signed by McMillin Scripps and the City on July 20, 1977, City Clerk Document No. 760593; and
2. McMillin Scripps Three Water Reimbursement Agreement signed by McMillin Scripps North and the City on September 9, 1983, City Clerk Document No. C-01194; and
3. Scripps Mesa Vista Locality Water Reimbursement Agreement signed by Presley of San Diego and the City on February 9, 1988, City Clerk Document No. C-02429.

The earlier reimbursement agreements provide that the City may, from time to time, enter into other subsequent reimbursement agreements with subsequent developers of major component of the complete water distribution system who incur costs exceeding their pro rata shares. Miramar Ranch North is a subsequent developer and this agreement is a subsequent reimbursement agreement. This agreement thus supersedes the three earlier reimbursement agreements, as mentioned above. The City finds that public interest is served by the construction of the complete water distribution system. This agreement is in compliance with Council Policy 400-7 and Administrative Regulation 55.10, which allows the subsequent developer to be reimbursed by benefitting property owners.

FILE LOCATION: Subitem-A,B: NONE

COUNCIL ACTION: (Tape location: A210-287; A290-332.)

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

MOTION BY WARDEN TO RECONSIDER. Second by Vargas. Passed
by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

MOTION BY WARDEN TO CONTINUE THE ITEM FOR ONE WEEK TO ALLOW
THE PLANNING GROUP TIME TO REVIEW THIS MATTER. Second by
Stallings. Passed by the following vote: Mathis-yea,
Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-122:

SUBJECT: Agreement to provide Financial Advisory Services for
the Wastewater Capital Program. (See City Manager
Report CMR-95-03.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-849) ADOPTED AS RESOLUTION R-285214

Authorizing an agreement with Public Resources Advisory
Group (PRAG) and Whitfield, Inc., an MBE/WBE firm, to
provide financial advisory services, for the Wastewater
Capital Program's second bond issuance.
Aud. Cert. 9500687.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

* ITEM-123:

SUBJECT: Disabled Access Ramps For Portable Classrooms.
(Districts-4, 7, & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-967) ADOPTED AS RESOLUTION R-285215

Authorizing an agreement with the San Diego City Schools, for the construction and/or purchase of three pedestrian ramps located at Audubon, Balboa and Gage Elementary Schools;

Authorizing the expenditure of not to exceed \$16,000 from CDBG Fund 18530, Dept. 4063, Org. 6308, JO 112555 for the above project.

CITY MANAGER SUPPORTING INFORMATION:

During Council deliberations for the FY 1995 CDBG Funding, Council approved Councilmember Ron Roberts' recommendation to award \$16,000 to the San Diego City Schools for a project with the District. As a result of discussions with Councilmember Roberts, the contributions will provide ramps to portable classrooms at three elementary schools. The ramps will provide access to the classrooms for disabled students and teachers at the Audubon, Balboa, and Gage Elementary Schools. This resolution is asking for the execution of the agreement between the City and San Diego City Schools and the approval of the expenditure of \$14,400 from CDBG 1995 Funds for that purpose. Aud. Cert. 9500654.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

ITEM-200:

SUBJECT: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage from Tijuana, Mexico.
(San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1003) ADOPTED AS RESOLUTION R-285216

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: A210-287.)

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

ITEM-201:

SUBJECT: 1991 Housing Element Update of the City's Progress
Guide and General Plan.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1081) ADOPTED AS RESOLUTION R-285217

Authorizing the San Diego Housing Commission to submit the City's draft 1991 Housing Element Update of the City's Progress Guide and General Plan to the State Department of Housing and Community Development for review for conformance with the requirements of State Law.

CITY MANAGER SUPPORTING INFORMATION:

Government Code 65302(c) requires all cities and counties within the State of California to include a Housing Element in its General Plan. The Housing Element is designed to assist the jurisdiction in meeting its housing goals for all economic segments of its population during a given five-year period. The City adopted its Housing Element in 1981. Government Code 65585(a) required adoption of the City's first Housing Element Update in 1986. The 1986 Update covered the period extending from July 1986 to June 1991. In 1991, a second Update, covering the period extending from 1991 to 1996 became due. In 1993, the California Legislature voted to extend the period for the 1991 Housing Element Update for two additional years. Therefore, the cycle for the 1991 Housing Element Update now extends from July 1991 to June 1998.

In April 1992, upon securing the necessary approvals, the Planning Department, which was the lead agency for the Housing Element until mid-1994, requested and received authorization from the City Council to submit the City's draft Housing Element Update to the State Department of Housing and Community Development (HCD) for its review. In June 1992, HCD submitted a list of findings to the Planning Department on the draft Update. One of the most significant findings related to capacity data used to demonstrate the ability of the City to meet its housing goals.

Between June 1992 and November 1994, the Planning Department worked with others in the City and with HCD to address the agency's June 1992 findings.

In December 1994, a civil suit was filed in the City by a private

attorney on behalf of homeless persons who claim San Diego is in violation of state law because it does not have a certified 1991 Housing Element Update; thus, it is unable to show that it has adequate sites to serve the homeless. On December 16, 1994, the Judge, pursuant to Government Code Section 65754(b), ordered the City to bring the Housing Element into compliance within 120 days. Pursuant to Section 65754, the City must submit a draft of its 1991 Housing Element Update, at least 45 days prior to its adoption, to HCD for review. HCD shall review the Update and reports its findings to the City within 45 days of receipt. The City may then consider HCD's findings prior to final adoption which is to occur within the 120 day period specified in the Judge's order.

FILE LOCATION: LAND - General Plan - 1991 Housing
Element

COUNCIL ACTION: (Tape location: B272-C440.)

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

ITEM-202:

SUBJECT: Two actions related to the Construction of Sewer Pump Station No. 5.
(Barrio Logan/Harbor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-781) ADOPTED AS RESOLUTION R-285218

Inviting bids for the Construction of Sewer Pump Station No. 5 on Work Order No. 171121;

Authorizing the execution of a contract with the lowest responsible bidder;

Authorizing the expenditure of \$2,967,400 from Sewer Revenue Fund 41506, Sewer Pump Station Rehabilitation Fund CIP-46-106.0;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess

budgeted funds, if any, to the appropriate reserves.
(BID-K95060)

Subitem-B: (R-95-782) ADOPTED AS RESOLUTION R-285219

Certifying that the information contained in Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, DEP-92-0208, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Declaration has been reviewed and considered by the Council, and adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

In November of 1991 the replacement of Sewer Pump Station No. 5 was presented to the Harbor View Community Council and the Barrio Logan Project Area Committee and no concerns were raised. Sewer Pump Station No. 5 provides service to customers in the southwestern area of downtown San Diego, including the Convention Center. This pump station was originally constructed in 1943 and has outlived its useful service life. Maintenance of the motors and pumps have become an ordeal to maintenance personnel; and the structural integrity of the building has been determined to be substandard. Therefore, replacement of this pump station is essential. The total project cost is estimated at \$2,967,400. Costs include the construction of a new sewer pump station, the demolition of the existing above ground building, conversion of the existing underground building to an overflow sewage storage tank, installation of 200 feet of 24-inch diameter trunk sewer and incidentals. The new facility will be constructed to the latest building codes. The mechanical equipment installed will be state of the art. The layout of the station consists of an above ground masonry building of Spanish design. The facility as seen from Harbor Drive will have a quality landscaped perimeter comprised of trees, flowering shrubs and climbing vines. The landscape is in conformance with the Planning Department's community standards. Installation of this facility will improve service to the City's customers, reduce the chance of sewage spills, reduce maintenance costs and improve aesthetics.
Aud. Cert. 9500642.

WU-P-95-067.

FILE LOCATION: Subitem-A,B: W.O. 171121 CONT - Advanco
Constructors, Division of Zurn Constructors,
Inc. CONFY95-1

COUNCIL ACTION: (Tape location: A210-287.)

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

ITEM-330:

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

(See City Manager Report CMR-94-334. University City
Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-446) ADOPTED AS RESOLUTION R-285220

Declaring that Carrara Place, south of Renaissance
Avenue is not necessary for present or prospective
public street purposes and ordering the street
vacation;

Reserving and excepting from the vacation easements for
public utilities and franchise facilities;

Declaring that this resolution shall not become
effective unless and until the following conditions
have been met: 1) The issuance of permits for the
required public improvements and installation of
improvements, in a manner satisfactory to the City
Engineer and 2) Recordation of a mutual-access
agreement allowing each unit that utilizes and requires
access through the vacated right-of-way and
readdressing the units with a Carrara Place address,
and change the address to Renaissance Avenue; in the
event that the conditions are not completed within 18
months following the adoption of this resolution then
this resolution shall become void and of no further
force or effect;

Directing the City Engineer to advise the City Clerk of
the completion of the above conditions.

FILE LOCATION: DEED F-6411 STRT - J-2812 DEEDFY95-1

COUNCIL ACTION: (Tape location: C441-467.)

Hearing began at 12:06 p.m. and halted at 12:08 p.m.

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

ITEM-331:

SUBJECT: Matter of the La Jolla Community Plan and Local Coastal Program Land Use Plan Update, and the La Jolla Public Facilities Financing Plan.
(La Jolla Community Plan. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions and introduce the ordinances:

Subitem-A: (R-95-981 REV.1) ADOPTED AS AMENDED AS
RESOLUTION R-285227

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-92-0199 and Addendum DEP-94-0625 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said reports have been reviewed and considered by the Council and adopting appropriate findings and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-95-77) INTRODUCED, TO BE ADOPTED ON
JANUARY 30, 1995

Introduction of an Ordinance amending the La Jolla Planned District Ordinance.

Subitem-C: (O-95-78) CONTINUED TO MARCH 7, 1995

Introduction of an Ordinance rezoning various properties in accordance with the draft community plan.

Subitem-D: (O-95-79) INTRODUCED AS AMENDED, TO BE
ADOPTED ON JANUARY 30, 1995

Introduction of an Ordinance adopting the categorical exclusion ordinance for those proposed areas as shown on the Categorical Exclusion Map and Zone Map Drawing No. C-867.1.

Subitem-E: (R-95-982 REV.1) ADOPTED AS AMENDED AS
RESOLUTION R-285228

Adoption of a Resolution rescinding the 1972 La Jolla Shores Precise Plan, the 1975 La Jolla Community Plan and the 1983 La Jolla-La Jolla Shores Local Coastal Program Land Use Plan and adopting the 1994 La Jolla Community Plan and Local Coastal Program Land Use Plan as its replacement, and adopting the associated amendments to the Progress Guide and General Plan and the Local Coastal Program.

Subitem-F: (R-95-983) ADOPTED AS RESOLUTION R-285229

Adoption of a Resolution adopting the La Jolla Public Facilities Financing Plan dated September 1994.

Subitem-G: (R-95-984 Cor. Copy) ADOPTED AS RESOLUTION
R-285230

Adoption of a Resolution rescinding the existing development impact fees for the La Jolla area and La Jolla Shores communities and establishing new development impact fees for all property within the La Jolla Community as set forth in the September 1994 Public Facilities Financing Plan.

OTHER RECOMMENDATIONS:

Planning Commission voted 5 - 1 to approve the La Jolla Community Plan Update.

Ayes: Bernet, Skorepa, Neils, Quinn, McElliott.

Nays: Benn.

The La Jolla Community Planning Association has recommended approval of the project.

SUPPORTING INFORMATION:

The La Jolla Community Plan and Local Coastal Program Land Use Plan (LCP) Update is a comprehensive revision of the 1983 La Jolla Community Plan and LCP. Actions associated with the Plan Update include the following:

1. Consideration of the updated La Jolla Community Plan and LCP, incorporating the La Jolla Shores Precise Plan area, which is the policy document to guide future land uses and public facility decisions in the community;
2. Consideration of the La Jolla Public Facilities Financing Plan (PFFP), which describes the public facilities needed for the community as it develops in accordance with the community plan. The PFFP also identifies the Development Impact Fees that would be required of new development to help fund the projected facility needs;
3. Certification of Environmental Impact Report (EIR) DEP-92-0199 and Addendum DEP-94-0625;
4. Consideration of the Statement of Overriding Considerations with required findings which acknowledge public benefits as a result of the adoption of the community plan that override the significant environmental impacts associated with the EIR;
5. Consideration of the following rezones (see map on file in the Planning Department):
 - a. Mount Soledad Natural Park from the residential (R1-40,000) zone to the open space (OS-OSP) zone;
 - b. Other City-owned, dedicated park and open space areas to the open space (OS-P and OS-OSP) zone;
 - c. Portions of the West Muirlands Drive residential area from R1-8,000 to R1-10,000; and
 - d. City-owned land along the Fay Avenue Right-of-Way from Nautilus Street to Via del Norte from R1-5,000 and R1-8,000 to R1-40,000.
6. Consideration of an amendment to the La Jolla Planned District Ordinance to increase the permitted residential density of mixed use (residential/commercial projects within neighborhood commercial districts from 29 to 43 dwelling units per acre;
7. Consideration of categorical exclusion from the Coastal Development Permit requirements for those areas of La Jolla within the Coastal Zone outside of the Coastal Commission appealable area and the Sensitive Coastal Resource Overlay Zone or other areas of high coastal resource sensitivity.

FILE LOCATION: Subitem-A,E,F,G: LAND - La Jolla Community Plan; Subitem-B,C,D: None

COUNCIL ACTION: (Tape location: C417-D064; E036-G223.)

Hearing began at 12:08 p.m. and recessed at 12:21 p.m.

Motion by Mathis to approve the City Manager's recommendations (Subitems A-G) with the following additions and changes:

Subitem D. Revise the Categorical Exclusion Ordinance to ensure that properties designated as registered historic sites as set forth by the Resource Protection Ordinance, Section 101.0462 of the San Diego Municipal Code, will not be categorically excluded from the Coastal Development Permit process. Further, amend the ordinance to require that applicants within the categorical exclusion area and which otherwise qualify for categorical exclusion will be required to send, at the applicant's expense, a notice of application to residents within 300 feet of the proposed project and to the Community Planning Association. Direct the City Manager to move forward expeditiously on the La Jolla Community Plan's policies and actions as identified on Pages 67 and 70 of the Residential Element to address transitions in bulk and scale between newer and older residential development, and that such changes proposed to the Municipal Code be forwarded to the Land Use and Housing Committee of the Council for consideration within 180 days. Further direct the City Manager to have the Planning Department prepare and bring forward amendments to the Categorical Exclusion Ordinances prepared for Pacific Beach, Torrey Pines, and La Jolla which would eliminate the requirement for a Coastal Development Permit where a demolition permit is required in the categorical exclusion area.

Subitem E. Adopt the January 1995 Draft La Jolla Community Plan and Local Coastal Program Land Use Plan with the incorporation of text changes as identified in the Supplement to the City Manager's Report P95-010 prepared by the Planning Department, and identify the City-owned La Jolla Mesa Open Space Park as a viewshed on Figure 9. Second by Warden. No vote taken. Trailed to the afternoon session.

Hearing resumed at 2:08 p.m. and halted at 3:52 p.m.

Council Member Stallings entered at 2:16 p.m.

Testimony in opposition by Robert Leif, Robert Barto, James Yianilos, Mary Beets, James Barry, William Fell, Joe Rashid, William J. Kellogg, Joane Pearson, Jim Ragsdale, and George Fujimoto.

Testimony in favor by Marsha Ingersol, Dick Smith, and Chuck Berke.

Motion by Mathis to amend original motion to delete Subitem C relative to the Rezoning Ordinance and the last paragraph in Subitem D of Council Member Mathis' memorandum dated

January 17, 1995 relative to the Categorical Exclusion Ordinance that says: "Further direct the City Manager to have the Planning Department prepare and bring forward amendments to the Categorical Exclusion Ordinances prepared for Pacific Beach, Torrey Pines and La Jolla which would eliminate the requirement for a Coastal Development Permit where a demolition permit is required in the categorical exclusion area" from motion with direction to the City Manager to properly notice Subitems C and D and to bring back to Council for final approval on March 7, 1995. No second.

MOTION BY MATHIS TO ADOPT THE CITY MANAGER'S RECOMMENDATION TO APPROVE SUBITEMS A THROUGH G TO: 1) INCORPORATE THE AMENDED LANGUAGE IN THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS DEP NO. 92-0199 RELATIVE TO THE ENVIRONMENTAL IMPACT REPORT TO READ: "SPECIFIC ECONOMIC, LEGAL, SOCIAL, TECHNICAL, OR OTHER CONSIDERATIONS, INCLUDING CONSIDERATIONS FOR THE PROVISION OF EMPLOYMENT OPPORTUNITIES FOR HIGHLY TRAINED WORKERS, MAKE INFEASIBLE THE MITIGATION MEASURES OR ALTERNATIVES IDENTIFIED IN THE ENVIRONMENTAL IMPACT REPORT (CALIFORNIA PUBLIC RESOURCES CODE SECTION 21081)"; 2) INCORPORATE IN SUBITEM E TO READ: "ADOPT THE JANUARY, 1995 DRAFT LA JOLLA COMMUNITY PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN WITH THE INCORPORATION OF TEXT CHANGES AS IDENTIFIED IN THE SUPPLEMENT TO THE CITY MANAGER'S REPORT P95-010 PREPARED BY THE PLANNING DEPARTMENT, AND IDENTIFY THE CITY-OWNED LA JOLLA MESA OPEN SPACE PARK AS A VIEWSHED ON FIGURE 9"; AND 3) DIRECT THE CITY MANAGER TO PROPERLY NOTICE AND BRING BACK TO COUNCIL FOR FINAL APPROVAL ON MARCH 7, 1995 THE FOLLOWING: 1) SUBITEM C RELATIVE TO THE REZONING ORDINANCE; AND 2) SUBITEM D RELATIVE TO THE CATEGORICAL EXCLUSION ORDINANCE TO INCLUDE THE LAST PARAGRAPH IN SUBITEM D OF COUNCIL MEMBER MATHIS' MEMORANDUM DATED JANUARY 17, 1995, TO READ:

"FURTHER DIRECT THE CITY MANAGER TO HAVE THE PLANNING DEPARTMENT PREPARE AND BRING FORWARD AMENDMENTS TO THE CATEGORICAL EXCLUSION ORDINANCES PREPARED FOR PACIFIC BEACH, TORREY PINES AND LA JOLLA WHICH WOULD ELIMINATE THE REQUIREMENT FOR A COASTAL DEVELOPMENT PERMIT WHERE A DEMOLITION PERMIT IS REQUIRED IN THE CATEGORICAL EXCLUSION AREA." Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

MOTION BY MATHIS TO ADOPT SUBITEM D TO READ: "REVISE THE CATEGORICAL EXCLUSION ORDINANCE TO ENSURE THAT PROPERTIES DESIGNATED AS REGISTERED HISTORIC SITES AS SET FORTH BY THE

RESOURCE PROTECTION ORDINANCE, SECTION 101.0462 OF THE SAN DIEGO MUNICIPAL CODE, WILL NOT BE CATEGORICALLY EXCLUDED FROM THE COASTAL DEVELOPMENT PERMIT PROCESS.

FURTHER AMEND THE ORDINANCE TO REQUIRE THAT APPLICANTS WITHIN THE CATEGORICAL EXCLUSION AREA AND WHICH OTHERWISE QUALIFY FOR CATEGORICAL EXCLUSION ALSO BE REQUIRED TO SEND, AT THE APPLICANT'S EXPENSE, A NOTICE OF APPLICATION TO RESIDENTS WITHIN 300 FEET OF THE PROPOSED PROJECT AND TO THE COMMUNITY PLANNING ASSOCIATION." DIRECT THE CITY MANAGER TO MOVE FORWARD EXPEDITIOUSLY ON THE LA JOLLA COMMUNITY PLAN'S POLICIES AND ACTIONS AS IDENTIFIED ON PAGES 67 AND 70 OF THE RESIDENTIAL ELEMENT TO ADDRESS TRANSITIONS IN BULK AND SCALE BETWEEN NEWER AND OLDER RESIDENTIAL DEVELOPMENT. REQUEST THAT THE CITY MANAGER BRING SUCH CHANGES TO THE MUNICIPAL CODE FORWARD TO THE LAND USE AND HOUSING COMMITTEE WITHIN 180 DAYS. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-S400:

SUBJECT: Appointment to the Civil Service Commission.
(See memorandum from Mayor Golding dated 1/5/95 with resume attached.)

(Continued from the meeting of January 9, 1995, Item S402, at Judie Italiano's request.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1024) ADOPTED AS RESOLUTION R-285221

Council confirmation of the Mayor's appointment of Daniel Eaton to serve as a member of the Civil Service Commission for a term ending January 9, 2000, replacing Reverend Clyde E. Gaines, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A333-B247.)

Motion by Vargas to continue the item. Second by Stevens. Failed by the following vote: Yeas-4,6,7,8. Nays-1,2,3,5,M. Not present-None.

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

ITEM-S401:

SUBJECT: U.S.O. Relocation.

(See City Manager Report CMR-94-374.)
(Continued from the meetings of November 28, 1994, Item 129, and January 9, 1995, Item 209; last continued at the City Manager's request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-842) ADOPTED AS RESOLUTION R-285222

Authorizing the City Manager to purchase property needed for the relocation of the USO to allow the City to proceed with Convention Center expansion;

Authorizing the expenditure of not to exceed \$2,100,000 for acquisition of property rights and related costs from Convention Center Expansion Fund 102212, provided that such funds are to be paid by the San Diego Unified Port District or reimbursed to the City by the Port District pursuant to the Memorandum of Understanding dated June 21, 1994, Council Resolution No. R-284126;

Authorizing the Auditor and Comptroller to advance funds as required from the Transient Occupancy Fund to the Convention Center Expansion Fund, based on earned revenue receivable, in the event the funds have not yet been received from the Port District at the time they are required to be paid. Advances will be returned upon the receipt of earned revenue.

Aud. Cert. 9500554.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A210-287.)

CONSENT MOTION BY HARVEY TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,

McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ITEM-CS-1: (R-95-1073) ADOPTED AS RESOLUTION R-285223

A Resolution adopted by the City Council in Closed Session
on Tuesday, January 17, 1995:

Authorizing the City Manager to pay the sum of \$50,000.00 in
the settlement of each and every claim against the City of
San Diego, its agents and employees, in Superior Court Case
No. 674109, resulting from property damage of Harper
Construction Co., Inc.; authorizing the City Auditor and
Comptroller to issue one check in the amount of \$50,000.00,
made payable to Harper Construction Co., Inc., and M.
Richardson Lynn, Jr., their attorney of record, in full
settlement of all claims.

Aud.Cert: 9500745

FILE LOCATION: MEET

ITEM-CS-2: (R-95-1074) ADOPTED AS RESOLUTION R-285224

A Resolution adopted by the City Council in Closed Session
on Tuesday, January 17, 1995:

Authorizing the City Manager to pay the sum of \$52,500.00 in
the settlement of each and every claim against the City of
San Diego, its agents and employees, in Superior Court Case
No. 674018, resulting from personal injury claim of Martha
Arcilla; authorizing the City Auditor and Comptroller to
issue one check in the amount of \$52,500.00, made payable to
Martha Arcilla and William L. Miltner, her attorney of
record, in full settlement of all claims.

Aud.Cert: 9500740

FILE LOCATION: MEET

ITEM-CS-3: (R-95-969) ADOPTED AS RESOLUTION R-285225

A Resolution adopted by the City Council in Closed Session
on Tuesday, January 17, 1995:

Authorizing the City Manager to pay the sum of \$40,000.00 in
settlement of each and every claim against the City of San
Diego, its agents and employees, resulting from the personal
injuries to Donald Elbert Taggart; authorizing the City
Auditor and Comptroller to issue two checks in the amount of
1) \$12,588.00 made payable to Donald Elbert Taggart, UCSD
Medical Center and Donald M. De Camara, their attorney of
record, and 2) \$27,412.00 made payable to Donald Elbert
Taggart and Donald M. De Camara, his attorney, in full
settlement of all claims.

Aud.Cert: 9500668

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Vargas at 4:05
p.m. in honor of the memories of Noelle Marra as requested
by Council Member Warden and Dr. Robert W. Harlan as
requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G419).