

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 15, 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 2:12 p.m. City Manager McGrory announced that the Association of Metro Agencies which evaluates the effectiveness of wastewater treatment facilities and gives gold star awards to those facilities who consistently meet every permit limit for the calendar year, has awarded the City of San Diego a gold star award. Because of the outfall extension and the waiver application, the City of San Diego was eligible to be considered this year; only facilities with secondary treatment or higher are eligible for consideration. City Manager McGrory and Mayor Golding expressed appreciation to all the employees involved and especially to key members for their hard work and diligence.

The meeting was recessed by Mayor Golding at 5:58 p.m. to meet in Closed Session in the twelfth floor conference room to discuss Meet and Confer matters. The meeting was reconvened by Mayor Golding at 7:01 p.m. with all members of the Council present. Mayor Golding adjourned the meeting at 7:05 p.m. into Closed Session at 9:00 a.m. on Tuesday, May 16, 1995, in the twelfth floor conference room to discuss pending and potential litigation matters.

ATTENDANCE DURING THE MEETING:

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

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-not present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Fr. John Kariotakis of St. Spyridon Greek Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Warden.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding getting rid of the income tax and asking Council if they know who can buy gold at 60 cents an ounce and who pays the interest on the full price. He also invited Council to a meeting at the Sheraton on Aero Drive to listen to Red Beckman, the author of "the law that never was."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A041-068.)

ITEM-PC-2:

Comments by Bob Scheidt complaining about government regulations and being notified that riding a bike to school is a privilege. He stated that his son received a citation from CHP Officer Spearman and that the Santee School District sent him a letter and form to fill out stating that it was a privilege for his son to ride his bike to school.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A069-099.)

ITEM-PC-3:

Comments by Helen Duffy of the Mission Bay Committee extending appreciation to Council members and City Manager's staff for their assistance in completing the Mission Bay Master Plan, which was in the making for the last four years.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A100-130.)

ITEM-PC-4:

Comments by Vonn Marie May on San Diego's military heritage and asking whether the City plans to do something for the

50th anniversary of the end of WWII inasmuch as San Diego was a major player in that war.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A133-144.)

COUNCIL COMMENT:

ITEM-CC-1:

Deputy Mayor Vargas reported on the favorable actions of the California Coastal Commission on San Diego's projects. He also stated that the Coastal Commission staffers as well as the Commissioners complimented San Diego on their thoroughness.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A154-171.)

ITEM-CC-2:

Council Member Harvey, on behalf of Districts 1 and 2, thanked Deputy Mayor Vargas for his support at the Coastal Commission.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A172-180.)

ITEM-CC-3:

Council Member Stevens acknowledged Mr. and Mrs. Mike Mahoney and praised Mr. Mahoney for rescuing his daughter from their burning home. Council Member Stevens also acknowledged 5th and 6th graders of Lee Elementary School in Paradise Hills, first place winners of last week's National Tourism Week Class Poster Contest conducted by CONVIS and the San Diego Convention Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A181-240.)

ITEM-CC-4:

Comments by Mayor Golding and City Manager McGrory that the City has reached agreement with Local 127 and MEA on a two-year labor contract and thanked Ms. Italiano of MEA and Mr. Lehman of Local 127 for their cooperation in reaching an agreement. Mayor Golding added that the Council appreciated the cooperation and good-will of the employees who have been asked to do much more every year and that most employees are handling a greater load.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A248-288.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

4/17/95

4/18/95

4/18/95 Special Joint Meeting

4/24/95

4/25/95

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A145-153.)

MOTION BY KEHOE TO APPROVE. 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-31:

SUBJECT: Year of the Veteran.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1644) ADOPTED AS RESOLUTION R-285702

Proclaiming 1995 to be "Year of the Veteran" in San Diego;

Encouraging all citizens to recognize the achievements and the bravery of our veterans.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A292-382.)

MOTION BY MATHIS TO ADOPT. Second by Harvey. 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-32:

SUBJECT: SAY Day at the Bay 1995.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1603) ADOPTED AS RESOLUTION R-285703

Recognizing the accomplishments of Social Advocates for Youth, SAY San Diego, and proclaiming May 21, 1995 to be "SAY Day at the Bay 1995" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A383-444.)

MOTION BY MATHIS TO ADOPT. Second by Harvey. 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:

SUBJECT: Transmittal of the Findings and Recommendations of the Development Fee Task Force.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 5/1/95. (Council voted 9-0):

(O-95-100 Rev. 1) ADOPTED AS ORDINANCE O-18176 (New Series)

Amending Chapter VI, Article 1, Division 22, of the San Diego Municipal Code, by amending Section 61.2210, relating to Payment of Benefit Assessments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Harvey. 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-51:

SUBJECT: Miramar Ranch North Cost Reimbursement District.

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/2/95.

(Council voted 9-0):

(O-95-104) ADOPTED AS ORDINANCE O-18177 (New Series)

Amending Cost Reimbursement District Procedural Ordinance No. O-17013, relating to Interest Accrual on Lien Amounts for the Miramar Ranch North Cost Reimbursement District.

FILE LOCATION: STRT - CR-24

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Harvey. 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-52:

SUBJECT: Authorizing a Ten-Year Lease Renewal with Merziotis Properties, Inc.

(Otay Mesa Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/24/95.

(Council voted 9-0):

(O-95-99) ADOPTED AS ORDINANCE O-18178 (New Series)

Authorizing the City Manager to execute a ten-year lease agreement with Merziotis Properties, Inc., dba, Argus II Restaurant, for the operation and maintenance of a restaurant and public cocktail lounge at Brown Field Airport.

FILE LOCATION: LEAS - Merziotis Properties, Inc,, dba Argus II Restaurant LEASFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Harvey. 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-53:

SUBJECT: Alcohol Ban at Palm Ridge Neighborhood Park.

(Otay Mesa/Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-95-106) INTRODUCED, TO BE ADOPTED ON MAY 30, 1995

Introduction of an Ordinance amending Chapter V, Article 6, of the San Diego Municipal Code by amending Section 56.54, relating to the Prohibition of Alcohol Beverages in Palm Ridge Neighborhood Park.

CITY MANAGER SUPPORTING INFORMATION:

Expanding the prohibition of alcohol to include Palm Ridge Neighborhood Park has been approved by the Otay Mesa Recreation Council on February 9, 1995, the Southern Area Committee on March 1, 1995 and the Park and Recreation Board on March 16, 1995. The San Diego Police Department and Park and Recreation Department also support the recommendation. Palm Ridge Neighborhood Park is an 8-acre park located at 751 Firethorn Street in the Otay Mesa Nestor area. It is an unstaffed site which is heavily used by youth and adult sports groups. Community residents and youth group representatives using this park presented their concerns and recommendations regarding alcohol consumption, loitering, and other disturbances to the Otay Mesa Recreation Council.

The recreation council deliberated this issue over a three month period hearing input for and against a proposal to ban alcohol consumption at the park. Loitering, disturbances, and the negative example alcohol consumption presents to the youth using the park, emerged as the predominant concern. The San Diego Police Department's input was requested by the Otay Mesa Recreation Council and Park and Recreation staff. During San Diego Police Department's review and evaluation of the ban proposal, crime statistics showed this park is not in a high crime area. However, the Police Department spends a considerable amount of time patrolling the park to prevent acts of vandalism, curfew violations, loitering, and related disturbances. The Police Department supports a total alcohol ban for Palm Ridge Neighborhood Park.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO INTRODUCE THE ORDINANCE.
Second by Harvey. 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: Two actions related to Inviting Bids for Construction
of the Tierrasanta Community Park Swimming Pool.

(Tierrasanta Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1468) ADOPTED AS RESOLUTION R-285704

Inviting bids for the Construction of Tierrasanta
Community Park Swimming Pool on Work Order No. 119673;

Authorizing a contract with the lowest responsible
bidder;

Authorizing the Auditor and Comptroller to transfer
\$600,000 from CIP-29-401.0, Camp Elliott Neighborhood
Park, Tierrasanta Facilities Benefit Assessment Fund
No. 79005 to CIP-29-708.0, Tierrasanta Community
Swimming Pool;

Authorizing the expenditure of \$2,464,000 from CIP-29-
708.0, Tierrasanta Community Swimming Pool, \$94,000
from PSD Fund No. 1340 and \$2,370,000 from Tierrasanta
Facilities Benefit Assessment Fund No. 79005;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.
(BID-K95098C)

Subitem-B: (R-95-1469) ADOPTED AS RESOLUTION R-285705

Certifying that the information contained in Negative Declaration DEP-93-0262, dated August 4, 1993, in connection with Construction of Tierrasanta Community Park Swimming Pool, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the Declaration reflects the independent judgement of the City of San Diego as Lead Agency; and that the Declaration has been reviewed and considered by Council.

CITY MANAGER SUPPORTING INFORMATION:

Tierrasanta Community Park is located at 11220 Clairemont Mesa Boulevard. The park site was acquired in 1968 and the first phase of development was completed in 1980. The remainder of the site was improved in 1982. A small building currently used for meetings was added in 1987 and a large recreation center building was completed in 1991. The last major improvement to the park is the community swimming pool. This facility has been in the design process since August 1992. The plans for this project reflect significant community participation in the design effort. Today's Council action approves the plans and specifications and authorizes advertising for bids.

Aud. Cert. 9501070.

FILE LOCATION: Subitem-A,B: W.O. 119673 CONT - FCC
Construction Inc. CONTFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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:

SUBJECT: Two actions related to Inviting Bids for Sewer Main
Replacement Group 518A.

(Mission Bay Park, Mission Beach, Ocean Beach and
Pacific Beach Community Areas. Districts-2 & 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1466) ADOPTED AS RESOLUTION R-285706

Inviting bids for the Construction of Sewer Main Replacement Group 518A on Work Order No. 172921;

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

Authorizing the expenditure of \$564,368 from Sewer Revenue Fund 41506, CIP-44-001.0, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller to transfer \$11,200 from Sewer Fund 41506 to Special Curb Fund 10518 for the installation of curb ramps, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for transfer are, or will be, on deposit in the City Treasury.

(BID-K95099C)

Subitem-B: (R-95-1467) ADOPTED AS RESOLUTION R-285707

Certifying that the information contained in Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program DEP-93-0539, dated December 5, 1994, in connection with Construction of Sewer Main Replacement Group 518A, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, that the Mitigated Negative Declaration reflects the independent judgement of the City as Lead Agency, and that the Declaration has been reviewed and considered by Council;

Stating for the record that the Mitigation Monitoring and Reporting Program has been adopted.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Main Replacement Group 518A will address existing old or deteriorated sewer mains at several locations within the beach area. Specific locations are: In the alley between Santa Barbara Place and Jamaica Court, easterly of Mission Boulevard (Mission Beach); in Cable Street and two adjacent alleys (Ocean Beach); and within an easement in Navy housing near Foutz Avenue (Pacific Beach). The work near Foutz Avenue will be coordinated with the Navy's proposed "Hartman Housing Renovation." In addition, three manholes will be rehabilitated near Sewer Pump Station No. 15 within the Crown Point area of Mission Bay Park. Approximately 2,360 linear feet of sewer main, ranging in size from 6 to 12 inches will be replaced or rehabilitated with this project.

WU-P-95-125.

FILE LOCATION: Subitem-A,B: W.O. 172921 CONT - Southern California Underground Contractors (SoCal) CONFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey. 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: Two actions related to the Adams Avenue (Felton Street to Mansfield Street) Landscape Maintenance District.

(Normal Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1494) ADOPTED AS RESOLUTION R-285708

Resolution of Intention to levy and collect assessments.

Subitem-B: (R-95-1495) ADOPTED AS RESOLUTION R-285709

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

This action is the Resolution of Intention to establish the FY 1996 assessment for the Adams Avenue (Felton Street to Mansfield Street) Landscape Maintenance District. The district was established in May 1994. The facilities to be maintained by the district include street trees and irrigation facilities on Adams Avenue between Felton Street and Mansfield Street. The district will be administered by the Adams Avenue Business Association (AABA) in accordance with Section 65.0209.5 of the San Diego Municipal Code, with an agreement between the City and the AABA which was approved in June 1994. The Fiscal Year 1996 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 3,000
Utilities	900
Incidentals	3,600*
Total Expenses	\$ 7,500
Reserve	3,000
Total	\$10,500
Less FY '96 Carry-over	(3,000)
Less AABA Contribution	(3,000)**
Assessed to District	\$ 4,500

The assessments are based on the assessable frontage of benefitting property owners along Adams Avenue. The total frontage along Adams Avenue in the Landscape Maintenance District is 2,050 linear feet. The proposed unit assessment for FY '96 is \$2.20 per frontage foot of parcel, the same as for FY '95.

*Incidentals include \$500 Adams Avenue Business Association administration fees, \$600 nursery stock, and \$2,500 for administration costs by the City's Special Districts Section.

**This amount to be financed through Business License Fees within the Adams Avenue Business Improvement District.

FILE LOCATION: Subitem-A,B: STRT - M-346

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Two actions related to the Bay Terraces Landscape Maintenance District.

(Skyline/Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1572) ADOPTED AS RESOLUTION R-285710

Resolution of Intention to levy and collect assessments in Areas 1 and 5 of Bay Terraces Landscape Maintenance District.

Subitem-B: (R-95-1573) ADOPTED AS RESOLUTION R-285711

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

This action is the Resolution of Intention to establish the FY 1996 assessments for the Bay Terraces Landscape Maintenance District (LMD).

The district was established on December 14, 1982 to provide the maintenance of four acres of open space. There are two noncontiguous areas in this LMD, with two acres in Area 1 and two acres in Area 5. The Fiscal Year 1996 proposed maintenance costs for the district are as follows:

	Area 1	Area 5	Total
Contractual Maintenance	\$13,500	\$ 4,300	\$17,800
Personnel	2,561	2,561	5,122
Utilities	2,575	0	2,575
Incidentals	4,031	3,313	7,344
Total Expenses	\$22,667	\$10,174	\$32,841
Reserve	8,117	10,647	18,764
Total	\$30,784	\$20,821	\$51,605
Less Carry-over & Interest	(10,631)	(10,631)	(21,262)
Less City Contribution	(50)	(50)	(100)
Assessed to District	\$20,103	\$10,140	\$30,243

For Area 1, the annual assessment for Fiscal Year 1996 is \$65.91

per dwelling unit, the same as for Fiscal Year 1995. For Area 5, the annual assessment for Fiscal Year 1996 is \$105.62 per dwelling unit, the same as for Fiscal Year 1995. The district consists of Areas 1 and 5 only.

FILE LOCATION: Subitem-A,B: STRT - M-347

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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 Campus Point Landscape
Maintenance District.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1527) ADOPTED AS RESOLUTION R-285712

Resolution of Intention to levy and collect
assessments.

Subitem-B: (R-95-1528) ADOPTED AS RESOLUTION R-285713

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

This action is the Resolution of Intention to establish the FY
1996 assessments for the Campus Point Landscape Maintenance
District (LMD).

The district was established in May 1981 to provide the
maintenance of twenty-five acres of open space. The Fiscal Year
1996 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$15,000
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Personnel	5,120
Utilities	6,125
Incidentals	6,850
Total Expenses	\$33,095
Reserve	20,263
Total	\$53,358
Less Carry-over & Interest	(27,881)
Less City Contribution	(625)
Assessed to District	\$24,852

The proposed amount to be assessed to the district in Fiscal Year 1996 is \$425 per net acre. The assessment amount per acre in Fiscal Year 1995 was also \$425. The thirteen parcels in the district range in size from 2.2 to 10.2 acres.

FILE LOCATION: Subitem-A,B: STRT - M-348

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
 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: Two actions related to the Downtown Maintenance
 District.

(Centre City Community Area. Districts-2, 3 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1583) ADOPTED AS RESOLUTION R-285714

Resolution of Intention to levy and collect
 assessments.

Subitem-B: (R-95-1584) ADOPTED AS RESOLUTION R-285715

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

This action is the Resolution of Intention to establish the annual assessments for the Downtown Maintenance Assessment District which was formed in January of 1972 by Council resolution. The district provides specialized services such as litter and graffiti control, street tree maintenance and sidewalk cleaning to five zones within the district as well as maintaining a system of open space/parks (zone 6) for the benefit of all properties within the boundaries of the district. The total amount proposed to be assessed to the district for FY '96 is \$685,491, compared with \$689,141 for FY '95. A current and prior year cost breakdown for each of the six zones is as follows:

	Street Trees	C St. Mall	Litter/ Graffiti	Horton Plaza	East Broadway	Open/Space Parks
Zone	(1)	(2)	(3)	(4)	(5)	(6)
Total						
FY96	\$108,036	\$117,215	\$346,548	\$39,941	\$27,051	\$46,700
\$685,491						
FY95	\$108,066	\$131,914	\$348,476	\$51,729	\$34,388	\$14,568
\$689,141						

Five of the six zone cost estimates have decreased from FY '95. The one zone with an estimated cost increase in FY '96 is the open space/parks zone. The estimated cost to this zone is higher than in FY '95 as a result of community requested additional landscaping improvements in the "linear park" adjacent to the Metropolitan Transit Development Board (MTDB) and Santa Fe right-of-way along Harbor Drive between "G" Street and Eighth Avenue. This area also includes the Martin Luther King Promenade which is now maintained by the District. The Gaslamp Square Park, which was incorporated into the open space/parks zone in FY '95, is not expected to be functional until May of 1995. Therefore, the estimated FY '96 costs of \$12,017 for this facility have been reduced by \$11,371 to reflect the amount of benefit which the district paid for but did not receive in FY '95.

FILE LOCATION: Subitem-A,B: STRT - M-342

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Two actions related to the Gaslamp Quarter Landscape and Lighting Maintenance District.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1626) ADOPTED AS RESOLUTION R-285716

Resolution of Intention to levy and collect assessments.

Subitem-B: (R-95-1627) ADOPTED AS RESOLUTION R-285717

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

This action is the Resolution of Intention to establish the annual assessments for the Gaslamp Quarter Landscape and Lighting Maintenance District. The District provides landscaping, tree maintenance, sidewalk litter control, graffiti removal, and electrical energy and maintenance for the ornamental street lights within the district. The district also pays for 20 percent of the cost to maintain the Gaslamp Square Park located south of "L" Street between Fifth Street and Sixth Street. The remaining 80 percent of the cost to maintain this park is paid for by the Downtown Maintenance Assessment District and the City. The total annual assessment to the district for FY '96 is proposed to be \$248,206 compared with \$349,239 for FY '95. The FY '96 assessment decrease is a result of:

- a) lower contracted services costs;
- b) lower personnel costs; and
- c) a larger carry-over and interest balance.

Individual assessments in this district vary depending on the following:

- a) the level of service provided (maxi/mini-service);
- b) the number of stories of a building; and
- c) the parcel lot size or the square footage of the building, whichever is greater.

Assessments to individual parcels for FY '96 are proposed as shown on Attachment B of the Engineer's Report. The average assessment to parcels receiving maxi-service is \$0.32/sq.ft. and \$.05/sq.ft. to parcels receiving mini-service. This compares with average assessments of \$.40/sq.ft. and \$.09/sq.ft. for these respective services in FY '95.

FILE LOCATION: Subitem-A,B: STRT - M-350

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Two actions related to the Kings Row Subdivision
Landscape Maintenance District.

(Lincoln Park Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1532) ADOPTED AS RESOLUTION R-285718

Resolution of Intention to levy and collect
assessments.

Subitem-B: (R-95-1533) ADOPTED AS RESOLUTION R-285719

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

The Kings Row Subdivision Landscape Maintenance District was established in January 1994. The maintenance district was

established for the purpose of maintaining the landscaping improvements on the westerly side of Euclid Avenue from approximately 125 feet south of Holly Drive to Ocean View Boulevard. The landscaping improvements will consist of trees and low growth and low maintenance shrubs. The landscaping improvements will be maintained by the developer until July 1996. Consequently, there will be no assessment to the district for FY '96, but assessments will be levied during FY '97. The annual maintenance cost for the proposed landscaping improvements is estimated at \$10,194. The assessments are spread to the benefitting properties within the district boundaries. There are 10 lots in the Kings Row Subdivision that are not included in this LMD since they front on Ocean View Boulevard and receive no direct benefit from the landscaping. The estimated annual assessment is approximately \$237 per lot. The property owner's assessments will not begin until FY '97.

FILE LOCATION: Subitem-A,B: STRT - M-349

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Two actions related to the Miramar Ranch North
Landscape Maintenance District.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1535) ADOPTED AS RESOLUTION R-285720

Resolution of Intention to levy and collect
assessments.

Subitem-B: (R-95-1536) ADOPTED AS RESOLUTION R-285721

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

This action is the Resolution of Intention to establish the annual assessments for FY 1996 through FY 2000 for the Miramar Ranch North Landscape Maintenance District (LMD). The district was established in 1987 but maintenance of landscaped medians, slopes and streetscapes has been provided by the developer through FY 1995. The Fiscal Year 1996 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$85,000
Personnel	12,803
Utilities	26,500
Incidentals	37,400
Total Expenses	161,703
Reserve	15,178
Total	\$176,881
Less Carry-over and Interest	(7,079)
Less City Contribution	(2,024)
Assessed to District	\$167,778

The proposed assessment for Fiscal Year 1996 is \$31.95 per equivalent dwelling unit (EDU). Substantial landscape maintenance of slopes and medians will be added to the LMD after FY 1996. Property owner assessments are projected not to exceed \$150 per dwelling unit through FY 2000. If assessments are proposed to exceed the \$150 amount, then all affected property owners would be noticed and a public hearing would be set.

FILE LOCATION: Subitem-A,B: STRT - M-345

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Two actions related to the Mira Mesa Landscape
Maintenance District.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1524) ADOPTED AS RESOLUTION R-285722

Resolution of Intention to levy and collect assessments.

Subitem-B: (R-95-1525) ADOPTED AS RESOLUTION R-285723

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

This action is the Resolution of Intention to establish the FY 1996 assessments for the Mira Mesa Landscape Maintenance District (LMD). The District was established in July 1983 to provide maintenance of landscaped medians, slopes and streetscapes for Zones 1 and 3. Zone 2 assessments will start in FY '96. The Fiscal Year 1996 proposed maintenance costs for the district are as follows:

	Zones 1,2 & 3	Zone 3 Only	Total
Contractual Maintenance	\$ 550,000	\$ 50,000	\$ 600,000
Personnel	53,770	10,242	64,012
Utilities	38,500	26,500	65,000
Incidentals	193,482	20,843	214,325
Total Expenses	\$835,752	\$107,585	\$943,337
Reserve	586,958	251,359	838,317
Total	\$1,422,710	\$358,944	\$1,781,654
Less Carry-Over & Interest	(107,109)	(234,751)	(341,860)
Less City Contribution	(40,354)	0	(40,354)
Assessed to District	\$1,275,24	\$124,193	\$1,399,440

The FY '95 and FY '96 assessments per equivalent dwelling unit are tabulated below:

	Zone 1	Zone 2	Zone 3
FY '96	\$52.00	\$52.00	\$125.18
FY '95	\$ 3.83	\$ 0.00	\$ 77.01

Table 1 in the Engineer's Report includes assessment methodology regarding residential, commercial, and industrial property for each zone. The total assessment to the district in FY '95 was \$250,901, and will be \$1,399,440 in FY '96.

FILE LOCATION: Subitem-A,B: STRT - M-343

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Two actions related to San Diego Street Light
Maintenance District No. 1.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1579) ADOPTED AS RESOLUTION R-285724

Resolution of Intention to annex territory to the
District and to levy and collect assessments.

Subitem-B: (R-95-1580) ADOPTED AS RESOLUTION R-285725

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

This action is the Resolution of Intention to establish the FY
1996 assessments for the San Diego Street Light Maintenance
District No. 1 (District). The District provides funding for the
energy and maintenance costs for lighting levels above standard
"City safety" lighting to 55 subdistricts. New areas are added
to the District by annexation.

Approximately 40 percent of the street lights within the District
are required for safety lighting. The City pays for this
obligation by providing in-kind maintenance service and cash to
the District. As a part of this action it is proposed to annex
the following into the District:

- property to be known as the Robinhood Creek subdistrict;
- property to be known as the Ocean Beach #2 subdistrict;

- property to be known as the Plaza Boulevard subdistrict.

All property owners in the above areas to be annexed will be notified of the proposed annexation hearings and their rights regarding protest of the proposed actions. The proposed assessment to the District for FY '96 is \$564,144 compared with \$420,000 for FY '95. The increase is a result of:

- a) an electrical energy rate increase of approximately 7 percent;
- b) higher energy usage due to the use of high pressure sodium vapor (HPSV) street lights and increased levels of lighting in certain subdistricts;
- c) a smaller City contribution of in-kind services and Gas Tax funds; and
- d) the operation and maintenance of more street lights in areas annexed in FY '95.

Assessment costs vary for each subdistrict depending on the number and type of lights. Subdistrict costs are divided by the amount of assessable street frontage within each subdistrict to calculate a rate for each subdistrict.

FILE LOCATION: Subitem-A,B: STRT - M-344

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Calling a Public Hearing for the Federal Boulevard
(60th Street to MacArthur Drive) Underground Utility
District.

(Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1606) ADOPTED AS RESOLUTION R-285726

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the Federal Boulevard (60th Street to MacArthur Drive) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities," and will underground the overhead utility facilities on Federal Boulevard between 60th Street and MacArthur Drive. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street.

Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit 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 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion. Included in that resolution will be a request for authorization to fund, with budgeted CIP funds, the replacement of existing wood pole mounted street lights with new street lights having underground electrical service at an estimated cost of \$23,000.

Aud. Cert. 9501083.

FILE LOCATION: STRT - K-231

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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 Vacation - Extension of Time for the Vacation of
an Excess Portion of Kettner Boulevard.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1590) ADOPTED AS RESOLUTION R-285727

Amending Condition 2 of Resolution No. R-279971,
adopted on May 26, 1992 to read as follows:

2. That this resolution shall not become effective
unless and until the following condition has been
satisfied: Permits must be issued for the removal and
replacement of the existing easterly curb, gutter, and
sidewalk five (5) feet to the west.

In the event that the above condition is not completed
by May 26, 1998, this resolution shall become void and
be of no further force or effect.

CITY MANAGER SUPPORTING INFORMATION:

On May 26, 1992, the City Council adopted Resolution No. R-279971
which conditionally vacated the easterly five feet of Kettner
Boulevard south of Harbor Drive (formerly Market Street).
Condition No. 2 of the Resolution of Vacation required relocation
of curb and sidewalk within three years of the Resolution's
adoption date. The San Diego Unified Port District is requesting
a three year extension to accommodate evaluation of various uses
for the adjacent property which would include the area of
vacation. The extension of time would allow sufficient time to
complete the evaluation period and obtain the required permits
for work to be performed within the public right-of-way. Staff
review of the vacation request has indicated that the findings as
required under Council Policy 600-15 and State Law can be made
and that the excess portion of Kettner Boulevard may be summarily
vacated subject to the installation of required public
improvements. Staff recommends that Resolution No. R-279971 be
amended to expire on May 26, 1998 as requested by the San Diego
Unified Port District.

FILE LOCATION: DEED F-5832 STRT J-2776 DEEDFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Four actions related to the Final Subdivision Map of
Scripps Ranch North Unit No. 10

(A 38-lot subdivision located south of Scripps Poway
Parkway and Cypress Canyon Road. Miramar Ranch North
Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1619) ADOPTED AS RESOLUTION R-285728

Authorizing a Subdivision Improvement Agreement with
Miramar Ranch North for the installation and completion
of public improvements.

Subitem-B: (R-95-1618) ADOPTED AS RESOLUTION R-285729

Approving the final map.

Subitem-C: (R-95-1620) ADOPTED AS RESOLUTION R-285730

Authorizing a Park Dedication and Improvement Agreement
with Miramar Ranch North.

Subitem-D: (R-95-1621) ADOPTED AS RESOLUTION R-285731

Accepting a grant deed of Miramar Ranch North, granting
to the City Lots 27 and 28 of Scripps Ranch North Unit
No. 10.

CITY MANAGER SUPPORTING INFORMATION:

Adopt the following resolutions:

Subitem-A: (R-95-1341) ADOPTED AS RESOLUTION R-285732

Accepting a grant deed of Security First National Corporation, granting to the City an easement for public street purposes in a portion of the Northwest Quarter of the Southeast Quarter of Section 27, Township 14 South, Range 2 West, San Bernardino Meridian; dedicating and naming Bethesda Way;

Accepting an easement deed of Security First National Corporation, granting to the City an easement for drainage facilities in a portion of the Northwest Quarter of the Southeast Quarter of Section 27, Township 14 South, Range 2 West, San Bernardino Meridian.

Subitem-B: (R-95-1342) ADOPTED AS RESOLUTION R-285733

Stating for the record that the information contained in Supplemental Environmental Impact Report DEP-89-0550, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the Report reflects the independent judgement of the City of San Diego as Lead Agency, and has been reviewed and considered by the Council in connection with the approval of the dedication of Bethesda Way;

Adopting the Mitigation, Monitoring and Reporting Program.

FILE LOCATION: Subitem-A,B: DEED F-6474 DEEDFY95-2

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey. 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: Street Name Change - Portion of Waterville Road to Panasonic Way.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1538 Cor.Copy) ADOPTED AS RESOLUTION R-285734

Renaming the westerly portion of Waterville Road, located north of Airway Road and westerly of Dublin Drive, to Panasonic Way.

CITY MANAGER SUPPORTING INFORMATION:

The developer and owner(s) have petitioned for the proposed name change of the westerly segment of Waterville Road to Panasonic Way. The name will affect the properties within the Brown Field Business Park, Unit 1, Map-16584, which is currently under development. The affected property owners are in favor of the proposal. The Otay Mesa Community Group has reviewed the proposed Street Name Change and have indicated that the new name is acceptable.

FILE LOCATION: DEED F-6475 DEEDFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey. 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: Blue Ribbon Week.

COUNCILMEMBER STALLINGS' RECOMMENDATION:

Adopt the following resolution:

(R-95-1571) ADOPTED AS RESOLUTION R-285735

Proclaiming the week of May 15, 1995 to be "Blue Ribbon Week" in San Diego in recognition and support of all peace officers and law enforcement agencies;

Urging all citizens to annually observe these days by wearing or displaying a blue ribbon.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: San Ysidro Heritage Day.

DEPUTY MAYOR VARGAS' RECOMMENDATION:

Adopt the following resolution:

(R-95-1544) ADOPTED AS RESOLUTION R-285736

Proclaiming May 13, 1995 to be "San Ysidro Heritage Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Three actions related to Suggestion Awards.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions authorizing Suggestion Awards to City Employees:

Subitem-A: (R-95-1545) ADOPTED AS RESOLUTION R-285737

John Mellein and Maria Ramirez - Park and Recreation - \$100 (shared equally).

Subitem-B: (R-95-1546) ADOPTED AS RESOLUTION R-285738

Catherine L. Meyer - Planning - \$280.
Colonel F. Surratt and Robert Bell - Police - \$500 (shared equally).

Subitem-C: (R-95-1547) ADOPTED AS RESOLUTION R-285739

Dennis Mills - General Services/Communications & Electrical Division - \$2,500.

FILE LOCATION: Subitem-A,B,C: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Settlement of the Property Damage Claim of Mr. and Mrs. Jeff Turner, Mr. and Mrs. Juan Banuett, and Mr. and Mrs. Vincent Sparacino.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1613) ADOPTED AS RESOLUTION R-285700

A Resolution approved by the City Council in Closed Session on Tuesday, April 18, 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 City Manager to pay the total sum of \$780,000 in the settlement of each and every claim against the City, its agents and employees, brought by Mr. and Mrs. Jeff Turner, Mr. and Mrs. Juan Banuett, and Mr. and Mrs. Vincent Sparacino, resulting from the property damage that occurred on or about March 11, 1995, in the vicinity of Genoa Drive, Mill Peak Road, and Adobe Falls Road, San Diego;

Authorizing the City Auditor and Comptroller to issue three checks, one made payable to Mr. and Mrs. Jeff Turner for \$305,000, one made payable to Mr. and Mrs. Juan Banuett for \$265,000, and one made payable to Mr. and Mrs. Vincent Sparacino for \$210,000, in full settlement of all claims.

Declaring that the source of settlement funds will come from the General Public Liability Fund, reimbursable from TransNet Fund 30300.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the property damage claims of Mr. and Mrs. Jeff Turner, Mr. and Mrs. Juan Banuett, and Mr. and Mrs. Vincent Sparacino against the City of San Diego, its agents, and employees, as a result of an incident which occurred on or about March 11, 1995.

Aud. Cert. 9501031 Rev.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Settlement of the Claim of Hunter Corporation.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1550) ADOPTED AS RESOLUTION R-285701

A Resolution approved by the City Council in Closed Session on Tuesday, April 18, 1995 by the following vote: Mathis-yea; Harvey-yea; Kehoe-yea; Stevens-not present; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$850,000 in the settlement of each and every claim against the City, its agents and employees, by Hunter Corporation arising out of the construction of the Mission Bay Drainage Pump Station, Phase I, Santa Clara Cove, Contract Bid No. K3291/93;

Authorizing the City Manager to waive Council Policy 300-7 and retain Jeriel C. Smith, Esq. for legal services in an amount up to \$30,000 for Fiscal Year 1995 and up to \$100,000 for Fiscal Year 1996;

Authorizing the Auditor and Comptroller to transfer \$580,000 TransNet Bond Proceeds Fund No. 30302 from CIP-52-433.0 and \$400,000 from TransNet Fund No. 30300 from CIP-52-166.1 to CIP-11-226.0;

Authorizing the expenditure of \$130,000 from CIP-11-226.0, Fund 30300 for legal services;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$850,000 from CIP-11-226.0, Fund No. 30302 and Fund No. 30300, made payable to Hunter Corporation in full settlement of all claims to date and authorizing legal services in an amount up to \$30,000 for Fiscal Year 1995 and up to \$100,000 for Fiscal Year 1996.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of Hunter Corporation's claim to date as a result of construction of the Mission Beach Drainage Pump Station Phase I Santa Clara Cove.

Aud. Cert. 9501081 Rev.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Southwest Border High Intensity Drug Trafficking Area
Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1588) ADOPTED AS RESOLUTION R-285740

Authorizing the City Manager to accept and expend funds
from the United States Department of Justice, for the
purpose of supporting facilities, facility maintenance,
and equipment for use by regional HIDTA members;

Authorizing the City Auditor and Comptroller to
establish a High Intensity Drug Trafficking Area
(HIDTA) Fund for receipt and expenditure of funds in
connection with the grant;

Authorizing the Chief of Police to approve expenditures
for purchase of facility space, maintenance, and
equipment, for the HIDTA task force.

Aud. Cert. 9501073.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Two actions related to Pedestrian and Non-Motor
Vehicular Right-of-Way Dedication in Carmel Valley.

(Located east of Carmel View Road and north of Carmel
Valley Road. Carmel Valley Community Area. District-
1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1541) ADOPTED AS RESOLUTION R-285741

Accepting a grant deed of Carmel Valley Partners I,
granting to the City an easement for pedestrian and
non-motor vehicular right-of-way purposes in a portion
of Parcel 5 of Parcel Map PM-16521; dedicating the
property for pedestrian and non-motor vehicular public
right-of-way.

Subitem-B: (R-95-1542) ADOPTED AS RESOLUTION R-285742

Certifying that the information contained in Mitigated
Negative Declaration DEP-91-0510, has been completed in
compliance with the California Environmental Quality
Act of 1970, as amended, and State guidelines, that the
Declaration reflects the independent judgment of the
City of San Diego as Lead Agency, and that the
information contained in the report, together with any
comments received during the public review process, has
been reviewed and considered by the Council in
connection with the approval of the dedication of a
pedestrian and non-motor vehicular right-of-way in
Carmel Valley;

Declaring that the City Council finds that project
revisions now mitigate potentially significant effects
on the environment previously identified in the Initial
Study;

Adopting the Mitigation, Monitoring and Reporting
Program.

FILE LOCATION: Subitem-A,B: DEED F-6476 DEEDFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Matching Funds for the Urban Forestry Project.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1548) ADOPTED AS RESOLUTION R-285743

Authorizing the Auditor and Comptroller to transfer
matching funds in the amount of \$338,000 from the
Annual Allocation:

Street Enhancements and Revitalization Improvements,
Fund 30300, Dept. 30244, Org. 107, CIP-52-521.0, to the
Urban Forestry Project as follows:

CIP-39-205.0	Adams Avenue Commercial Revitalization Project	\$223,000
CIP-39-210.0	University Avenue Commercial Revitalization Project	\$115,000
	Total	\$338,000

Declaring that this transfer is for the specific
purpose of fulfilling the matching funds requirement of
the Environmental Enhancement and Mitigation Program
Grant.

CITY MANAGER SUPPORTING INFORMATION:

On February 23, 1995, the California Transportation Commission awarded an Environmental Enhancement and Mitigation Program Grant to the City of San Diego in the amount of \$420,000 to be utilized for street tree planting on Adams Ave., El Cajon Blvd., and University Ave.

The City is obligated to provide funds to match the grant funding and the Annual Allocation: Street Enhancements and Revitalization Improvement Fund has been identified to assist with the match. With this action, an amount of \$338,000 will be transferred from the '95 Annual Allocation to two existing CIP projects (Adams Ave. and University Ave. Commercial Revitalization Projects) under the administration of Economic Development Services. The plan is to use both grant monies and matching funds to install 310 trees, several hundred shrubs, and automatic irrigation systems on El Cajon Blvd., Adams Ave., and University Ave., in the blocks adjacent to the I-15 corridor for the dual purpose of mitigating the negative environmental effects of the new freeway and of augmenting the revitalization of these commercial corridors. (The El Cajon Blvd. portion of this Urban Forestry project has received matching funds from other sources.)

Aud. Cert. 9501099.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-124:

SUBJECT: Two actions related to the Mid-City Police Substation
and Community Facility.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1566) ADOPTED AS RESOLUTION R-285744

Authorizing the expenditure of not to exceed \$50,000 from Mid-City Park Development Fund No. 39094, for the purchase of equipment and furnishing and for City engineering and administration costs for the Mid-City Police Substation and Community Facility.

Subitem-B: (R-95-1567) ADOPTED AS RESOLUTION R-285745

Stating for the record that Negative Declaration DEP-94-0571 BG has been completed in compliance with the California Environmental Quality Act of 1970, as amended and State guidelines; that the declaration reflects the independent judgement of the City as Lead Agency; that the information contained in the final environmental document has been reviewed and considered by Council in connection with approval of the Mid-City Police Substation and Community Facility.

CITY MANAGER SUPPORTING INFORMATION:

The Mid-City Police Substation and Community Facility will be located on the block north of Landis Street and between 43rd Street and Fairmount Avenue. The building will be constructed by the City Link Investment Corp. and acquired by the City after construction has been completed. Funding is required to purchase equipment and furnishings required to operate the community facility portion of the building. A City engineer will be assigned to observe the construction of the building and the Park and Recreation Department's share of that cost is estimated to be \$20,000.

Aud. Cert. 9501063.

FILE LOCATION: Subitem-A,B: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-125:

SUBJECT: Two actions related to Inspiration Point Phase I
Central Courtyard.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1562) ADOPTED AS RESOLUTION R-285746

Authorizing the Auditor and Comptroller to transfer not to exceed \$113,400 from Inspiration Point Fund No. 60253 to CIP-21-828.0, Inspiration Point Phase I Central Courtyard;

Authorizing the expenditure of not to exceed \$157,224 from CIP-21-828.0, Inspiration Point Phase I Central Courtyard, to supplement funding previously authorized by Council in Resolution No. R-284954, adopted November 28, 1994.

Subitem-B: (R-95-1563) ADOPTED AS RESOLUTION R-285747

Stating for the record that the final Environmental Impact Report Negative Declaration DEP-94-0092 has been reviewed and considered by Council for the City as Lead Agency in connection with the rehabilitation and preservation of Inspiration Point Phase I Central Courtyard.

CITY MANAGER SUPPORTING INFORMATION:

Inspiration Point Phase I Central Courtyard is located in Balboa Park in the area known as Inspiration Point (former site of the Naval Hospital).

On March 28, 1989, a State Grant was awarded to the City for rehabilitation and preservation of three existing courtyards. The proposed Phase I of the project will provide walks, benches, cupolas, security lighting, a fountain, landscaping and other miscellaneous improvements to the central court. Five bids were received on January 10, 1995. The low bid, submitted by Weir Construction, was \$803,000. It was \$135,224 over the estimate of \$667,776. Additional project financing has been identified and the award of a construction contract is recommended.

Aud. Cert. 9501064.

FILE LOCATION: Subitem-A,B: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-126:

SUBJECT: Euclid Community Resource Center.

(Valencia Park Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1610) ADOPTED AS RESOLUTION R-285748

Authorizing the Auditor and Comptroller to transfer not
to exceed \$77,299 from District 4 CDBG 1995 Reserves,
Fund 18530, Dept. 4071, Org. 7103 to CIP-37-006.0,
Euclid Community Resource Center;

Reprogramming \$60,000 from the Redevelopment Agency,
Ozark Street Project, CIP-39-255.0, Fund 18529, Dept.
4041, Org. 4110 to CIP-37-006.0, Euclid Community
Resource Center.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the transfer and reprogramming of
additional funds for the Euclid Community Resource Center,
located at 415 Euclid Avenue, on the corner of Market and Euclid.
\$240,000 was previously allocated for the renovation of this
facility and it has since been determined that additional funding
is necessary in order to fully renovate the building and make it
operational. The existing building was formerly used as an
office for the Social Security Administration. The refurbished
facility will serve as an arts and education resource center for
the community and will work as an adjunct to the Malcolm X

Library located across the street.

Aud. Cert. 9501093.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-127:

SUBJECT: Construction of Traffic Signal and Street Lighting
Systems at 25th Street and J Street, and at Greenlawn
Drive and Skyline Drive.

(Sherman Heights, Skyline/Paradise Hills Community
Areas. Districts-4 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1589) ADOPTED AS RESOLUTION R-285749

Authorizing the expenditure of not to exceed \$212,000
from CIP-68-010.0, Annual Allocation - Construct Top
10-15 Prioritized Traffic Signals, Fund 30300, for the
construction of traffic signal and street lighting
systems at 25th Street and J Street, and at Greenlawn
Drive and Skyline Drive.

CITY MANAGER SUPPORTING INFORMATION:

This Capital Improvement Program Project will install traffic
signal and street lighting systems at 25th Street and J Street,
and at Greenlawn Drive and Skyline Drive. These traffic signals
will provide for safe passage of pedestrians, vehicles, and
emergency equipment through the intersections. Both traffic
signals are in proximity to elementary schools. Features include
emergency vehicle preemption equipment on 25th Street, J Street,
Greenlawn Drive, and Skyline Drive.

Aud. Cert. 9501074.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-128:

SUBJECT: Three actions related to Amendment to Council
Resolutions R-282281, R-284567 and R-285394, Relating
to Project Cost Reimbursement From Bond Proceeds.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1600) ADOPTED AS RESOLUTION R-285750

Declaring that the City intends to acquire and
construct, or cause to be acquired or constructed,
improvements, additions, and/or rehabilitations to the
City Water Utility;

Declaring that the City expects to issue debt
obligations in an amount not expected to exceed
\$44,000,000, and that certain of the proceeds of the
debt obligations will be used to reimburse the
Reimbursement Expenditures;

This declaration is made for purposes of establishing
compliance with the requirements of Section 1.150-2 of
the Treasury Regulations. This declaration does not
bind the City to make any expenditure, incur any
indebtedness, or proceed with the Project.

Subitem-B: (R-95-1601) ADOPTED AS RESOLUTION R-285751

Declaring that the City intends to acquire and
construct, or cause to be acquired or constructed,

improvements, additions, and/or rehabilitations to the City Metropolitan Wastewater System;

Declaring that the City expects to issue debt obligations in an amount not expected to exceed \$232,000,000, and that certain of the proceeds of the debt obligations will be used to reimburse the Reimbursement Expenditures;

This declaration is made for purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project.

Subitem-C: (R-95-1602) ADOPTED AS RESOLUTION R-285752

Declaring that the City intends to acquire and construct, or cause to be acquired or constructed, improvements, additions, and/or rehabilitations to the Municipal Sewerage System;

Declaring that the City expects to issue debt obligations in an amount not expected to exceed \$104,000,000, and that certain of the proceeds of the debt obligations will be used to reimburse the Reimbursement Expenditures;

This declaration is made for purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project.

CITY MANAGER SUPPORTING INFORMATION:

Via Resolutions R-282281, R-284567 and R-285394, relating to project cost reimbursement from Bond proceeds, the City declared its intent to use proceeds from the sale of taxable or tax-exempt securities to reimburse project expenditures made by the City for its water and its municipal and metropolitan sewerage utility systems. These actions were taken to satisfy those sections of the federal Treasury Regulations governing said reimbursements. Bond Counsel now recommends that certain language changes be incorporated into the previously adopted resolutions to insure that the City's right to reimbursement for such expenditures is preserved.

FILE LOCATION: Subitem-A,B,C: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-129:

SUBJECT: Ordering Foreclosure Action Against Delinquent Parcels
of Land.

(See City Manager Report CMR-95-104. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1561) ADOPTED AS RESOLUTION R-285753

Ordering action to be brought in San Diego County
Superior Court to foreclose assessment liens against
delinquent parcels of land in the De La Fuente Business
Park - Phase I Assessment District No. 4011.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-130:

SUBJECT: Section 8 Rental Assistance Subprogram for Homeless
Families.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1623) ADOPTED AS RESOLUTION R-285754

Endorsing the Section 8 Rental Assistance Certificate Program that will assist homeless families who are ready to leave facilities providing shelter care services and enter permanent housing;

Authorizing the City Manager, acting on behalf of the City, and as a co-applicant with the San Diego Housing Authority, to apply for Section 8 certificates specifically set aside for the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The March 3, 1995 Federal Register announced funding allocations for seven voucher/certificate subprograms. One of the subprograms in the Notice of Funding Availability is the Homeless Families Program, which provides vouchers and certificates for homeless families living in shelters or transitional housing who are "immediately ready for permanent housing." This program provides \$2,113,000 in budget authority which covers 54 Section 8 Rental Assistance Certificates. The Homeless Families Subprogram relies upon a homeless assistance strategy which follows a continuum of care approach, including emergency shelter, needs assessment, transitional housing, appropriate supportive services, and permanent housing or permanent supportive housing. The program requires a partnership between the Housing Authority, the Emergency Shelter Grant jurisdiction, and homeless provider organizations who will help identify those families immediately ready for permanent housing. The Housing Authority will administer the program, and is the co-applicant with the Emergency Shelter Grant jurisdiction (the City of San Diego's Community Service Program). Private, nonprofit agencies will be asked to refer homeless families to the project, and to conduct six months of follow-up assistance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey. 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-131:

SUBJECT: City of San Diego/Housing Commission Application for Homeless Persons with AIDS Section 8 Rental Voucher Program.

(See Housing Commission Report HCR-95-007.)

HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1617) ADOPTED AS RESOLUTION R-285755

Approving the San Diego Housing Commission as the Designated Area Housing Authority for the Homeless Persons with AIDS Section 8 Rental Voucher Program;

Approving an application to the U.S. Department of Housing and Urban Development for the Rental Voucher Program for the Homeless Persons Living with HIV/AIDS;

Authorizing the Executive Director of the Housing Commission to execute all documents required to received and utilize program funds if awarded.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey. 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-132:

SUBJECT: First Amendment to the Agreement with AIDS Foundation San Diego, Inc., for Tenant Improvements.

(Hillcrest Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1622) ADOPTED AS RESOLUTION R-285756

Authorizing a first amendment to the agreement with AIDS Foundation San Diego, Inc., for tenant improvements of their office building at 140 Arbor Drive;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$150,000 from CDBG Fund 18530, Dept. 4062, Org. 6225 (Linda Vista Branch Library Expansion) to CDBG Fund 18530, Dept. 4062, Org. 6230, Job 112529;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$15,000 from CDBG Fund 18530, Dept. 4071, Org. 7101, District 1 Discretionary Funds to CDBG Fund 18530, Dept. 4062, Org. 6230, Job 112529;

Authorizing the expenditure of not to exceed \$165,000 from CDBG Fund 18530, Dept. 4062, Org. 6230, Job 112529, for providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION:

AIDS Foundation San Diego, Inc. (AFSD) is a non-profit organization providing a wide range of educational and social services for individuals and their families with HIV/AIDS. Current headquarters for AFSD is crowded and inadequate for their services and client needs.

The new 4-story building at 140 Arbor Drive will house the administrative and program offices of AFSD. On May 9, 1994, Council adopted Resolution R-283845, granting \$910,000 for this project: \$480,000 for acquisition and \$430,000 for tenant improvements. On August 8, 1994, Council adopted Resolution R-284452, authorizing \$480,000 for acquisition; and on September 19, 1994 Council adopted Resolution R-284642, authorizing \$430,000 for tenant improvements. During construction additional work, which had not been anticipated in the original contract, was required. The AIDS Foundation is in need of immediate funding in order to complete the project. It is proposed that funds come from a loan of CDBG funds to be borrowed from the

Linda Vista Library (the project cannot proceed until after July 1995). Council Districts 2, 3, and 6 have pledged their 1996 CDBG District allocations for a total of \$50,000 each to replenish the borrowed funds. In addition, Council District 1 will provide \$15,000 from its 1995 CDBG reserves. This action will allow the \$165,000 to be used to pay for additional project costs.

Aud. Cert. 9501094.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-133:

SUBJECT: Agreement with San Ysidro School District for the ABC
Child Care Center.

(Logan Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1593) ADOPTED AS RESOLUTION R-285757

Authorizing an agreement with San Ysidro School
District for acquisition and installation of two
modular classrooms for its ABC Child Care Center at
Smythe School;

Authorizing the expenditure of not to exceed \$75,000
from CDBG Fund 18530, Dept. 4062, Org. 6216, JO 112543.

CITY MANAGER SUPPORTING INFORMATION:

San Ysidro School District is a local educational agency that
provides a public education program for elementary school

children. It functions under the directives of the State Department of Education, governed by State Law and the rules and regulations of the Education Code. Locally, the School District is administered by elected board members with authority to establish policies and procedures pertinent to the operation of an educational agency. The San Ysidro School District is proposing to acquire two modular classroom buildings to be installed on a permanent foundation, and used for pre-school children at its Smythe School Child Care Center. On May 9, 1994, City Council adopted Resolution No. R-283845 granting \$75,000 of CDBG funding to the Agency for this project. This action will authorize the \$75,000 to be used to accomplish this project.

Aud. Cert. 9501080.

FILE LOCATION: MEET CONTFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-134:

SUBJECT: Agreement with Lintvedt, McColl & Associates for
Engineering Services for Sewer and Water Main
Replacement Group 487.

(Uptown and Linda Vista Community Areas. Districts-2
& 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1596) ADOPTED AS RESOLUTION R-285758

Authorizing an agreement with Lintvedt, McColl &
Associates (San Diego), for engineering services for
Sewer and Water Main Replacement Group 487;

Authorizing the expenditure of not to exceed \$114,000
from Water Revenue Fund 41500, CIP-73-083 and not to

exceed \$29,000 from Sewer Revenue Fund 41506, CIP-44-001.

CITY MANAGER SUPPORTING INFORMATION:

This agreement will provide engineering services for the design of Sewer & Water Main Replacement Group 487. The project consists of the replacement of approximately 4,335 feet of 12-inch, 9,817 feet of 8-inch and 336 feet of 6-inch diameter water lines and 2,445 feet of 8-inch diameter sewer pipelines. Located in the Uptown and Linda Vista Community Areas, Group 487 will improve the sewage collection system and enhance the water distribution system for the service area. Six firms were nominated and interviewed in conformance with Council Policy 300-7. Lintvedt, McColl & Associates was selected as the best qualified consultant to provide services for Group Job 487. Due to the location and complexity of the job, Lintvedt, McColl & Associates will provide specialized services including: investigation of the various replacement/parallel alignment options with the least impact on the businesses within the area, investigation of the environmental and geotechnical issues, preparation of traffic plans, and obtaining all required permits for the project.

Aud. Cert. 9501088.

WU-U-95-119.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-135:

SUBJECT: Agreement with Lintvedt-McColl & Associates, Inc., for
As-Needed Traffic Engineering Consultant Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1594) ADOPTED AS RESOLUTION R-285759

Authorizing an agreement with Lintvedt-McColl & Associates, Inc., for as-needed traffic engineering consultant services for the Water Utilities Department;

Authorizing the expenditure of not to exceed \$50,000 from Water Revenue Fund 41500, Annual Allocation for as-needed consultant services (CIP-73-312.0), and the expenditure of an amount not to exceed \$50,000 from Sewer Revenue Fund 41506, Annual Allocation for as-needed consultant services (CIP-46-174.0).

CITY MANAGER SUPPORTING INFORMATION:

The Water Utilities Department, Engineering Division, is responsible for the design of various water and sewer facilities replacement projects.

These projects require traffic control plans for use by the contractors during construction. A registered Traffic Engineer is required for the design of some aspects of these plans. This agreement will provide traffic engineering services for the design of these traffic control plans on an as-needed basis.

The Consultant Nominating Committee nominated five firms to participate in the final selection process. One firm requested to be withdrawn from the final selection process. The remaining four firms were interviewed in conformance with Council Policy 300-7. The firms of Willdan Associates and Lintvedt-McColl & Associates (WBE) were selected as the best qualified to provide these as-needed consultant services. Lintvedt-McColl & Associates has two subconsultants: Darnell & Associates for Specialized Traffic Consultant and Aguirre & Associates (MBE), for computer-aided drafting work. Both subconsultants will be responsible for approximately 15 percent of the assigned tasks. The actions regarding Willdan Associates will be covered under a separate request. This agreement will provide for services by assigned tasks on an hourly fee basis not to exceed \$20,000 per task. The total contract shall not exceed \$100,000 for a period of two years from the date of execution by the City Manager.

Aud. Cert. 9501078.

WU-U-95-153.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-136:

SUBJECT: Agreement with Willdan Associates for As-needed Traffic
Engineering Consultant Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1595) ADOPTED AS RESOLUTION R-285760

Authorizing an agreement with Willdan Associates for
As-needed Traffic Engineering Consultant Services for
the Water Utilities Department;

Authorizing the expenditure of an amount not to exceed
\$50,000 from Water Revenue Fund 41500, Annual
Allocation for As-needed Consultant Services, CIP-73-
312.0, and an expenditure of not to exceed \$50,000 from
Sewer Revenue Fund 41506, Annual Allocation for As-
needed Consultant Services, CIP-46-174.0.

CITY MANAGER SUPPORTING INFORMATION:

The Water Utilities Department, Engineering Division, is
responsible for the design of various water and sewer facilities
replacement projects. These projects require traffic control
plans for use by the contractors during construction. A
registered Traffic Engineer is required for the design of some
aspects of these plans. This agreement will provide traffic
engineering services for the design of these traffic control
plans on an As-needed basis. The Consultant Nominating Committee
nominated five firms to participate in the final selection
process. One firm requested to be withdrawn from the final
selection process. The remaining four firms were interviewed in
conformance with Council Policy 300-7. The firms of Willdan

Associates and Lintvedt-McColl and Associates (WBE) were selected as the best qualified to provide these As-needed consultant services. Willdan Associates has one subconsultant for computer-aided drafting work, Aguirre & Associates (MBE), who will be responsible for approximately 20 percent of the assigned tasks. The actions regarding Lintvedt-McColl and Associates (WBE) will be covered under a separate request. This agreement will provide for services by assigned tasks on an hourly fee basis not to exceed \$20,000 per task. The total contract shall not exceed \$100,000 for a period of two years from the date of execution by the City Manager.

Aud. Cert. 9501079.

WU-U-95-152.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-137:

SUBJECT: Memorandum of Agreement with the Naval Command, Control
& Ocean Surveillance Center (NCCOSC) Regarding
Technology Transfer.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1438) ADOPTED AS RESOLUTION R-285761

Authorizing a Memorandum of Agreement with the Naval
Command, Control & Ocean Surveillance Center (NCCOSC)
to increase the private sector's awareness and access
of NCCOSC facilities and resources, and to facilitate
in on-going exchange of information related to the
commercialization of federally funded research and
development activities currently being carried out by
NCCOSC.

CITY MANAGER SUPPORTING INFORMATION:

The purpose of this Memorandum of Agreement is to establish an alliance between the Naval Command, Control and Ocean Surveillance Center (NCCOSC) and the City that provides a framework for facilitating the expeditious transfer of technology between NCCOSC and U.S. private sector firms in the greater San Diego area. NCCOSC is a full spectrum research, development, test and evaluation, engineering and fleet support center for advanced command, control and communications systems and ocean surveillance. NCCOSC has the responsibility to assist U.S. industry in competing on the world market through the transfer and commercialization of technology acquired through taxpayer supported research and development activities. Moreover, NASA has established, and is the primary supporter of, Regional Technology Transfer Centers (RTTCs) to facilitate the federal technology transfer process. Under a recent grant from the NASA Far West RTTC, the City of San Diego--Economic Development services has established the Southwest Technology Transfer Center (SWTTC), whose mission is to assist regional firms to locate, assess, acquire and utilize technologies and associated capabilities from throughout NASA and the Federal R&D base, in order to advance their commercial competitiveness and benefit the U.S. economy. This Memorandum of Agreement will help further the mission of the SWTTC.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-138:

SUBJECT: Two actions related to a Second Amendment to the Agreement with Metropolitan Transit Development Board for Relocation of Water and Sewer Facilities for Construction of the Old Town Light Rail Transit Extension.

(Centre City, Pacific Highway Corridor, Midway and Old

San Diego Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1624) ADOPTED AS RESOLUTION R-285762

Authorizing a second amendment to the agreement of June 29, 1992 with the San Diego Metropolitan Transit Development Board to relocate water and sewer facilities in connection with the Old Town Light Rail Transit Extension;

Authorizing the expenditure of not to exceed \$110,000 from Water Fund 41500, Annual Allocations Water Main Replacement, CIP-73-083.0;

Authorizing the Auditor and Comptroller, upon completion of Amendment No. 1, to transfer excess water and sewer funds, if any, to their respective project contingencies for use in Amendment No. 2.

Subitem-B: (R-95-1625) ADOPTED AS RESOLUTION R-285763

Stating for the record that the information contained in final Environmental Impact Report DEP-89-028 has been reviewed and considered by Council in connection with the Old Town Light Rail Transit Extension.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Metropolitan Transit Development Board (MTDB) has commenced construction of the Old Town Light Rail Transit (OTLRT) Extension from Grape Street to Taylor Street. MTDB entered into an agreement with the City by Council Resolution Nos. R-280240 and R-283146 to relocate and improve existing water and sewer facilities crossing its right-of-way. As part of the OTLRT Extension Contract 552 for construction of the Old Town Station, the third and final phase of water and sewer relocations will be made in the vicinity of the station. Prior to MTDB participation, Water Utilities had planned replacement of the 16" water main in Taylor Street as part of its cast iron pipe group replacement program. All of the City's share of the water costs will be for this work. As part of its OTLRT Extension Contract 552, MTDB is proposing an additional \$197,481 of the water relocation work. The City's share of the costs, including

contingencies, is estimated at \$110,000. MTDB is proposing an additional \$267,893 of sewer relocation work with no City participation costs.

Aud. Cert. 9501077.

WU-U-95-138.

FILE LOCATION: Subitem-A,B: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-139:

SUBJECT: Agreement with Sweetwater Environmental Biologists,
Inc. for Los Penasquitos Lagoon Mitigation Plan.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1570) ADOPTED AS RESOLUTION R-285764

Authorizing an agreement with Sweetwater Environmental
Biologists, Inc. (San Diego), for biological monitoring
in connection with the habitat restoration program at
Los Penasquitos Lagoon;

Authorizing the expenditure of not to exceed
\$190,626.83 from Sewer Revenue Fund 41506, CIP-46-
106.0, Annual Allocation - Sewer Pump Station
Restoration.

CITY MANAGER SUPPORTING INFORMATION:

This agreement will provide biological monitoring for the habitat
restoration program associated with the force main break at Sewer
Pump Station No. 65 (SPS 65), in Los Penasquitos Lagoon. The

force main at SPS 65 experienced three breaks between June, 1993 and November, 1994. To reach the break site, City forces had to construct an access road thus disturbing the native vegetation. As a part of the "after the fact permit," granted by the California Coastal Commission and the Army Corps of Engineers, the City was directed to restore 6.3 acres of Los Penasquitos Lagoon. The proposed mitigation area consists of the disturbed area (2.4 acres) and two additional sites within the Los Penasquitos Lagoon (3.9 acres). The consultant will be working with the City of San Diego, and various Regional, State and Federal agencies to perform the following tasks:

- 1) review and finalize the construction plans for the 2.4 acres on-site area;
- 2) prepare complete plans and specifications to restore the 3.9 acres off-site; and
- 3) provide a 5 year monitoring plan to ensure proper vegetation growth in the affected area. Five consultants were selected from the "As-Needed" list of environmental services by the consultant selection coordinator on October 21, 1994. In accordance with Council Policy 300-7, four consultants were interviewed on January 12, 1995 and Sweetwater Environmental Biologists, Inc. was selected as the best qualified firm. Tierra Environmental, an MBE firm, will perform 24.8 percent of the work, and Schmidt Design Group will perform 8.4 percent of the work.

Aud. Cert. 9501108.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-140:

SUBJECT: Agreement with Techbilt Construction Corporation for
Construction of a Traffic Signal at La Jolla Scenic
Drive South and Soledad Mountain Road.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1591) ADOPTED AS RESOLUTION R-285765

Authorizing an agreement with Techbilt Construction Corporation and accepting \$55,000 from Techbilt Construction Corporation for construction of a traffic signal at La Jolla Scenic Drive South and Soledad Mountain Road;

Authorizing the expenditure of not to exceed \$145,000 from CIP-68-010.0, AA - Construct Top 10-15 Prioritized Traffic Signals, and not to exceed \$153,000 from CIP-61-001.0, AA - Traffic Control Measures.

CITY MANAGER SUPPORTING INFORMATION:

The subject Capital Improvement Program projects to install traffic signal systems, provide for the safe passage of emergency equipment, pedestrians and vehicles through the intersections. Traffic signal features include emergency vehicle preemption equipment of La Jolla Scenic Drive South, Soledad Mountain Road, Nautilus Street, Muirlands Drive and West Muirlands Drive. Protected left turn lanes will be provided for Soledad Mountain Road and Nautilus Street. One of the requirements of the La Jolla Alta Unit 14 development was the installation of a traffic signal at the intersection of La Jolla Scenic Drive South and Soledad Mountain Road at the time of the issuance of the first building permit for La Jolla Alta - Unit 14. Because a building permit for La Jolla Alta #14 may not be acquired for some time and the City believes the traffic signal is needed at the earliest possible time, it is recommended that the City will construct the traffic signal now, with a portion of the funding for the project to be reimbursed by Techbilt Construction Corporation. It should be noted that Techbilt is paying only for the signal consistent with their requirements, not for associated public improvements that are also included in the project.

Aud. Cert. 9501076.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.

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-141:

SUBJECT: Two actions related to Change Order No. 1 regarding Water and Sewer Main Replacement Group 509.

(Uptown and Mid-City/Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1564) ADOPTED AS RESOLUTION R-285766

Approving Change Order No. 1, dated March 9, 1995, with Suncoast Pipeline, Inc. (San Diego), increasing the contract price by \$21,786;

Authorizing the expenditure of not to exceed \$21,786 from the Sewer Revenue Fund 41506, CIP-44-001.0, Annual Allocation for Water and Sewer Main Replacement Group 509.

Subitem-B: (R-95-1565) ADOPTED AS RESOLUTION R-285767

Stating for the record that the City of San Diego as Lead Agency has reviewed and considered the Environmental Negative Declaration DEP-92-0489.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Main Replacement Group No. 509 is currently under construction. The contract in the amount of \$1,086,532 was awarded on October 10, 1994 to Suncoast Pipeline, Inc. The construction of Group 509 consists of replacing approximately 13,840 linear feet of water line and 2,825 linear feet of sewer line at numerous areas in the Uptown and Mid-City/Greater North Park Community.

Due to immediate operational concerns, the Water Utilities Department, Wastewater Collection Division, has requested prompt

replacement of additional deteriorated sewer mains east of Ohio Street and north of Howard Avenue. Contract Change Order No. 1 will provide funds to construct approximately 221 linear feet of 8-inch sewer main adjacent to the construction area for Group 509. It is anticipated that this additional construction will alleviate sewer stoppages and reduce the constant on-going maintenance. Due to the close proximity of the proposed work to Group 509, it is recommended to add the additional 221 linear feet of sewer main to the contract. Contract Change Order No. 1 will increase the contract by \$21,786.

Aud. Cert. 9500979.

WU-U-95-118.

FILE LOCATION: Subitem-A,B: CONT - Suncoast Pipeline, Inc.
(San Diego) CONFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-142:

SUBJECT: Revising Council Policy 000-19, Legislative Policy Guidelines.

(See Intergovernmental Relations Department Report IRD-95-7.)

RULES COMMITTEE'S RECOMMENDATION:

On 4/10/95, RULES voted 5-0 to recommend adoption of the following resolution (Councilmembers Kehoe, Warden, Stallings, Vargas, and Mayor Golding voted yea):

(R-95-1578) ADOPTED AS RESOLUTION R-285768

Approving the revisions to Council Policy 000-19, Legislative Policy Guidelines, as set forth in Intergovernmental Relations Department Report IRD-95-7, as amended by the Rules Committee action of April 10,

1995, to add "Arts and Culture" to the Policy Guidelines in Section VIII, A-2.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey. 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-143:

SUBJECT: Legislative Agenda and Significant Legislative Issues.

(See Intergovernmental Relations Department Report IRD-95-8).

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1615 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-285769

Directing the Intergovernmental Relations Department to instruct the firm of Copeland, Lowery & Jacquez to aggressively pursue continued funding of CDBGs, and to press for the direct disbursement of CDBG funds to local government.

OTHER RECOMMENDATIONS:

Rules Committee's Recommendation:

On 4/24/95 the Rules Committee voted 5-0 on a recommendation to:
a) Direct IRD to instruct Washington, D.C. lobbyists to make I-15 a Council priority; b) Direct IRD to provide a more detailed understanding of I-15 monies and include it in the legislative package; c) Direct IRD to keep Rules Committee up to date on proposed CDBG cuts; d) Direct IRD to instruct the City of San Diego lobbyists to aggressively lobby to maintain the City's current level of CDBG funding and to continue funding the City of San Diego directly; e) Forward to City Council with strong support for continued CDBG funds coming directly to the City.

(Councilmembers Kehoe, Warden, Stallings, Deputy Mayor Vargas and Mayor Golding voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F128-175.)

MOTION BY HARVEY TO ADOPT THE RESOLUTION AND TO DIRECT THE CITY MANAGER TO CODIFY ACTIONS TAKEN TODAY--RESEARCH AND RECOVERY ACT AND NTC--WITH THE SPECIAL LEGISLATION ACTIONS TAKEN BY COUNCIL IN JANUARY 1995. INCLUDE IN THE LEGISLATIVE PRIORITIES THE MATTER OF SEEKING EXEMPTION OR WAIVER ON A CASE-BY-CASE BASIS. URGE THE DEPARTMENT OF THE NAVY TO WORK ON THE SPECIAL LEGISLATION. 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-144:

SUBJECT: Legislative Representative Performance Standards
(Proposed).

(See Intergovernmental Relations Department Report IRD-95-9.)

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1614) ADOPTED AS RESOLUTION R-285770

Approving and adopting the Legislative Representative Performance Standards recommendations contained in Intergovernmental Relations Department Report IRD-95-9, as amended by the RULES Committee on April 24, 1995.

OTHER RECOMMENDATIONS:

Rules Committee's Recommendation:

On 4/24/95, RULES voted 5-0 to approve Intergovernmental Relations Department Report IRD-95-9 with additions:

a) Directed the Intergovernmental Relations Department to report in writing to the RULES Committee on a monthly basis, an update on the activities of the City of San Diego's lobbyists.

b) Directed the Intergovernmental Relations Department to include the nine performance questions from page 2 of Intergovernmental Relations Department Report IRD-95-9 into Legislative Representation Performance Guidelines.

c) Directed the RULES Committee Consultant to have lobbyists attend the RULES Committee meetings when they are in San Diego.

(Councilmembers Kehoe, Warden, Stallings, Deputy Mayor Vargas and Mayor Golding voted yea):

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-145:

SUBJECT: Regulatory Relief.

(See Intergovernmental Relations Department Report IRD-95-10.)

RULES COMMITTEE'S RECOMMENDATION:

On 4/24/95, RULES voted 5-0 to recommend adoption of the following resolution. (Councilmembers Kehoe, Warden, Stallings, Deputy Mayor Vargas and Mayor Golding voted yea):

(R-95-1616 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-285771

Directing the Intergovernmental Relations Department to forward to Congress the first and second regulatory relief matters in Intergovernmental Relations Department Report IRD-95-10, pertaining to Guidelines for Standards for Accessible Design under the Americans With Disabilities Act, and the Landfill Liner regulations pursuant to the Resource Conservation and Recovery Act, Subtitle D - for consideration in the House of Representatives under its proposed "Corrections Day" process.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E146-483.)

MOTION BY HARVEY TO RETURN THE ADA PORTION OF THE RESOLUTION TO THE CITY MANAGER FOR DISCUSSIONS WITH THE ADA COORDINATOR AND THE ADA COMMITTEE. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

MOTION BY MCCARTY TO ADOPT THE LANDFILL LINER PORTION OF THE RESOLUTION WITH DIRECTION TO THE CITY MANAGER TO ASK FOR A WAIVER FROM THE REGULATIONS IF THE COMPLETED COST-BENEFIT ANALYSIS SHOWS THAT SOMETHING SHOULD BE DONE. SEEK EXEMPTION OR WAIVER ON A CASE-BY-CASE BASIS. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

* ITEM-146:

SUBJECT: Two actions related to the Cultural Resources Management Plan and the Interpretive Plan for Piedras Pintadas Archaeological Site.

(Rancho Bernardo Community Area. District-5.)

NATURAL RESOURCES, CULTURE AND THE ARTS COMMITTEE'S RECOMMENDATION:

On 4/26/95, NRC&A voted 5-0 to recommend adoption of the following resolutions. (Councilmembers Mathis, Harvey, Warden, Stallings and McCarty voted yea):

Subitem-A: (R-95-1522) ADOPTED AS RESOLUTION R-285772

Approving the Cultural Resource Management Plan and the Interpretive Plan for Piedras Pintadas archaeological site, as completed by the San Dieguito River Valley Regional Open Space Park Joint Power Authority and its contractors.

Subitem-B: (R-95-1523) ADOPTED AS RESOLUTION R-285773

Certifying that the information contained in Environmental Impact Report DEP-95-0064, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the report reflects the independent judgement of the City of San Diego as Lead Agency; and that the report has been reviewed and considered by the Council in connection with the approval of the Cultural Resource Management Plan and Interpretative Plan for Piedras Pintadas Archaeological Site;

Adopting the Interim Habitat Loss Findings made with respect to the project;

Adopting the Mitigation, Monitoring and Reporting Program, or alterations to implement changes to the project as required by the Council in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION:

In 1991, the City was awarded a \$250,000 grant from the State Department of Parks and Recreation for the protection of Piedras Pintadas, a significant archaeological site containing Native American pictographs (rock art). This site, located within the San Dieguito River Park Focused Planning Area, is of important cultural significance to the Native American community. \$250,000 from the San Dieguito River Valley trust fund was identified as the match for this grant. On January 31, 1994, the City Council entered into an agreement with the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) whereby it was agreed that the JPA would act as the City's agent and perform all work related to the grant. Since that time the JPA and its contractors have, in cooperation with the San Pasqual Band of Mission Indians, completed a Cultural Resource Management Plan, an Interpretive Plan and a site plan, which describe in detail the various mechanisms that if implemented would protect Piedras Pintadas from further vandalism and intrusion. These plans were developed with input from the Piedras Pintadas Advisory Committee, which includes Johnny Contreras, representing the San Pasqual Band of Mission Indians, Max Kiltz, representing the Rancho Bernardo Community Planning Board, Manfred Knaak, a professional archaeologist, Jim Brown from Water Utilities, Jeanne Krosch from Development Services, and Diane Coombs, representing the JPA. A portion of the proposed trail system (which for the most part utilizes existing trails in the area)

would require the dedication of a pedestrian/non-vehicular right-of-way through an existing open space easement, included within the common area of the Westwood Valley Legends Homeowners Association. The JPA is currently working with the association to acquire this right-of-way over an existing informal trail. Construction of the bridge over Green Valley Creek would not be initiated until or unless this dedication is obtained. In accordance with the above-mentioned January agreement, the cultural resource management plan described in detail in the project description section of the Final EIR is being presented to the City Council for approval.

FILE LOCATION: Subitem-A,B: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-147:

SUBJECT: Fiscal Year 1996 Animal Control Contract.
(See City Manager Report CMR-95-87.)

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 4/19/95, PS&NS voted to recommend adoption of the following resolution. (Councilmembers Kehoe, Stevens, Stallings, McCarty and Deputy Mayor Vargas voted yea):

(R-95-1605) ADOPTED AS RESOLUTION R-285774

Authorizing an agreement with the County Department of Animal Control (DAC), for animal control services, for the period of July 1, 1995 through June 30, 1996;
Approving the updates to the Service and Performance Goals outlined within the contract to remain consistent with the goals previously established by the City Council;

Directing the City Manager to report back in April 1996 to provide an update of the County's New One Stop

Licensing Program and detail the progress DAC has made towards the Performance Goals outlined within the contract;

Authorizing the expenditure of not to exceed \$1,380,000 from General Fund 100, Citywide Program Expenditures (Program 60101).

CITY MANAGER SUPPORTING INFORMATION:

The City Manager is recommending:

1. That the City Council authorize an extension to the current animal control services contract with the County Department of Animal Control (DAC) for an additional one year period, beginning July 1, 1995 and concluding June 30, 1996.

2. That the City Council approve the updates to the Service and Performance Goals outlined within the contract to remain consistent with the goals previously established by the City Council.

On April 19, 1995, the Public Safety and Neighborhood Services Committee (PS&NS) approved a one year extension of the current animal control services contract with the County Department of Animal Control (DAC) and also approved the recommended updates of the Service and Performance Goal Statements to be incorporated within the amended contract. In addition, the Committee directed the City Manager to report back in April of 1996 to provide an update of the County's new One Stop Licensing Program and detail the progress DAC has made towards the Performance Goals outlined within the contract.

Aud. Cert. 9600003.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: San Diego Parenting Project.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1647) ADOPTED AS RESOLUTION R-285775

Supporting the creation of the San Diego Parenting Project to be housed in the San Diego City Attorney's Child Abuse/Domestic Violence Unit, and to be dedicated to providing support, education, and accountability for parents of troubled, delinquent, and high risk juveniles.

PUBLIC SAFETY & NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 4/19/95 PS&NS voted 5-0 to approve. (Councilmembers Kehoe, Stevens, Stallings, McCarty and Deputy Mayor Vargas voted yea.)

SUPPORTING INFORMATION:

The primary goal of the proposed San Diego Parenting Project is to help parents supervise and control their children in order to avoid involvement in gangs, drugs, tagging, and other juvenile crimes. While other programs are directed specifically toward rehabilitation of the juvenile, the Parenting Project will focus primarily on the adult parent. Recently, law enforcement organizations, community organizations, churches, and social service agencies have been forced to react to rising juvenile crime rates. Since 1988, juvenile crime has increased by nearly 80 percent. Violent crimes by juveniles county-wide have increased by nearly 200 percent. While curfew ordinance enforcement within the City of San Diego has had a positive impact, concerns about the need for intervention with high risk juveniles and their parents remains paramount.

The San Diego Parenting Project, based in the City Attorney's Child Abuse/Domestic Violence Unit will focus on assisting parents with the parenting of delinquent children under the age of 14. The Project will involve the collaboration of the City Attorney's Office, the Police Department, the Sheriff's Department, the Probation Department, churches, community organizations, and others who deal with troubled and high risk juveniles. The Project, initially staffed by a Deputy City Attorney operating as a Program Administrator, will operate under

the authority of Penal Code Section 272 which states in part that "a parent or legal guardian of any person under the age of 18 years shall have the duty to exercise reasonable care, supervision, protection and control over their minor child." Failure to fulfill this duty constitutes a misdemeanor crime punishable by one year in the county jail and/or a \$2,500 fine. The focus of the Parenting Project will be to provide education to parents rather than to prosecute. An office hearing approach will be utilized to evaluate cases referred by law enforcement agencies or community organizations to determine the most appropriate course of action with parents deemed to be in violation of Penal Code Section 272. The objective of the program will be to give parents the necessary tools to appropriately supervise delinquent children. This objective, of parental education, will be reached when parents comply with referrals to parenting and other appropriate programs. The Project is also intended to ensure accountability for children engaged in acts of misdemeanor juvenile crime through the monitoring of the children's on-going conduct and liaison with the Juvenile Court. The Project will be based in an understanding that problems experienced by children in many of these cases are aggravated due to dysfunctional families, physical child abuse or domestic violence in the home, and drug and alcohol abuse issues. The Project will be housed in the Child Abuse/Domestic Violence Unit in order to utilize the Unit's advocacy program for potential victims of domestic violence.

The initial Program Administrator will be a Deputy City Attorney with the power to proceed on a criminal action for any appropriate violations of the law including violations of Penal Code Section 272. The Project will proceed mindful that the design is not for criminal liability for parents simply because their children have committed criminal, delinquent, or truant acts. Similar to an existing program in Los Angeles, each case will be evaluated on its merits. In the circumstance where parents do not know of their children's activities or are unable to effectively control them, the Program Administrator will consider alternate referrals and courses of action other than criminal prosecution. A parent will not be deemed in violation of Penal Code Section 272 until after a careful fact finding and a determination that he/she knew or should have known that his/her conduct would likely result in delinquency and he/she has the ability to control the child. Using similar criterion, the Los Angeles program has operated successfully for nearly five years.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: B052-154.)

MOTION BY VARGAS TO ADOPT. 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-201:

SUBJECT: Five actions related to the 1995 Agreement with the Chargers Football Company.

(See City Manager Report CMR-95-86.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolutions in Subitems B, C, D, and E:

Subitem-A: (O-95-92 Cor.Copy) INTRODUCED, TO BE ADOPTED ON
MAY 30, 1995

Introduction of an Ordinance authorizing the 1995 Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium between the Chargers Football Company and the City of San Diego;

Authorizing the Facilities Use and Occupancy Agreement between the Chargers Football Company and the City of San Diego;

Authorizing the 1995 Agreement for Partial Use and Occupancy of the Skybox Areas at San Diego Jack Murphy Stadium between the Chargers Associates and the City of San Diego.

Subitem-B: (R-95-1350 Cor.Copy) ADOPTED AS RESOLUTION R-
285776

Authorizing the City Manager to proceed with the conceptual and funding plans necessary for the construction of \$60 million in improvements to San Diego Jack Murphy Stadium and related facilities;

Directing the City Manager to return to the City

Council with the conceptual and funding documentation and the appropriate environmental documents necessary to implement the project.

Subitem-C: (R-95-1351) ADOPTED AS RESOLUTION R-285777

Authorizing a parking user fee at the San Diego Jack Murphy Stadium in accordance with the provisions of Section 11(d) of the 1995 Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium.

Subitem-D: (R-95-1352) ADOPTED AS RESOLUTION R-285778

Authorizing the City Manager to renegotiate the agreements with Service America for concession and catering services at San Diego Jack Murphy Stadium and with Ace Parking for parking and other related services at the Stadium.

Subitem-E: (R-95-1353) ADOPTED AS RESOLUTION R-285779

Authorizing the City Manager to enter into negotiations with the San Diego International Sports Council to assist the City of San Diego in fulfilling its obligations to the Chargers Football Company, pursuant to Sections 9(a) and (c) of the 1995 Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium.

NOTE: See Item 202 for a companion item.

FILE LOCATION: Subitem-A: NONE; Subitem-B,C,D,E: LEAS -
Chargers Football Company; 61 (Stadium)
LEASFY95-1

COUNCIL ACTION: (Tape location: B156-E146.)

MOTION BY WARDEN TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS FOR ITEM-201 AND TO ADOPT ITEM-202. Second by Vargas. The motion was divided at Council Member Stallings' request.

Subitem-D and -E passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Subitem-A, -B, and -C, and ITEM-202 passed by the following

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

ITEM-202:

SUBJECT: San Diego Jack Murphy Stadium Improvements.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1429) ADOPTED AS RESOLUTION R-285780

Authorizing an agreement with SGS Group for providing Design/Build Consultation for San Diego Jack Murphy Stadium Improvements;

Authorizing an agreement with HNTB Architects for providing Design/Build performance specifications for San Diego Jack Murphy Stadium Improvements;

Amending the Capital Improvement Program by adding CIP-34-121.0, San Diego Jack Murphy Stadium Improvements;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$883,500 from Fund 10331 G/L Account 9544 (formerly set aside to fund a debt service reserve for the refunded bonds) to CIP-34-121.0, Fund 10330;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,700,000 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, Fund 102242 to the Stadium Fund 10330, CIP-34-121.0, to provide interim funding for the Stadium Improvements with the transfer to be repaid from bond proceeds;

Authorizing the expenditure of an amount not to exceed \$52,000 from CIP-34-121.0, for providing funds for the design/build consultation;

Authorizing the expenditure of an amount not to exceed

\$726,000 from CIP-34-121.0, for providing funds for the design/build performance specifications.

CITY MANAGER SUPPORTING INFORMATION:

In closed session, City Council authorized the City Manager to enter into negotiations with the San Diego Chargers Football Club which provided that an extensive expansion to San Diego Jack Murphy Stadium occur. This project will provide the improvements to the San Diego Jack Murphy Stadium in preparation for Super Bowl 1998. The improvements to the Stadium will include: additional seating, renovation and addition of suites, and improved public amenities. The improvements will provide for a total seating capacity of 71,400 people. This action authorizes two contract agreements for two consultants. The contract with SGS Group for \$52,000 is to provide for consulting services regarding Design/Build contracts. Traditionally, the City of San Diego has utilized standard architect and contractor agreements. The Design/Build process, which is being utilized on the Convention Center Expansion, will allow the City to complete a project with reduced costs and time schedules. Because City staff lacks expertise in these types of contracts, SGS Group's services are required. The contract with the programmer for \$726,000 will produce the project documents for the actual bidding of a Design/Build team contract as well as investigate all design issues related to the project. The selection process was consistent with Council Policy 300-7.

Aud. Cert. 9501006.

NOTE: See Item 201 for a companion item.

FILE LOCATION: MEET CCONFY95-2

COUNCIL ACTION: (Tape location: B156-E146.)

MOTION BY WARDEN TO INTRODUCE THE ORDINANCE AND TO ADOPT THE RESOLUTIONS AND TO ADOPT ITEM-202. Second by Vargas. The motion was divided at Council Member Stallings' request.

Subitem-D and -E passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Subitem-A, -B, and -C, and ITEM-202 passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor

Golding-yea.

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-95-1611) ADOPTED AS RESOLUTION R-285781

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

CITY MANAGER SUPPORTING INFORMATION:

For over 60 years, raw sewage from the Republic of Mexico has flowed unabated into the United States plaguing the residents of San Diego. This flow is a serious threat to the region, creating health hazards, forcing the closure of beaches and impacting local businesses. For this reason, the City Council has continued to declare a State of Emergency in the Tijuana River Valley. The solution to this long-standing problem is the construction of the International Treatment Facilities. The facilities consist of a 25 million gallon per day (mgd) secondary treatment plant in the United States, canyon collectors in Goat Canyon and Smuggler's Gulch to collect renegade sewage, and the South Bay Ocean Outfall. The status of these projects is as follow:

SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT

A. Construction Contract 1 (CC-1) - Site Preparation.
Construction: Completed.

CITY MANAGER SUPPORTING INFORMATION: (Continued)

B. Construction Contract 2 (CC-2) - Advanced Primary Facilities. Construction: June 1995 - February 1997.
There was a delay in the award of the contract due to extended

responsive and responsibility reviews, and a protest from the second low bidder. The delay in issuing the award has extended the construction schedule completion from December 1996 to February 1997. However, through Partnering with the construction contractor the International Boundary and Water Commission (IBWC) hopes to be able to make up the time.

C. Construction Contract 3 (CC-3) - Secondary Treatment Facilities.

Design: December 1993 - December 1995

Construction: On-hold Due to many concerns raised during the environmental review process, regarding the best methodology for secondary treatment, construction of this portion of the project is on hold pending the completion, by the federal government, of a Supplemental Environmental Impact Statement and a decision on the best alternative method for secondary treatment.

D. Construction Contract 4 (CC-4) - Collection System.

Design: December 1993 - October 1995

Construction: On-hold

Construction is on hold pending the resolution of funding issues.

SOUTH BAY OCEAN OUTFALL

A. Package 1 - Special Structures.

Design: December 1991 - May 12, 1995

Bid Solicitation: January 25, 1996 - March 26, 1996

Construction: July 1996 - July 1997

B. Package 2 - Tunnel.

Bid Solicitation: April 6, 1995 - June 6, 1995

Construction: August 1995 - May 1998

C. Package 3 - Marine Works.

Design: December 1991 - May 12, 1995

Bid Solicitation: June 22, 1995 - August 22, 1995

Construction: November 1995 - October 1997

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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: Awarding a Contract for the Lease/Purchase of 17
Automated Refuse Packers.

(See memorandum from Deputy City Manager Coleman Conrad
dated 5/12/95.)

CITY MANAGER'S RECOMMENDATION:

Award the contract to Pressley - Peterbilt.

(R-95-999) ADOPTED AS RESOLUTION R-285782

Awarding a contract for the lease/purchase of 17
automated refuse packers, for a total estimated master
lease cost of \$2,353,450;

Authorizing the City Manager to finance the total
acquisition under the Master Lease;

Authorizing the expenditure of not to exceed \$350,950,
from Fund No. 500311, Organization No. 512, Department
No. 500311, Object Account No. 6019, and Job Order No.
000512;

Authorizing the City Auditor and Comptroller, upon
advice from the administering department, to transfer
excess budgeted funds, if any, to the appropriate
reserves. (BID-C4624/95)

CITY MANAGER SUPPORTING INFORMATION:

Thirty-four potential bidders were contacted; 13 bids were
received. These vehicles are requested by the General Services
Department, Equipment Division, for use by the Environmental
Services Department, Refuse Collection Division. They are
replacements for eleven 1984 37 cyd side loaders, four 1986 24
cyd rear loaders and two 1985 25 cyd rear loaders which will be
auctioned.

The new automated refuse trucks will improve productivity
allowing routes to be expanded while at the same time reducing

worker compensation claims for back injuries. Technical evaluation of the bids was made by the General Services Department, Equipment Division Engineer. The three lowest bids, one each, from T & J Garage, Pressley Peterbilt and E & W Truck, all offered a Wayne automated system which was demonstrated to be functionally deficient in six areas. Similar equipment was last purchased in May of 1993 from Pressley Peterbilt. Proposed contract pricing is approximately 4.9 percent higher. George Loveland, Director, General Services Department and Richard Hays, Director, Environmental Services Department, concur with this recommendation.

Aud. Cert. 9600002.

FILE LOCATION: CONT - Purchase - Pressley - Peterbilt
CONFY95-1

COUNCIL ACTION: (Tape location: E487-649.)

MOTION BY STEVENS TO ADOPT. 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-205:

SUBJECT: New Lease Agreement with Tuneco Partners No. 1 for the Lease of City-owned Property.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1521) ADOPTED AS RESOLUTION R-285783

Authorizing the negotiation of a new lease agreement with Tuneco Partners No. 1, for the lease of 5,000 square feet of City-owned property at the southeast corner of 10th Avenue and B Street for the operation of an automotive repair facility.

FILE LOCATION: LEAS - Tuneco Partners No. 1 LEASFY95-1

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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:

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

(See City Manager Reports CMR-95-106 & CMR-95-64.)

(Continued from the meeting of April 10, 1995, Item
206, at the City Manager's request, for further
review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1296 Cor. Copy) ADOPTED AS RESOLUTION R-285784

- 1) Disapproving the existing rates and charges for the Basic Service Tier for Cox Cable San Diego, Inc. contained in the August 1994 Rate Filing (Form 1200 Filing) and the October 1994 Rate Filing (Form 1210 Filing);
- 2) Directing immediate implementation by Cox of new rates and charges for the Basic Service Tier as set forth by the City Auditor and Comptroller;
- 3) Directing Cox to submit to the City Manager by June 15, 1995, a refund plan for Basic Service Tier rates and charges for approval by June 30, 1995 and ordering a refund by August 1, 1995;
- 4) Determining that a refund to customers for Basic Service Tier rates and charges established on September 1, 1993 via FCC Form 393 is not required under FCC Rules and Regulations.

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

COUNCIL ACTION: (Tape location: A475-B048.)

CONSENT MOTION BY MCCARTY TO ADOPT. Second by Harvey.
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-207:

SUBJECT: Debarment of Marine Shale Processors, Inc.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1421) ADOPTED AS RESOLUTION R-285785

Declaring Marine Shale Processors, Inc., to be non-
responsible bidders and therefore ineligible to bid on,
or to be a subcontractor for hazardous waste disposal,
for a period of three years.

CITY MANAGER SUPPORTING INFORMATION:

Marine Shale Processors Inc. (MSP) is a hazardous waste disposal company commonly used by many hazardous waste transporters due to its low price services. On January 21, 1992, Council adopted Resolution R-279324, to debar MSP as an acceptable vendor or subcontractor for City contracts due to a federal debarment for federal convictions of water and air quality regulations. San Diego Municipal Code Section 22.0514 allows the Council to declare a contractor ineligible to bid on City contracts for a period not to exceed three years. Since it has been three years from the date of the original debarment, staff contacted the Environmental Protection Agency (EPA) regarding the status of MSP. EPA staff reported that the compliance record of MSP has not improved since the original debarment and that three additional federal convictions were reached in August 1994, involving the Clean Air Act, the Clean Water Act, and the Resource Conservation & Recovery Act. An \$8,000,000 fine was levied on MSP for these convictions. EPA plans to continue litigation against MSP for additional violations of the Resource Conservation and Recovery Act (RCRA). In connection with MSP's

convictions, another company was fined because they had sent large quantities of hazardous waste to MSP. To protect the City of San Diego from being liable as a contributor to any future violation or clean-up action, the continued debarment of Marine Shale Processors, Inc. for three additional years is recommended.

FILE LOCATION: CONT - Marine Shale Processors, Inc.

COUNCIL ACTION: (Tape location: F030-110.)

MOTION BY KEHOE TO ADOPT THE RESOLUTION. Second by McCarty. 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-208:

SUBJECT: Debarment of Premier Resources, Inc. and Specified Staff.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1420) ADOPTED AS RESOLUTION R-285786

Declaring Premier Resources, Inc., John Lind, President, and Richard Brady, Chief Executive Officer, to be non-responsible bidders, and therefore ineligible to bid on, or to be a subcontractor for hazardous waste disposal, for a period of three years.

CITY MANAGER SUPPORTING INFORMATION:

The General Services Department utilized Premier Resources Inc. (Premier) with Richard Brady as the Chief Executive Officer to dispose of their hazardous paint chip waste, which contains heavy metals, during FY 1991 and FY 1992. About February 1993, City staff determined that the Company redirected five of these hazardous waste drums to a hazardous waste landfill instead of using an incinerator, as specified in the contract.

Since the hazardous waste was deposited into a landfill, the City has potential liability for the clean up of those drums. Staff contacted Richard Brady about this issue and received

correspondence from him on April 28, 1993 and November 5, 1993 admitting negligence and saying that Premier has a fine, untainted business record of properly managing all types of materials and never had a violation of any type. With this information and after consulting with the City Attorney, staff decided not to request debarment of the vendor.

In September 1994, City staff learned that Premier Resources Inc., Richard Brady, and John Lind, President, had received earlier federal convictions of hazardous waste regulations. Richard Brady and John Lind plead guilty on March 18, 1991 to one federal count of Unlawful Transportation of Hazardous Waste USC, Section 6928(d)(4)}. Both defendants acknowledged that Premier Resources staff transported twelve U.S. Navy hazardous waste drums and had destroyed the State Hazardous Waste Manifest the Navy issued which tracks the disposal of the waste. San Diego Municipal Code Section 22.0514 allows the Council to declare a contractor ineligible to bid on City procurement or public works contracts for a period not to exceed three years. The performance of this Company, Richard Brady, and John Lind indicates a lack of business integrity and unsatisfactory performance as well as a conviction of violation of a federal statute. Council's debarment of this Company and these individuals prevents the City from entering into a contract with this vendor or other vendors if these individuals change business affiliations. This debarment action would prevent the City of San Diego from encumbering short and long term liability for clean up actions of mishandled waste or hazardous waste disposed to a hazardous waste landfill contrary to contract specifications.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F117-120.)

MOTION BY MCCARTY TO ADOPT. 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-209: TRAILED TO TUESDAY, MAY 16, 1995

Providing an impasse procedure, if necessary, for Management and Labor Organizations currently involved in negotiations.

CITY MANAGER SUPPORTING INFORMATION:

The current Memorandum of Understanding and Council Policy 300-6 provide that Labor Organizations have a right to a Council hearing on any issues at impasse at the conclusions of negotiations.

The purpose of the impasse meeting shall be to identify and specify in writing the issue or issues that remain in dispute; to review the position of the parties in a final effort to resolve such disputed issue or issues; and if the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedure contained in Council Policy 300-6.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F183-192.)

ITEM-210: TRAILED TO TUESDAY, MAY 16, 1995

SUBJECT: Four actions related to Fiscal Year 1995-96 Salary Ordinance and Resolutions.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolutions in Subitems B, C and D:

Subitem-A: (O-95-107)

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1995-96.

Subitem-B: (R-95-1597)

Adoption of a Resolution establishing overtime eligibility of classifications in the classified service.

Subitem-C: (R-95-1598)

Adoption of a Resolution amending employee representation units to add new classifications and

remove deleted classifications from existing appropriate units as established in the Fiscal Year 1995-96 Salary Ordinance.

Subitem-D: (R-95-1599)

Adoption of a Resolution authorizing classifications eligible for the Management Benefits Plan.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F121-127.)

ITEM-211: REFERRED TO CLOSED SESSION

SUBJECT: Authorizing Property Negotiations with Arena Group 2000.

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 Group 2000 for the San Diego International Sports Arena.

As a requirement of the Brown Act (California Government Code Section 54956.8) this issue must be listed on the docket for public testimony prior to Council discussion in Closed Session.

1) Open the Public Hearing and accept testimony from any members of the public who wish to address the Council on this subject;

2) Close the public hearing; and 3) Refer the matter to Closed Session on May 16, 1995.

FILE LOCATION: LEAS - San Diego Entertainment, Inc.

COUNCIL ACTION: (Tape location: F121-127.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 7:05 p.m. in honor of the memory of Bert Ritchey as requested by Mayor Golding and of Lt. Gen. Edward W. Snedeker, Warren Reese, Hon. John F. Martin and Hon. Robert O. Staniforth as requested by City Attorney Witt.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F193-215).