

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 10, 1995
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:06 p.m. Mayor Golding adjourned the meeting at 4:36 p.m. to meet in Closed Session on Tuesday, April 11, 1995, at 9:00 a.m., in the 12th floor Conference Room to discuss pending litigation matters.

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-Fishkin (ew)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin 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-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Swami Atmarupananda of Vedanta Society of Southern California.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by a member of the Mission Valley YMCA Pride Program and Council Member Warden.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Ron Oakes regarding hockey in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A067-102.)

ITEM-PC-2:

Comments by Don Stillwell regarding the Easter Holiday and requesting that the Council help establish a national holiday for the Jews.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A103-131.)

ITEM-PC-3: REFERRED TO THE CITY MANAGER

Comments by Ed O'Neill regarding a petition signed by visitors of Mission Trails Park and residents of Kiowa Drive requesting that the Filtration Plant Administration revise their decision to route all traffic from Kiowa Drive and

redirect that traffic to an already planned access road on Lake Murray Boulevard.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A132-176.)

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Council Member Stallings thanking the 75 volunteers of the Clairemont Community for their participation in the "Graffiti Paint Out."

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A178-184.)

ITEM-CC-2:

Comments by Council Member Stevens inviting the Council to attend the Third Annual Arts & Cultural Festival to be held this Saturday at the Martin Luther King Jr. Park.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A185-189.)

ITEM-CC-3:

Comments by Council Member Harvey thanking the students of Zamorano and Washington Elementary Schools and Art students of San Diego City College for their contribution to art walk in painting murals on the construction barrier outside the T.M. Cobb Building.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A190-195.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:
3/20/95
3/21/95

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A175-177.)

MOTION BY WARDEN TO APPROVE. 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-yea.

* ITEM-50: REFERRED TO THE LU&H COMMITTEE

SUBJECT: Establishing Two-Hour Time Limit Parking Meter Zones.
(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:
(O-95-89)

Introduction of an Ordinance establishing a parking time limit of two hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on Front Street between Date Street and Beech Street, on Cedar Street between Front Street and First Avenue, and on the south side of Beech Street between Front Street and First Avenue;

Authorizing the installation of parking meters and the necessary signs and markings.

CITY MANAGER SUPPORTING INFORMATION:

The proposed two-hour time limit parking meter zones are next to the existing time limit meter zones in the Centre City business district. An engineering review of the available curb space utilization indicates that proposed time limit parking meter zones will provide more turn-over of parking spaces. The

adjacent property/business owners were notified without objection. The proposed parking meter zones meet the City Council Policy 200-4 requirements for the installation of two-hour parking meters on Front Street between Date Street and Beech Street, on Cedar Street between Front Street and First Avenue, and on the south side of Beech Street between Front Street and First Avenue.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A281-352.)

MOTION BY HARVEY TO REFER THIS ITEM TO THE LU&H COMMITTEE. 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.

* ITEM-100:

SUBJECT: Awarding a Contract to California Sheet Metal for the North City Water Reclamation Plant - Translucent Panels.
(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1034) ADOPTED AS RESOLUTION R-285560

Accepting the low base bid of California Sheet Metal Works, Inc. (San Diego), and awarding a contract for the North City Water Reclamation Plant - Translucent Panels, provided that City Auditor first 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 phase-funded expenditure of \$1,175,878 from Metropolitan Wastewater Department, Sewer Fund 41509, CIP-42-910.1, North City Water Reclamation Plant, for the purpose of funding this construction contract, contingencies and related costs, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for

expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

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

Authorizing the City Manager to establish contract funding phases with California Sheet Metals, based on the actual low bid submitted, in the following manner, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury:

Phase 1 \$93,604 from FY 95 appropriations

Phase 2 \$713,027 from FY 96 appropriations contingent upon Council appropriating funds for this purpose in FY 96;

Phase 3 \$369,247 from FY 96 appropriations contingent upon Council appropriating funds for this purpose in FY 96;

Stating for the record that the previously certified Environmental Impact Report DEP-91-0516 for the North City Water Reclamation Plant was reviewed and considered by Council.

(BID-K94106)

CITY MANAGER SUPPORTING INFORMATION:

On November 28, 1994, the City Council under Resolution No. R-284952 authorized the City Manager to execute a contract with the lowest responsible bidder for the North City Water Reclamation Plant Translucent Panels Construction Package provided that the bid does not exceed \$1,014,000. On January 18, 1995 bids were opened and California Sheet Metal was the lowest responsible bidder with an amount of \$1,119,883. This amount is \$105,883 over the estimated amount originally approved by Council. It is requested from the City Council to approved a revised amount for this contract which has been established based on the actual bid and cost loaded schedule negotiated with California Sheet Metal as follows: Phase 1 FY 95 \$ 89,146 plus contingency and other related costs of \$4,458 Phase 2 FY 96 \$679,073 plus contingency and other related costs of \$33,954 Phase 3 FY 96 \$351,664 plus contingency and other related costs of \$17,583 Total \$1,175,878

including contingencies. Mitigation measures related to this action have been incorporated into each package.

Aud. Cert. 9500935.

FILE LOCATION: CONT - California Sheet Metal Works, Inc.
(San Diego) CONFY95-1

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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-101: RETURNED TO THE CITY MANAGER

SUBJECT: Inviting Bids for Construction of the Marston House Public Restroom.
(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:
(R-95-1233)

Approving the revised plans and specifications and readvertising for bids for the Construction of Marston House Public Restroom on Work Order No. 119390;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of \$156,600 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, Sublet Project 21-834.9, Marston House Renovation, San Diego Facility and Equipment Leasing Corporation Construction Fund No. 91101;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K95013A)

CITY MANAGER SUPPORTING INFORMATION:

The Marston House, located at 3524 Seventh Avenue, was donated to the City of San Diego by the Marston family in 1974. The house is operated by the San Diego Historical Society. The grounds are maintained by the Park and Recreation Department and are used for functions such as weddings. An improvement project for this site began in 1992. A re-roofing contract has been completed and a report has been prepared identifying the remaining work needed on the Marston House. Bids for a small restroom were received on September 21, 1994. Since the low bid was 29 percent over the estimate, plans and specifications have been revised to reduce the cost. Today's Council action will rescind the Council action that approved the previous design and will cause the revised restroom project to be re-advertised for bids.
Aud. Cert. 9500750.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A196-280.)

CONSENT MOTION BY KEHOE TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER DISCUSSION WITH THE HISTORICAL SOCIETY. Second by Mathis. 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-102:

SUBJECT: Inviting Bids for the Construction of Northern Sludge Processing Facility Offsite Revegetation Project.
(San Dieguito River Basin Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1033) ADOPTED AS RESOLUTION R-285561

Inviting bids for the Construction of Northern Sludge Processing Facility Offsite Revegetation Project on Work Order No. 198885;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure under the contract are, or

will be, on deposit in the City Treasury;

Authorizing the expenditure of \$395,000 from Sewer Fund No. 41509, CIP-42-911.4, Northern Sludge Processing Facility, Phase II, for the purpose of providing funds for this project construction, contingency and related costs, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure, or will be, on deposit in the City Treasury;

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

Stating for the record that the final Environmental Impact Report DEP-91-0653 has been reviewed and considered prior to approving the project. (BID-K95116)

CITY MANAGER SUPPORTING INFORMATION:

As part of the certification of the Environmental Impact Report for Northern Sludge Processing Facilities, offsite wetlands creation was required to mitigate for the wetland impacts that will occur during project construction. Wetlands creation will occur on a City-owned site in the Lake Hodges area. Future wetland mitigation will be required onsite following the completion of project construction. This will be implemented under a separate contract. This request is to advertise for bids and award the contract for the five-year implementation of the offsite wetlands mitigation for the Northern Sludge Processing Facilities Project.

FILE LOCATION: W.O. 198885 CONT - Nature Landscape Design
CONFY95-1

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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-103:

SUBJECT: Inviting Bids for Construction of the North City Raw

Sludge Pumping Station.
(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-540) ADOPTED AS RESOLUTION R-285562

Inviting bids for the North City Raw Sludge Pumping Station on Work Order No. 199380;

Authorizing the City Manager to establish contract funding phases with the lowest responsible bidder, based on the actual low bid submitted;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first 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 expenditure of \$2,987,680 from Fund No. 41509, CIP-42-911.3, North City Raw Sludge and Water Pipelines, for the purpose of providing funds for this project construction, contingency and related costs, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K95110);

CITY MANAGER SUPPORTING INFORMATION:

The North City Raw Sludge and Water Pipelines (NCRS&WP) project will convey the raw sludge generated at the North City Water Reclamation Plant (NCWRP), to the Northern Sludge Processing Facility at NAS Miramar, for processing. The North City Raw Sludge Pump Station is the first of two construction contracts for the NCRS&WP, and will be located within the NCWRP, at the Eastgate Mall site. Mitigation measures related to this action have been incorporated into each package. At this time, approval is requested to advertise for bids and award this contract

package. The EIR was certified by City Council on February 2, 1993.

FILE LOCATION: W.O. 199380 CONT - Nielsen-Dillingham
Builders Joint Venture CONFY95-1

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Two actions related to Crosby Street (Harbor Drive to Kearny Avenue) Underground Utility District.
(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1399) ADOPTED AS RESOLUTION R-285563

Designating May 15, 1995, as the date upon which all property in the Crosby Street (Harbor Drive to Kearny Avenue) Underground Utility District must be ready to receive underground service and May 19, 1995, as the date for the removal of all overhead utility facilities.

Subitem-B: (R-95-1400) ADOPTED AS RESOLUTION R-285564

Authorizing the City Auditor to open Fund No. 78072 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Crosby Street (Harbor Drive to Kearny Avenue) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas and Electric Company;
Authorizing payment to all property owners in the Crosby Street (Harbor Drive to Kearny Avenue) Underground Utility District, as reimbursement for electrical service underground conversion work done on

private property whenever the required length of trenching exceeds 1 foot;

Authorizing the City Auditor and Comptroller to return to San Diego Gas and Electric Company any undisbursed funds upon written notice from SDG&E that all electric service conversions within a particular District have been completed.

CITY MANAGER SUPPORTING INFORMATION:

The Crosby Street (Harbor Drive to Kearny Avenue) Underground Utility District was created by the City Council on March 24, 1992. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set May 15, 1995, as the Customer Ready date, which will require that, upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish May 19, 1995, as the Pole Removal Date, which will require that, upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit only up to a maximum \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 to \$1,500.

FILE LOCATION: STRT K-204

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Boundary Modification in the Existing Gaslamp Quarter
Underground Utility District.
(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1397) ADOPTED AS RESOLUTION R-285565

Adopting the minor boundary modifications in the
existing Gaslamp Quarter Underground Utility District
by adding portions of "L" Street and Sixth Avenue.

CITY MANAGER SUPPORTING INFORMATION:

Gaslamp Park, a project of CCDC located at 6th Avenue and "L"
Street, is currently under construction. This area is adjacent
to the existing Gaslamp Quarter Underground Utility District,
also in construction. This action will include undergrounding of
additional utility poles in Gaslamp Park. It is recommended that
the City Council authorize the boundary adjustment to this
district. Public Utilities Commission Case 8209 funding is
available to do this additional work.

FILE LOCATION: STRT K-116

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Vacating an Unnamed Easement within Lot 16 of
Clairemont Terrace, Map-3200.
(Clairemont Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1356) ADOPTED AS RESOLUTION R-285566

Vacating the unnamed easement within Lot 16 of
Clairemont Terrace, Map-3200, pursuant to Section 8330
et. seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

The proposed easement abandonment has been requested by the affected property owner in order to unencumber the property and facilitate development of a new church campus. The development of the church campus is controlled under an approved Conditional Use Permit, CUP-93-0213. The easement proposed for abandonment and vacation was granted to the City when the property was subdivided in October of 1954. The easement proposed for vacation is located in Lot 16 of Clairemont Terrace, Map-3200, which is within an R1-5000 Zone of the Clairemont Community Plan area. The easement extends along the westerly perimeter of Lot 16 and does not contain any public or franchise facilities. In addition, there are no present or future plans to utilize the easement. Staff review of the easement abandonment/vacation has indicated that the four required findings required for vacation can be made. The easement qualifies for summary proceedings and may be summarily vacated.

FILE LOCATION: DEED F-6460 DEEDFY95-1

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Kearny Mesa Toyota Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1403) ADOPTED AS RESOLUTION R-285567

Joining Kearny Mesa Toyota in celebrating its 25th

Anniversary in San Diego;

Proclaiming April 8, 1995 to be "Kearny Mesa Toyota Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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-108:

SUBJECT: Lions Club Mike Morrow High School Baseball Tournament Week.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1360) ADOPTED AS RESOLUTION R-285568

Proclaiming the week of April 9 through 15, 1995 to be "The Lions Club Mike Morrow High School Baseball Tournament Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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-109:

SUBJECT: Conversion of Street Lights to High Pressure Sodium.
(District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1394) ADOPTED AS RESOLUTION R-285569

Authorizing the Auditor and Comptroller to transfer not to exceed \$80,000 from CDBG Fund 18530/4061/6106 University Avenue-North Park to CDBG Fund 18530/4061/6110 Street Lights Conversion - District Three;

Authorizing the expenditure of not to exceed \$80,000 from CDBG Fund 18530/4061/6110, Street Lights Conversion - District Three, for the purpose of converting designated street lights to high pressure sodium vapor;

Designating the above-mentioned transfer of funds as a loan;

Approving the allocation of a like amount in FY 96 CDBG Funds to the University Avenue Project.

CITY MANAGER SUPPORTING INFORMATION:

On September 28, 1993, Council directed the City Manager to convert street lights from Low Pressure Sodium (LPS) to High Pressure Sodium (HPS) in the Central Business District, Gas Lamp District, High Crime Areas South of I-8, Golden Hill Revitalization Area, Skyline Drive from 58th Street to East Skyline Drive, and Imperial Avenue from Euclid Avenue to 69th Street. The approved HPS conversion project will convert a total of 8,670 street lights. Council District 3 has proposed a transfer of funds from CDBG Fund 18530/4061/6106 (University Avenue-North Park) to Fund 18530/4061/6110 (Street Light Conversion-District 3). The same sum of money will then be returned to University Avenue-North Park Project by allocating FY 96 CDBG funds. This transfer of funds will help accelerate the District 3 conversion effort.

Aud. Cert. 9500912.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Accepting Funds for Construction of Seismic Retrofit of the Orange Avenue Bridge over 54th Street.
(Mid-City Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1384) ADOPTED AS RESOLUTION R-285570

Authorizing the City Auditor and Comptroller to accept the Program Supplement No. 11-5004(091) to Local Agency - State Agreement for Federal Aid Project No. 11-5004(021) for an amount of \$119,957 for construction of seismic retrofit of the Orange Avenue Bridge over 54th Street;

Authorizing the expenditure of an amount not to exceed \$135,500 from CIP-52-602.0, Seismic Retrofit of Orange Avenue Bridge over 54th Street, of which \$119,957 is from Program Supplement No. 11-5004(091) and \$15,543 is from TransNet Fund 30300;

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

CITY MANAGER SUPPORTING INFORMATION:

The Orange Avenue Bridge over 54th Street has been identified as a seismically deficient bridge by CalTrans. The City Engineering Department applied for and received Federal Highway Bridge Replacement and Rehabilitation funding for the construction of seismic retrofit measures for the bridge. This action is requesting to utilize the funds.

Aud. Cert. 9500950.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Subcontract Agreement for SANDAG Motor Vehicle Theft Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1302) ADOPTED AS RESOLUTION R-285571

Authorizing the City Manager to enter into an agreement to act as sub-grantee to the San Diego Association of Governments (SANDAG) for a grant titled "A Coordinated Response to Motor Vehicle Thefts: Evaluation of Enforcement and Crime Prevention Efforts."

FILE LOCATION: MEET CONTFY95-1

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Settlement of Personal Injury Claim of Kattie and Frederick McGee.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1412) ADOPTED AS RESOLUTION R-285572

A Resolution approved by the City Council in Closed Session on Tuesday, March 21, 1995 by the following vote: Mathis-yea; Harvey-not present; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-not present; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$200,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Kattie and Frederick McGee (Superior Court Case No. 672886, Kattie McGee, et al., v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$200,000 made payable to Kattie and Frederick McGee, and Dave Carothers, their attorney of record, 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 Kattie and Frederick McGee against the City, its agents and employees, as a result of an incident which occurred on April 9, 1993.

Aud. Cert. 9500989.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Settlement of the Claim of Diane Sansted.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1391) ADOPTED AS RESOLUTION R-285573

A Resolution approved by the City Council in Closed Session on Tuesday, March 21, 1995 by the following vote: Mathis-yea; Harvey-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-not present; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay up to the sum of \$160,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the estate of Diane Sansted (Superior Court Case No. 449150, Sansted v. City of San Diego);

Authorizing the City Auditor and Comptroller to issue two checks as follows: \$28,425 made payable to Marion Sansted and her attorney, William D. Yuill, and a check not to exceed \$131,575 made payable to First Colonial Life Insurance Company.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the claim of the estate of Diane Sansted against the City of San Diego, its agents and employees, as a result of an incident which occurred on June 22, 1978.

Aud. Cert. 9500919.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Authorizing an Additional \$40,000 to Retain Outside Counsel for the Litigation of the City of San Diego vs. San Diego Gas & Electric Company.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1415) ADOPTED AS RESOLUTION R-285574

A Resolution approved by the City Council in Closed Session on Tuesday, March 28, 1995 by the following vote: Mathis-yea; Harvey-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea. Authorizing the retention of Alvarado, Smith, Wolff & Sanchez and Baker & McKenzie to handle the litigation of the City of San Diego vs. San Diego Gas & Electric Company;

Authorizing the expenditure of an additional \$40,000 for outside attorney fees and costs;

Authorizing a Settlement Agreement with San Diego Gas & Electric Company concerning surcharge franchise fees, underground allocations and expenditures and franchise fees on transportation revenues;

Authorizing the Auditor and Comptroller to set aside and expend a total amount not to exceed \$40,000.
Aud. Cert. 9500998.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Agreements with Mark Balan & Associates, and Van Buuren Kimper Engineering for Electrical Engineering Consultant Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1401) ADOPTED AS RESOLUTION R-285575

Authorizing the execution of an agreement with Mark Balan & Associates (San Diego), for as-needed electrical engineering consultant services;

Authorizing the execution of an agreement with Van Buuren Kimper Engineering (San Diego), for as-needed electrical engineering consultant services;

Authorizing the expenditure of not to exceed \$300,000, consisting of \$150,000 from Fund 41506, CIP-46-174.0, Annual Allocation - As-Needed Consultant Services/Sewer, and \$150,000 from Fund 41500, CIP-73-312.0, Annual Allocation - As-Needed Consultant Services/Water;

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

CITY MANAGER SUPPORTING INFORMATION:

As part of the Streamlining and Efficiency Program (STEP) it was recommended that the Water Utilities Department hire an As-needed Consultant, Registered Electrical Engineer to address the Department's needs. These two agreements are for electrical engineering services on an as-needed basis. Services will include but are not limited to planning, plan checking, electrical inspection of complex electrical projects and the preparation of electrical engineering plans and specifications for various water and sewer facilities. On September 12, 1994, the Consultant Nominating Committee nominated five (5) firms to participate in the final selection process. In an effort to provide checks and balances and to prevent the As-needed Consultant from checking its own work, it is recommended that we hire two electrical engineering firms. In conformance with Council Policy 300-7, these firms were interviewed on December 7, 1994, and Mark Balan & Associates and Van Buuren Kimper Engineering were selected as the best qualified firms to provide as-needed consultant services. Mark Balan & Associates is a minority owned small business enterprise (Caltrans certified). Van Buuren Kimper Engineering has one subconsultant for controls system, Lakota Engineering Systems (MBE), who will be responsible for 15% of the assigned tasks. These two agreements will provide for services by task order on an hourly fee basis not to exceed \$35,000 per task. The total contract shall not exceed \$150,000 for each firm for a period of two years from the date of execution by the City Manager.

Aud. Certs. 9500967 and 9500968.

WU-U-95-126.

FILE LOCATION: MEET CCONFY95-2

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: TRAILED TO APRIL 11, 1995

SUBJECT: Agreement with BSI Consultants, Inc., for the Design of Sewer Main Replacement Group 610.

(Golden Hills Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:
(R-95-1390)

Authorizing an agreement with BSI Consultants, Inc., for the design of Sewer Main Replacement Group 610;

Authorizing the expenditure of not to exceed \$134,820 from Sewer Revenue Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

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

CITY MANAGER SUPPORTING INFORMATION:

This agreement is for the design of the Sewer Main Replacement Group 610, which will replace approximately 9,500 feet of existing concrete sewer main that is deteriorated or undersized in Golden Hills. A list of six consultants was provided by the City's Consultant Coordinator. The firms were interviewed in accordance with Council Policy 300-7, and BSI Consultants, Inc.

was selected. BSI Consultants, Inc. responsibilities will include an alternative evaluation study, preparation of the construction plans, specifications and cost estimate, and support services during bidding and construction, for a contract amount not to exceed \$134,820. Project subconsultants (if required) are: Saf-R-Dig Utility Surveys, Inc. for utility potholing \$6,900; Carroll, Chapin, and Arevalo (WBE) for geotechnical \$10,580.

Aud. Cert. 9500961.

WU-U-95-124.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A353-360.)

* ITEM-117:

SUBJECT: Third Amendment to the Agreement with HYA Consulting Engineers for the Genesee Avenue Subsystem.
(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1344) ADOPTED AS RESOLUTION R-285576

Authorizing a third amendment to the agreement of August 2, 1993 with HYA Consulting Engineers, for design services in connection with the Genesee Avenue Subsystem;

Authorizing the Auditor and Comptroller to transfer not to exceed \$100,000 within Fund 41500, from CIP-70-924.0, Clairemont Mesa Boulevard/Tierrasanta Storage Tank, to CIP-70-911.0, Genesee Avenue Subsystem;

Authorizing the expenditure of not to exceed \$427,621 from Fund 41500, CIP-70-911.0, Genesee Avenue Subsystem.

CITY MANAGER SUPPORTING INFORMATION:

On August 2, 1993, the City Council approved the agreement

between the City and HYA Consulting Engineers to provide Design Services for the Genesee Avenue Subsystem-Reclaimed Water Distribution System (R-282437).

This amendment is for additional design engineering services. These services provide the design for added pipelines to bring reclaimed water to the customers identified in the Update of Reclaimed Water Market Assessment Report dated November, 1994. These pipeline systems are also referred to as off-backbone pipelines. They are 4 to 8-inches in diameter, totalling 22,200 feet in length. The tentative alignments for the proposed off-backbone pipelines are shown on Attachment No. 1 to the Agreement. Amendments No. 1 and 2 were no-cost amendments approved by the City Manager.
Aud. Cert. 9500984.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A353-407.)

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

ITEM-118:

SUBJECT: Agreement with Lintvedt McColl & Associates for the Design of Improvements for Sports Arena Boulevard.
(Midway/Pacific Highway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1562) ADOPTED AS RESOLUTION R-285577

Authorizing an agreement with Lintvedt McColl & Associates (San Diego), to provide construction documents for Sports Arena Boulevard Improvements;

Authorizing the expenditure of not to exceed \$250,000 from CIP-52-503.0, not to exceed \$200,000 from Gas Tax Fund 302191 and \$50,000 from TransNet Fund 30300.

CITY MANAGER SUPPORTING INFORMATION:

This provides for the execution of an agreement with the firm of Lintvedt McColl & Associates to provide consultant services for the Sports Arena Blvd. Project. This CIP project will improve Sports Arena Blvd. to a 6-lane facility with a raised median between Midway Dr./West Pt. Loma Blvd. and Rosecrans St./Camino del Rio, and will improve the intersections at either end of this section. The intersection of Midway Dr./West Pt. Loma Blvd./Sports Arena Blvd. is currently operating at a level of service "F" in the afternoon peak hour, and is proposed to be improved by the addition of a second eastbound lane on West Pt. Loma Blvd. The intersection of Camino del Rio/Rosecrans St./Sports Arena Blvd. currently operates at a level of service "E" in the afternoon peak, and is proposed to be improved by the addition of an eastbound lane through the intersection. In addition, the intersection will be reconstructed to allow eastbound traffic on Sports Arena Blvd. to continue east on Sports Arena Blvd. (east of Rosecrans), which is not possible now. It is recommended that the design of these intersection improvements proceed at this time. Staff has looked at this project in light of the Bay-to-Bay project being contemplated. The improvement of Sports Arena Blvd. to 6 lanes is being accomplished by improvements in the median, without moving the curbs. If it is desired to accomplish a narrower, less intrusive roadway as part of the Bay-to-Bay project, Sports Arena Blvd. would likely be narrowed to 4 lanes by relocating the curbs to narrow the roadway.

Aud. Cert. 9401008.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: D275-351.)

MOTION BY HARVEY TO APPROVE THIS ITEM WITH THE UNDERSTANDING THAT THIS PROJECT WILL NOT AFFECT THE POLICY DECISION OF THE BAY TO BAY PROJECT. Second by Mathis. 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: Agreement with the San Diego Metropolitan Transit Development Board (MTDB).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1355) ADOPTED AS RESOLUTION R-285578

Authorizing an agreement with the San Diego Metropolitan Transit Development Board (MTDB), for the purpose of passing through grant funds received from SANDAG to MTDB in order to purchase and install front mounted bicycle racks on all San Diego Transit buses that were formerly equipped with rear mounted bicycle racks.

CITY MANAGER SUPPORTING INFORMATION:

This action will transfer \$38,800 of SANDAG funds to the San Diego Metropolitan Transit Development Board (MTDB). MTDB requested the City to apply for Local Transportation Funds (LTF) from SANDAG on behalf of MTDB and pass through the funds to MTDB for the replacement of existing rear mounted bus bicycle racks on San Diego Transit buses with front mounted bus bicycle racks. The SANDAG Board of Directors subsequently approved \$38,000 in LTF funds for this purpose. MTDB will manage this project.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Agreement with RBF/Sholders and Sanford for Engineering Services for the Otay Second Pipeline Improvements Project.
(Oak Park and Chula Vista Community Areas. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1411) ADOPTED AS RESOLUTION R-285579

Authorizing an agreement with RBF/Sholders & Sanford (Orange County), for engineering services in connection with the Otay Second Pipeline Project;

Authorizing the expenditure of not to exceed \$483,914 from Water Revenue Fund 41500, CIP-73-286.0, Otay Second Pipeline Improvements.

CITY MANAGER SUPPORTING INFORMATION:

The Otay Second Pipeline transmits domestic water northerly from the Lower Otay Filtration Plant. This pipeline was built in the late 1920's and is reaching the end of its useful service life. The pipeline crosses the City of Chula Vista, the County of San Diego, and the Sweetwater River. Alignment alternatives and environmental issues for the reach between Telegraph Canyon Road and State Route 54 should be addressed to plan and schedule this pipeline replacement in the Capital Improvements Program. In addition, improvement plans, specifications and estimates are desired for the replacement of two northern pipeline reaches north of State Route 94 located at creek crossings and within canyons in Oak Park. Consultant engineering services are desirable due to the project location and the specialized expertise required for the project. On May 13, 1994 an advertisement was placed in the San Diego Daily Transcript for Civil Engineering/Environmental Services to perform alignment studies, preliminary engineering and cost estimating for the replacement of the Otay Second Pipeline between State Route 54 and Telegraph Canyon Road in Chula Vista. The City's Consultant Nominating Committee reviewed the letters of interest from various consultants and nominated six firms to participate in the final selection process. One firm declined to be interviewed. The other five firms were interviewed on September 29, 1994 in accordance with Council Policy 300-7, and RBF/Sholders & Sanford was selected as the best qualified firm. Subconsultants include AGRA Earth & Environmental, Geotechnical Analysis, \$14,800; Butler Roach Group (WBE), permitting, \$8,000; Gallegos & Associates (MBE), Cultural Resource Analysis, \$16,000; Merkel & Associates, Biological Resource Analysis, \$32,851; The Corrao Group (WBE), Design and Plan Preparation \$39,900; and Consulting Services Group (MBE), Utility Research \$14,600. The MBE/WBE portion of the project represents approximately 16.2 percent of the contract.

Aud. Cert. 9500976.

WU-U-95-123.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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:

SUBJECT: Boden Canyon Management Plan.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1212) ADOPTED AS RESOLUTION R-285580

Approving the Memorandum of Understanding between the City of San Diego Environmental Services Department and the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA), concerning the preparation of a management plan for Boden Canyon, a 240 acre City-owned property east of San Pasqual Valley;

Authorizing the expenditure of not to exceed \$8,000 from the Waste Management Enterprise Fund No. 41200, Department 751, Object Account No. 4151, Job Order No. 7170.

CITY MANAGER SUPPORTING INFORMATION:

On February 23, 1993, City Council passed Resolution No. R-281518 authorizing the acquisition of 240 acres of canyonland in Boden Canyon, east of San Pasqual Valley. This property was purchased as "off-site" mitigation for the City's West Miramar Refuse Disposal Facility Phase II (CIP-37-056.0) in order to comply with requirements of the United States Fish and Wildlife Service, as identified within the July 7, 1992 "Revised Environmental Assessment for Aggregate Material Extraction at the City of San Diego's West Miramar Landfill Phase II" (EA). As stipulated in the EA, the City is obligated to prepare a management plan for

the protection and management of the natural resources on the site. This Memorandum of Understanding (MOU) represents an agreement between the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) and the City of San Diego concerning preparation of a management plan. Since Boden Canyon is located within the boundaries of the San Dieguito River Valley Regional Open Space Park Plan, the JPA has agreed to prepare a management plan for the subject property in exchange for the City to provide funds necessary to conduct a management study and develop a plan. Total cost of the project shall not exceed \$8,000. Funding is available in the Waste Management Enterprise Fund 41200, Department 751, Job Order Number 7170, Object Account Number 4151.

Aud. Cert. 9500850.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Consultant Services for the Park in the Valley
Property, Assessment District No. 4007, First San Diego
River Improvement Project.
(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1405) ADOPTED AS RESOLUTION R-285581

Approving the temporary transfer of not to exceed \$130,000 from Capital Outlay Fund No. 30248, Industrial Development Fund, to Fund No. 079900, Special Assessment Delinquency Fund, for legal consultant services pertaining to the property assessment delinquencies in the First San Diego River Improvement District;

Approving the expenditure of not to exceed \$10,600 to the Superior-Court-appointed receiver for property management services;

Authorizing the Auditor and Comptroller to set aside and expend an amount not to exceed \$10,600 for property management services;

Authorizing an agreement with Woodward-Clyde Consultants for Geotechnical and Environmental Services in an amount not to exceed \$57,000;

Authorizing an agreement with RBF/Sholders & Sanford for Civil Engineering Services, in an amount not to exceed \$12,400.

CITY MANAGER SUPPORTING INFORMATION:

This action will accomplish the direction given at Closed Session regarding the steps to be taken by the City with respect to the Park in the Valley property, which has been delinquent in the payment of annual assessments and property taxes since the 1989-1990 fiscal year. Specific direction required that consultants specializing in land management and development matters be retained to perform all necessary due diligence for the property. The consultants to be retained for the professional services were the Superior-Court-appointed receiver, Woodward-Clyde Consultants, and RBF/Sholders and Sanford. Utilizing the services of these consultants will allow the City to proactively work toward resolution of the Park in the Valley delinquency issue.

Aud. Cert. 9500987.

FILE LOCATION: STRT - D-2256 CCONTFY95-2

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Appointment to the International Affairs Board.
(See memorandum from Mayor Golding dated 3/30/95 with
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:
(R-95-1423) ADOPTED AS RESOLUTION R-285582

Council confirmation of the appointment by the Mayor of
Patricia E. Reeve, to serve as a member of the
International Affairs Board, for a term ending March 1,
1997, replacing Kathleen Roche-Tansey, whose term has
expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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: Construction Contract Alteration Authority for the
South Bay Outfall Extension.
(San Ysidro, Tijuana River Valley Community Areas.
District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-95-90) INTRODUCED, TO BE ADOPTED ON APRIL 24, 1995

Introduction of an Ordinance amending Chapter II,
Article 2, Division 5, of the San Diego Municipal Code,
by amending Section 22.0209, relating to Alterations in
Construction Contracts for the South Bay Outfall
Extension.

CITY MANAGER SUPPORTING INFORMATION:

The South Bay Outfall Extension (South Bay Ocean Outfall (SBOO))

is a joint project between the federal government and the City of San Diego.

The SBOO will be used to convey treated effluent from the federal International Treatment Plant and future City treatment plants to the ocean for disposal. On December 5, 1994, the City Council approved a Memorandum of Agreement by Resolution No. R-285069 with the federal government for the City to be the contracting agent for the SBOO and to provide construction management services. This project is a critical part for the overall system needed to provide a permanent solution to the border sanitation problem. Along with the International Treatment Plant, this project will provide for the safe treatment and disposal of Tijuana wastewater. The Tijuana River Valley is currently under a City declared State of Emergency due to the health and safety concerns associated with the inflow of raw sewage into the United States from Mexico. Therefore, it is imperative that the SBOO be completed as soon as possible. To expedite the construction of the SBOO it is requested that the City Manager's Construction Contract Alteration Authority for this specific project be increased from the current \$200,000 to 5 percent of the total contract amount, and that construction contingencies for this specific project be set at 10 percent. The estimated construction cost for the SBOO is \$153 million. The project is being divided into three separate construction contracts, with the largest contract estimated at \$90 million.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A408-B273; C273-290.)

Motion by Harvey to approve the City Manager's recommendation of 5% with the \$200,000 limit and that there be periodic discussions at the appropriate committee. Second by Vargas.

Motion by Harvey to accept the amendment to the motion to keep it at a 5% limit. Second by Vargas.

MOTION BY HARVEY TO ACCEPT THE AMENDMENT TO THE MOTION TO APPROVE THE CITY MANAGER'S RECOMMENDATION TO GO TO A 5% THRESHOLD ON THIS PROJECT ONLY AND TO ALLOW THE CITY COUNCIL FISCAL ACCOUNTABILITY IN REVIEW OF THE REPORTS RELATIVE TO THE SOUTH BAY OCEAN OUTFALL PROJECT. DIRECT THE CITY MANAGER TO HAVE PERIODIC REPORTS BROUGHT BACK TO THE APPROPRIATE COMMITTEE FOR REVIEW WHEN THERE IS A NEED FOR A CHANGE ORDER AND TO BRING BACK TO COUNCIL THE ISSUE OF THE

NEED OF A CHANGE ORDER OR ESTIMATED COST RELATIVE TO THE SOUTH BAY OCEAN OUTFALL PROJECT IF THERE IS ANY CONCERN OR HESITATION AT THE COMMITTEE LEVEL. Second by Vargas. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Lease Approval - The Lodge at Torrey Pines Partnership. (See City Manager Report CMR-95-70. La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-95-96) INTRODUCED AS AMENDED, TO BE ADOPTED ON APRIL 24, 1995

Introduction of an Ordinance authorizing the City Manager to execute a 40-year lease, with a 15-year option, for the continued maintenance, operation and improvement of the Torrey Pines Inn, including food and beverage concession rights to the Torrey Pines Golf Course.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B274-C272.)

Motion by Mathis to approve the lease as recommended by City Staff and that the City Council reserve the right to reopen the issue of having the operators of the Torrey Pines Inn come forward with an expansion proposition at some future time. Second by Stevens.

MOTION BY MATHIS TO ADOPT THE CITY STAFF'S RECOMMENDATION TO APPROVE THE LEASE, ADD THE WORDS "TO SELL AND SERVE" TO THE LEASE, AND DROP THE REFERENCE OF COUNCIL RESERVING THE RIGHT TO REOPEN THE ISSUE OF HAVING THE OPERATORS OF THE TORREY PINES INN COME FORWARD WITH AN EXPANSION PROPOSITION AT SOME FUTURE TIME. Second by Stevens. 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: Three actions related to the Convention Center Expansion - Approval of Phase I Interim Financing, 35 Percent Design Development and Architectural Design Theme.

(See City Manager Report CMR-95-78. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A; hold the first public hearing of the ordinance in Subitem B; adopt the resolution in Subitem C:

Subitem-A: (R-95-1413) TRAILED TO APRIL 11, 1995

Authorizing the City Manager to negotiate and execute a Phase I agreement with the Joint Venture Design/Build Team, Centex Golden - Turner Construction Company (San Diego), as the Design/Build Team for the Convention Center Expansion Project;

Authorizing the City Manager to establish agreement funding phases with the Design/Build Team;

Authorizing the expenditure of not to exceed \$6,874,083 provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditures under the agreement are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller to transfer \$2,600,000 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, Fund 102242 to CIP-37-010.0, Convention Center Expansion Project, Fund 102212, to provide interim funding for the expansion project with the funds transferred to be repaid from bond proceeds of the Convention Center Bond issue and appropriating \$400,000 from Fund 102212 to CIP-37-010.0, Convention Center Expansion;

Authorizing the Auditor and Comptroller to expend

\$3,000,000 from CIP-37-010.0, Fund 102212, for the first funding phase of the agreement with Centex Golden-Turner Construction Company.

Subitem-B: (O-95-94) HEARING HELD

First public hearing of an Ordinance amending Ordinance No. O-18089 (New Series), entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1994-95 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by authorizing the addition of CIP-37-010.0, Convention Center Expansion to the Fiscal Year 1995 CIP budget.

NOTE: Today's action for Subitem B is the first public hearing. See Item 331 on the docket of Tuesday, April 11, 1995 for the introduction and adoption of the ordinance.

Subitem-C: (R-95-1445) TRAILED TO APRIL 11, 1995

Approving the 35 percent Design Development Drawings for the Convention Center expansion;

Approving the Final Proposed Exterior Facade for the Convention Center expansion;

Directing the City Manager to immediately transmit a copy of the 35 percent Design Development Drawings and Final Proposed Exterior Facade for the expansion of the San Diego Convention Center to the San Diego Unified Port District for its consideration as soon as possible.

CITY MANAGER SUPPORTING INFORMATION:

Pursuant to Council selection of Golden - Turner and the Design/Build Team for the Convention Center Expansion Project on December 12, 1994, the City Manager respectfully requests authorization to negotiate and enter into a Phase I agreement. The Phase I agreement will be for an amount not to exceed \$6,874,083. This agreement will provide the Design/Build Team with funding sufficient to pay for the design-development stage of the Project. In July, 1995, the City Manager will return to Council with Phase II of this agreement, providing for complete construction. Approval of this Phase I agreement will allow the Design/Build Team to adhere to the project schedule allowing for the completion date in late 1997. On March 6, 1995, the City Council approved the 100 percent Preliminary Schematic Design

(2a2) for expansion of the San Diego Convention Center and directed the City Manager to return to the City Council when 35 percent Design Development Drawings and the Final Proposed Exterior Facade documentation were completed so that the Council may consider these proposals and take appropriate action.

Aud. Cert. 9500990.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C290-D274.)

Motion by Warden to approve the first part of the package of Item 202. Second by Vargas. Council Member Warden withdrew her motion.

MOTION BY WARDEN TO TRAIL SUBITEMS A AND C TO APRIL 11, 1995 AND TO APPROVE THE FIRST HEARING OF SUBITEM B. Second by Vargas. Vote not taken.

ITEM-203:

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-95-1396) ADOPTED AS RESOLUTION R-285583

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: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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-204:

SUBJECT: Inviting Bids for the Northern Sludge Processing Facility, Centrifuge Building.
(District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1035) ADOPTED AS RESOLUTION R-285584

Inviting bids for the Northern Sludge Processing Facility, Centrifuge/Dewatered Biosolids Storage

Facility on Work Order No. 198864;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first 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 expenditure of \$59,203,986 from Fund No. 41509, CIP-42-911.4, Northern Sludge Processing Facility, Phase II for the purpose of providing funds for this project construction, contingency and related costs, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

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

Stating for the record that the City Council has reviewed and considered the final Environmental Impact Report DEP-91-0653.
(BID-K94109)

CITY MANAGER SUPPORTING INFORMATION:

The Fiesta Island Replacement Project/Northern Sludge Processing Facility (FIRP/NSPF) project to be located at NAS Miramar will replace the sludge drying facilities currently located at Fiesta Island. The Centrifuge/Dewatered Biosolids Storage Facility is the fifth and largest of nine construction contracts for FIRP/NSPF. Mitigation measures related to this action have been incorporated into each package. At this time, approval is requested to advertise for bid and award this contract package. The EIR was certified by the City Council on December 5, 1994.

FILE LOCATION: W.O. 198864 CONT - Nielsen-Dillingham
Builders Joint Venture CONFY95-1

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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-205:

SUBJECT: Amendment No. 14 to the Agreement with Montgomery Watson Americas, Inc. for Additional Program Management Services.

(See City Manager Report CMR-95-69.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1414) ADOPTED AS RESOLUTION R-285585

Authorizing a fourteenth amendment to the agreement of March 22, 1988 with Montgomery Watson Americas, Inc., in an amount not to exceed \$20,716,618, for additional program management support services in connection with the Metropolitan Sewerage System;

Authorizing the additional expenditure of not to exceed \$19,416,618 from Sewer Revenue Fund 41509, CIP-45-910.2, Clean Water Program Predesign and Engineering Support, to provide funds for this amendment, to be expended as follows:

Phase 4 - increase by \$1,108,977 from \$8,482,900 to \$9,591,877 from Fiscal Year 1995 CIP appropriations

Phase 5 - increase by \$1,272,094 from \$3,655,255 to \$4,927,319 from Fiscal Year 1996 appropriations, contingent on Council approval of funds for this purpose in the FY 1996 CIP budget

Phase 6 - \$5,506,430 from Fiscal Year 1996 appropriations, contingent on Council approval of funds for this purpose in the FY 1996 CIP budget

Phase 7 - \$3,785,475 from Fiscal Year 1997 appropriations, contingent on Council approval of funds for this purpose in the FY 1997 CIP budget

Phase 8 - \$4,142,853 from Fiscal Year 1997 appropriations, contingent on Council approval of funds

for this purpose in the FY 1997 CIP budget

Phase 9 - \$1,916,145 from Fiscal Year 1998 appropriations, contingent on Council approval of funds for this purpose in the FY 1998 CIP budget

Phase 10 - \$1,684,644 from Fiscal Year 1998 appropriations, contingent on Council approval of funds for this purpose in the FY 1998 CIP budget;

Authorizing the additional expenditure of not to exceed \$1,300,000 from the Environmental Monitoring and Technical Services Division operating funds (Sewer Fund 41508, Program Element 77811, Organization 276, Job Order 031300, Object Account 4151), as part of the fourteenth amendment, for Montgomery Watson Americas, Inc. to assist the City in preparation of its application to the U.S. Environmental Protection Agency for a waiver to secondary wastewater treatment.

Aud. Cert. 9500985.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A353-407.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. 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-206: CONTINUED TO MAY 15, 1995

SUBJECT: Appropriate Rates for Basic Tier Cable Television Service Provided by Cox Cable San Diego Inc.
(See City Manager Report CMR-95-64.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1296)

1) Disapproving the existing rates and charges established by Cox Cable on July 14, 1994 for the Basic

Service Tier and associated equipment;

2) Directing immediate implementation by Cox of new rates as set forth by the City Auditor and Comptroller in the Audit Report dated November 15, 1994;

3) Directing implementation of a refund by Cox to subscribers for rates and charges collected since July 14, 1994, in excess of the rates and charges determined by the City Auditor and Comptroller.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A196-280.)

MOTION BY McCARTY TO CONTINUE TO MAY 15, 1995, AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Mathis. 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-S400: REFERRED TO CLOSED SESSION ON APRIL 11, 1995

SUBJECT: In the matter of authorizing the City Manager and City Attorney to negotiate with Ron Hahn, representing Arena Group 2000, concerning changes in the terms of the existing lease with Arena 2000 for the San Diego International Sports Arena.

CITY MANAGER'S RECOMMENDATION:

Accept testimony from any members of the public who wish to address the Council on this subject, then refer the matter to Closed Session on April 11, 1995, pursuant to Government Code Section 54956.8.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A353-407.)

MOTION BY KEHOE TO REFER THIS ITEM TO CLOSED SESSION ON APRIL 11, 1995. Second by Mathis. 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.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:36 p.m. in honor of the memories of Nathaniel Holmes, William Baldwin, Theodore Blake, and Dromin Brooks as requested by Mayor Golding; and Gerald Daffer as requested by Council Member Vargas.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D352).