

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 26, 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 2:08 p.m. Mayor Golding adjourned the meeting at 6:34 p.m. to meet in Closed Session in the 12th floor Conference Room to discuss pending litigation.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Rabbi Yonah Fradkin of Chabad House.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Kehoe.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO THE CITY MANAGER

Comments by Matt Peterson, Paul Peterson, and Dan Pegg regarding the control of a parking structure owned by the RTC which is located at 7th and Broadway.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-118.)

ITEM-PC-2:

Comment by Art Salzberg regarding the latest action of the San Diego Police against the homeless people published in the San Diego Union Tribune.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A119-146.)

ITEM-PC-3:

Comment by Mel Shapiro regarding the Housing Commission Budget.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A147-166.)

ITEM-PC-4: REFERRED TO THE CITY MANAGER

Comment by John Sullivan regarding the procedures for a public bid.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A167-198.)

ITEM-PC-5:

Comment by Shirlyn Daddario regarding bidding procedures on public contracts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A199-232.)

ITEM-PC-6:

Comment by Don Stillwell regarding the HR-1710 Bill.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A233-284.)

ITEM-PC-7: REFERRED TO THE CHIEF OF POLICE

Comment by Isabella Vazquez regarding a fugitive and stalking program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A285-289.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Deputy Mayor Vargas recognizing and thanking the

San Diego Police Department, Southern Division, for their efforts with the Tijuana River Valley and Otay Mesa Valley.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A290-306.)

ITEM-30:

Approval of Council Minutes for the Meetings of:

5/22/95

5/23/95

5/29/95 Adjourned

5/30/95

6/05/95

6/06/95

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A307-314.)

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

ITEM-31: ACCEPTED

Accepting the John Nolen Award for Planning and Urban Design from the San Diego Chapter of the American Institute of Architects.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A664-B079.)

ITEM-32:

SUBJECT: Captain Dan Berglund Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1696) ADOPTED AS RESOLUTION R-285966

Recognizing the outstanding contribution that Captain Dan Berglund has made to enhancing the lives of people living in San Diego;

Proclaiming June 30, 1995 to be "Police Captain Dan Berglund Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A315-390; B080-096.)

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

ITEM-33: RECOGNIZED

(Continued from the meeting of June 5, 1995, Item 30, at Councilmember Warden's request.)

Recognizing, thanking and commending Captain Jeff Frazier, Engineer Todd Dubler, and Fire Fighter Paul Ringe, three members of the San Diego City Fire Department who were in Oklahoma City as part of the City's contribution to the search and rescue efforts following the tragic bombing.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A391-457; B080-096)

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

ITEM-34:

SUBJECT: National Sobriety Checkpoint Week.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1848) ADOPTED AS RESOLUTION R-285967

Supporting the use of sobriety checkpoints as a valuable weapon in the war against impaired driving-related death and injury;

Proclaiming the week of June 28 through July 5, 1995 to be "National Sobriety Checkpoint Week" in San Diego.

CITY MANAGER SUPPORTING INFORMATION:

For the past several years, San Diego has had an ongoing traffic safety program addressing the drinking and drugged driver, especially during the holiday season. During the past several years, the City has been supportive of Mothers Against Drunk Driving (M.A.D.D.) efforts to reduce drinking and driving on our City streets. It is recommended that the City join with M.A.D.D. in supporting National Sobriety Checkpoint Week.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A458-663; B080-096.)

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

ITEM-35: RETURNED TO THE CITY MANAGER

SUBJECT: Request by the Greater Golden Hill Planning Committee for a hearing of an appeal from the decision of the Board of Zoning Appeals in partially approving Zoning Appeals Case C-21254 (Archives America Variance).

(Case C-21254. District-3.)

A motion either granting or denying the request for a hearing of the appeal.

SUPPORTING INFORMATION:

The appeal is being requested because of the approval of a variance to: (1) install a 280 square foot wall sign on a nonconforming industrial building, currently zoned for residential use, where a maximum 8 square foot wall sign is permitted; and to maintain the following, currently in violation; (2) a 6'-0" high open chain link fence with 1'-0"

of sharp pointed fencing on top within the required front yard where a maximum height of 6'-0" is permitted, provided the top 3'-0" is 50% open in compliance with design criteria, and no chain link or sharp pointed fencing is permitted; and (3) a 6'-0" high open chain link fence with 1'-0" of sharp pointed fencing on top within the required street side yard where a maximum height of 6'-0" is permitted, provided the top 3'-0" is 50% open in compliance with design criteria, and no chain link or sharp pointed fencing is permitted. The project site is located at 1348 Delevan Drive, in the GH-1500 Zone, within the Greater Golden Hills Planned District, in the Greater Golden Hills Community Plan area.

FILE LOCATION: ZONE - Zoning Appeals Case C-21254

COUNCIL ACTION: (Tape location: B097-142.)

MOTION BY KEHOE TO RETURN TO THE CITY MANAGER TO BE REFERRED TO THE PLANNING COMMISSION FOR HEARING AS SOON AS POSSIBLE PRIOR TO COUNCIL HEARING. Second by Vargas. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50:

SUBJECT: Amendment to the Mid-City Communities Planned District Ordinance to reinstate a Demolition Review Procedure.

(Districts-2, 3 and 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 6/13/95. (Council voted 7-0. Districts 3 and 8 not present):

(O-95-108) ADOPTED AS ORDINANCE O-18184 (New Series)

Amending Chapter X, Article 3, Division 15, of the San Diego Municipal Code, by amending Section 103.1504 relating to Demolition Review Procedures.

FILE LOCATION: LAND - Mid-City Planned District

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-51:

SUBJECT: Three actions related to Rezoning in the Miramar Ranch North Community Plan Area to redesignate property from Industrial and Business Park to Residential and Commercial.

(District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/6/95.

(Council voted 9-0):

Subitem-A: (O-95-111) ADOPTED AS ORDINANCE O-18185 (New Series)

Rezoning 131 acres located north of Scripps Poway Parkway and east of Scripps Summit Drive (Case-94-0313) to the R1-5000 and R1-1500 Zones.

Subitem-B: (O-95-112) ADOPTED AS ORDINANCE O-18186 (New Series)

Rezoning 6.8 acres located north of Scripps Poway Parkway and east and west of Scripps Summit Drive (Case-94-0332) to the CA Zone.

Subitem-C: (O-95-113) ADOPTED AS ORDINANCE O-18187 (New Series)

Rezoning 28 acres located south of Scripps Poway Parkway, west of Spring Canyon Road (Case-94-0333) to the CA Zone.

FILE LOCATION: LAND - Miramar Ranch North Community Plan

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. 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-100:

SUBJECT: Awarding a Contract to Lekos Electric, Inc. for
Construction of Traffic Signal and Street Lighting
Systems at Two Locations.

(Midway and San Ysidro Community Areas.
Districts-2 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1818) ADOPTED AS RESOLUTION R-285968

Accepting the low base bid and awarding a contract to
Lekos Electric, Inc. (San Diego), for construction of
traffic signal and street lighting systems at Camino De
La Plaza and Camiones Way (Location 1) and at Fordham
Street and Midway Drive (Location 2), in the amount of
\$160,935, which is 28 percent over the City's estimate
of \$125,900;

Authorizing the Auditor and Comptroller to transfer
\$36,000 from CIP-68-010.0, Annual Allocation -
Construct Top 10-15 Prioritized Signals, and \$34,000
from CIP-68-011.0, Annual Allocation - Modernize Top
5-10 Prioritized Signals, for a total of \$70,000,
TransNet Fund 30300, to CIP-68-102.0, for the
Construction of Traffic Signal and Street Lighting
Systems at Camino De La Plaza and Camiones Way
(Location 1) and at Fordham Street and Midway Drive
(Location 2);

Authorizing the additional expenditure of \$70,000 from
CIP-68-102.9, to supplement funds previously authorized
by Resolution No. R-285597 for Construction of Traffic
Signal and Street Lighting Systems at Camino De La
Plaza and Camiones Way (Location 1) and at Fordham
Street and Midway Drive (Location 2), adopted on April
17, 1995;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to retain excess
monies, if any, in CIP-68-011.0. (BID-K95087C)

CITY MANAGER SUPPORTING INFORMATION:

The subject Capital Improvement Project is the construction of traffic signal and street lighting at Camino De La Plaza and Camiones Way (Location 1) and at Fordham and Midway Drive (Location 2). The traffic signal system will provide a safe passage of pedestrians and vehicles through the intersection. Bids were opened on May 25, 1995, for the Construction of the Traffic Signal System at the two locations with a low bid of \$160,935 from Lekos Electric, Inc. This bid was the lowest of six bids received which is 28 percent above the budgeted \$125,900. It is not anticipated that the rebidding would produce a significantly lower bid; therefore, it is recommended that this contract be awarded to Lekos Electric, Inc. This project is scheduled to receive State-Local Partnership SB-300 Cycle Four Funding if awarded by June 30, 1995. If it is not awarded by this date, it will lose its eligibility.

Aud. Cert. 9501210.

FILE LOCATION: CONT - Lekos Electric, Inc. (San Diego)
 CONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

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

* ITEM-101:

SUBJECT: Inviting Bids for Resurfacing Various Streets City Wide
 - Group E.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1557) ADOPTED AS RESOLUTION R-285969

Inviting bids for Resurfacing Various Streets City Wide
- Group E;

Authorizing a contract with the lowest responsible
bidder;

Authorizing the expenditure of \$4,675,000 (\$4,500,000

from the Gas Tax Fund 302191, \$70,000 from Water
Utility Operating Fund 41500, \$105,000 from Sewer
Revenue Fund 41506). (BID-K95211C)

CITY MANAGER SUPPORTING INFORMATION:

This proposed contract is part of the City's Street Maintenance Program. It provides for the repair and resurfacing of approximately 50 miles of asphalt street citywide. Streets to be resurfaced are selected based on their age, surface condition, amount of patching, amount of traffic carried, and to avoid conflicts with underground utility work. The contract continues to require that asphalt adjacent to curbs and gutters is ground down prior to resurfacing to maintain current curb height and proper drainage. The contract also requires that failed areas of pavement be removed and repaired prior to resurfacing. New to this contract are the use of full width grinding of the asphalt on streets where the height of the asphalt would otherwise prevent resurfacing. Also new is the use of asphalt which contains a mixture of recycled and other waste rubber additives. This "Rubberized Asphalt" will be used where the work required on the streets make its use cost effective. Additional requirements for noticing of adjacent property owners has also been included. The large amount of utility trenching now occurring citywide has forced us to postpone our utility clearances, and our final selection of streets to be resurfaced until just prior to the start of work. The Mayor and Council will be provided a final list of streets, and any subsequent changes, as soon as they are available.

Aud. Cert. 9501215.

FILE LOCATION: W.O. 322211 CONT - Daley Corporation
CONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-102:

SUBJECT: Inviting Bids for Remodeling of the Office Building at
9601 Ridgehaven Court.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1556) ADOPTED AS RESOLUTION R-285970

Inviting bids for the Remodeling of the Office Building at 9601 Ridgehaven Court on Work Order No. 112416;

Authorizing a contract with the lowest responsible bidder;

Authorizing the transfer of \$350,000 within the Environmental Services Enterprise Fund 41201 from CIP-32-011.0, Arizona Landfill Closure, to CIP-37-356.0, Waste Management Facility; and amending the FY 95 CIP budget by increasing CIP-37-356.0 when the reimbursement of \$230,000 is received from San Diego Gas and Electric;

Authorizing the expenditure of \$230,000 from Fund 63022, Private and Others Contribution to CIP, and \$2,130,000 from Fund 41201 (of which \$1,920,000 was previously authorized by Resolution R-285548, adopted on March 27, 1995), for the purpose of executing this contract and related costs. (BID-K95213C)

CITY MANAGER SUPPORTING INFORMATION:

The plans have been completed to remodel the City owned building at 9601 Ridgehaven Court (CIP-37-356.0) for the Environmental Services Department and Inspection Services Division of the Development Services Department, which are currently housed in leased office space. This action is to advertise for bidding the construction contract for remodeling, to award the contract to the lowest responsible bidder, and to transfer the required funds. The remodeling plans incorporate significant energy efficiency measures and the use of materials with high recycled content. In response to Mayor Golding's letter to the president of San Diego Gas and Electric (SDG&E), dated February 24, 1995, SDG&E and the Electric Power Research Institute (EPRI) have agreed to a partnership for remodeling the building as a demonstration project for energy efficiency. They have hired a consultant for this project to recommend energy efficiency measures which will be financed by SDG&E through incremental financing and will be partially offset by incentive rebates. SDG&E has allocated approximately \$230,000 for incentives and incremental financing for this project. In addition, the consultant is assisting the City in developing a partnering program with manufacturers of environmentally enhanced building

products. The partnering program is based on the City Venture Program and Council Policy 100-2, and is designed to obtain donations or special discounts on multiple products, ranging in value from \$3,000 to \$30,000 and up. In return for discounts, manufacturers would receive public recognition and publicity resulting from the project. This action will also transfer \$350,000 between CIP projects within the Environmental Services Enterprise Fund from CIP-32-011.0, Arizona Landfill Closure, where budget savings have been identified, to CIP-37-356.0, Waste Management Facility, to provide for unanticipated ADA modifications and additional architectural and engineering services.

Aud. Cert. 9501186.

FILE LOCATION: W.O. 112416; CONT - Soltek of San Diego
CONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-103:

SUBJECT: Approving the Final Map of Dawes Street Townhomes.

(This is a 1-lot subdivision located on the northwest corner of Dawes Street and Sapphire Street. Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1870) ADOPTED AS RESOLUTION R-285971

Approving the final map of Dawes Street Townhomes.

FILE LOCATION: SUBD - Dawes Street Townhomes

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-104:

SUBJECT: Six actions related to Rancho La Cresta Unit No. 1
Final Map, Subdivision Agreement and Related Items.

(A 185-lot subdivision located on the south side of
Scripps Poway Parkway. Scripps Miramar Ranch Community
Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1836) ADOPTED AS RESOLUTION R-285972

Authorizing a Subdivision Improvement Agreement with
Kaufman & Broad of San Diego, Inc., for the
installation and completion of public improvements.

Subitem-B: (R-95-1835) ADOPTED AS RESOLUTION R-285973

Approving the final map.

Subitem-C: (R-95-1837) ADOPTED AS RESOLUTION R-285974

Authorizing an agreement with Kaufman & Broad of San
Diego, Inc., for the maintenance and monitoring of
manufactured slopes.

Subitem-D: (R-95-1838) ADOPTED AS RESOLUTION R-285975

Authorizing an agreement entitled "Agreement Re
Maintenance of Cypress Canyon Park Drive" with the City
of Poway.

Subitem-E: (R-95-1839) ADOPTED AS RESOLUTION R-285976

Accepting a grant deed of Trident Homes of California,
Inc., granting to the City an easement for public
street purposes in the northwest quarter of Section 26,
Township 14 South, Range 2 West, San Bernardino
Meridian; dedicating and naming the same Cypress Canyon
Park Drive.

Subitem-F: (R-95-1840) ADOPTED AS RESOLUTION R-285977

SUBJECT: Four actions related to the Final Subdivision Map of San Andres West P.R.D.

(This is a 53-lot subdivision located northeasterly of I-5 and Villa De La Valle. Via De la Valle Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1780) ADOPTED AS RESOLUTION R-285978

Authorizing a Subdivision Improvement Agreement with Lomas Del Mar, L.P., for the installation and completion of public improvements.

Subitem-B: (R-95-1779) ADOPTED AS RESOLUTION R-285979

Approving the final map.

Subitem-C: (R-95-1781) ADOPTED AS RESOLUTION R-285980

Terminating the Subdivision Improvement Agreement of September 6, 1988; releasing Performance Bond No. 04 52 93, issued by Insurance Company of the West, guaranteeing the improvements.

Subitem-D: (R-95-1782 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-285981

Denying the request of Lomas Del Mar, L.P., the developer of San Andres West P.R.D., for a waiver on the undergrounding of an existing overhead power line.

CITY MANAGER SUPPORTING INFORMATION:

On October 14, 1985 the Subdivision Board of the City of San Diego approved Tentative Map TM-84-0412 for San Andres. Four final maps were recorded over the entire tentative map, and single family homes on three (Units 1, 2, and 3) of the mapped areas were constructed. The developers originally planned to build multi-family housing on Unit 4; however, they changed their plans and processed a new tentative map over Unit 4 to change the product type from multi-family to single-family. The Subdivision Improvement Agreement for San Andres Unit No. 4 (the old map) is being terminated and the surety is being released. A new subdivision improvement agreement is being entered into and new surety is being posted for the new project. Among other improvements, and consistent with San Diego Municipal

Code Section 102.0404, the developer was required to underground an existing overhead power line traversing Unit 4 of the original tentative map. This item of work was not constructed as part of the original T.M. projects because it was located entirely within Unit 4 map boundary. The new T.M. was approved with the same condition. The developer has requested to be relieved of this obligation for the following reasons:

1. At least one of the poles to be undergrounded must be retained in order to continue to provide Southwestern Cable services for the nine homes in Unit 3 located on top of the bluffs.
2. The conversion would represent an isolated undergrounding instance. The poles that exist westerly of the property in the highly commercialized area of Via De La Valle would not be undergrounded.
3. The ownership of Unit 4 is not the same as the ownership of any of the prior three units of San Andres. Analyzing Unit 4 alone, the prorated cost of conversion to the proposed forty-seven living units would exceed the one percent maximum recommended in Council Policy 600-25 by 0.22 percent.

Staff recommends denial of this request for waiver because it does not meet the conditions outlined in Council Policy 600-25 under which a waiver may be considered. The following responses to the developer's reasoning are offered respectively:

1. San Diego Gas & Electric has made an arrangement with Southwestern Cable Company for utilization of the powerpoles. This is a private contract between the two companies and the City should not be impacted by this private arrangement.
2. Should the commercial development to the west of this project apply for redevelopment, they would be required to underground overhead facilities. Additionally, the extension of these overhead facilities to the northeast traverses an undeveloped parcel of land in the City of Solana Beach. When that parcel develops, all overhead facilities in the area will be continuously undergrounded. Staff does not believe this is an isolated instance.
3. The original San Andres P.R.D.T.M. consisted of 144 single family residential units and eight lots for multi-residential units. The undergrounding of overhead facilities was a reasonable requirement of the original T.M. The original developer improved all lots except the parcel in which the overhead facilities are located (Unit No. 4). When a new T.M. was applied for, the undergrounding of overhead facilities continued to be a requirement. The new T.M. was approved by the Planning Commission with this condition. Staff believes that this is a reasonable condition of both

the old T.M. and the new T.M. Staff recommendation:
Approve the final map, enter into a new subdivision
improvement agreement, terminate the old subdivision
improvement agreement, and deny the applicant's request
for waiving the requirements for undergrounding.

FILE LOCATION: SUBD - San Andres West P.R.D. CONFY95-1

COUNCIL ACTION: (Tape location: F326-449.)

MOTION BY MATHIS TO APPROVE THE WAIVER AND THE COMPLETED
ACTION OF THE MAP. 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: Approving Parcel Map W.O. No. 920351 - La Jolla Village
Towers.

(Located southwesterly of La Jolla Village Drive and
Genesee Avenue. University Community Area.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1869) ADOPTED AS RESOLUTION R-285982

Approving Parcel Map W.O. No. 920351 - La Jolla Village
Towers.

FILE LOCATION: SUBD - Costa Verde Parcel Map

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-107:

SUBJECT: Two actions related to Grant of Waterline Easement to

the City of Escondido.

(Located west of Cloverdale Road in San Pasqual Valley.
San Pasqual Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1733) ADOPTED AS RESOLUTION R-285983

Authorizing the execution of an easement deed conveying to the City of Escondido an easement for a water pipeline in a portion of the Southeast Quarter of the Southeast Quarter of Section 19, and a portion of the Northeast Quarter of the Northeast Quarter of Section 301, all in Township 125, Range 1 West, San Bernardino Meridian.

Subitem-B: (R-95-1734) ADOPTED AS RESOLUTION R-285984

Stating for the record that Negative Declaration TPM-20146, Log-94-8-6, 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 report has been reviewed and considered by Council in connection with the approval of the grant of a water pipeline easement to the City of Escondido; approving the Mitigated Negative Declaration; adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The City of Escondido, on behalf of a resident, Mr. Warren Henry, has requested a waterline easement over 1,538 square feet of City land owned by the Water Utilities Department. The easement is located westerly of Cloverdale Road north of the Lindshield lease area in San Pasqual Valley. This 20-foot wide easement will benefit a three lot development in the City of Escondido. The Water Utilities Department has approved this request. City Valuation staff has reviewed and approved a nominal fair market value for the property.

FILE LOCATION: DEED F-6515 DEEDFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-108:

SUBJECT: Easement Deed to Pacific Bell for Communications
Services in San Pasqual Valley.

(Located at Cloverdale Road, one mile north of Highway
78. San Pasqual Valley Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1649) ADOPTED AS RESOLUTION R-285985

Authorizing the execution of a deed conveying to
Pacific Bell an easement for communication services to
a City lessee in the southwest quarter of the northeast
quarter of Fractional Section 30, Township 12 South,
Range 1 West, San Bernardino Meridian, and located on
Cloverdale Road, one mile north of Highway 78.

CITY MANAGER SUPPORTING INFORMATION:

In March, 1995 the City Manager authorized Pacific Bell to
construct communication facilities across City property to
service the Lindshield leasehold. Construction is complete and
Pacific Bell needs to now obtain a permanent easement. This
8-foot wide easement will be approximately 437 feet in length.
The Water Utilities Department has reviewed and approved the
easement.

FILE LOCATION: DEED F-6516 DEEDFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-109:

SUBJECT: Water Easement Exchange - Parcel 2 of Parcel Map
PM-11383.

(Located northeasterly of the intersection of Camino
Ruiz and New Salem Street. Mira Mesa Community Area.
District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1808) ADOPTED AS RESOLUTION R-285986

Approving the acceptance by the City Manager of the
deed of Pardee Construction Company, conveying to the
City a water easement in a portion of Parcel 2 of
Parcel Map PM-11383;

Authorizing a quitclaim deed, quitclaiming to Pardee
Construction Company, all of the City's right, title
and interest in a water easement in Parcel 2 of Parcel
Map PM-11383.

FILE LOCATION: DEED F-6517 DEEDFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-110:

SUBJECT: Drainage Easement Abandonment within Parcel 2 of Parcel
Map PM-14132.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1817) ADOPTED AS RESOLUTION R-285987

Vacating the City's interest in a drainage easement
located within Parcel 2 of Parcel Map PM-14132.

CITY MANAGER SUPPORTING INFORMATION:

The proposed drainage easement abandonment has been requested in conjunction with the redevelopment of Parcel 2 of Parcel Map PM-14132.

Development of the site is regulated per Coastal Development Permit/La Jolla Planned District Permit No. 91-0229, which was approved by the Planning Commission on March 11, 1993. A mitigated declaration (DEP-91-0229) was also reviewed and certified by the Planning Commission. The drainage easement will no longer be required once the site is redeveloped and existing drainage facilities are relocated. The relocation of the drainage facilities is currently under construction. Staff review of this drainage easement abandonment indicates the four required findings for this abandonment can be made and this easement may be summarily abandoned.

FILE LOCATION: DEED F-6518 DEEDFY95-1

COUNCIL ACTION: (Tape location: F450-552.)

MOTION BY MATHIS TO ADOPT. 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-111:

SUBJECT: North Mission Valley Interceptor Sewer - Abandonment of Easements.

(Mission Valley Community Area. Districts-6 & 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1814) ADOPTED AS RESOLUTION R-285988

Authorizing the sale of unneeded sewer easements affecting a portion of Lots 3 and 4, Block 45, Grantville and Out Lots, Map-776, and a portion of Lots 34 and 36, Map-330, and Units 1 and 2, Maps-11675 and 11676 for the cost of processing to H.G. Fenton Material Company;

Authorizing the execution of a quitclaim deed,

quitclaiming to H.G. Fenton Material Company all the City's right, title and interest in the easements;

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

CITY MANAGER SUPPORTING INFORMATION:

In April, 1990, the City acquired two no-cost easements from the H.G. Fenton Material Company for the realignment of the North Mission Valley Interceptor Sewer line. The sizes were 4,517 square feet and 82,679 square feet. The newly constructed 72-inch and 96-inch line replaced a 54-inch line which was inadequate to service anticipated growth in the eastern areas of the City and County.

As consideration for the no-cost easements, and after installation of the new sewer line, the City was to quitclaim its interest in the abandoned easements crossing the Fenton property. The new sewer line is now in and operating. The areas of abandonment are 5,895 square feet and 56,956 square feet. The easements have been reviewed by all affected City departments and, in accordance with Council Policy 600-15, there is no prospective use for the easements, either for the use for which they were originally acquired, or for any other public use of a like nature that can be anticipated.

FILE LOCATION: DEED F-6519 DEEDFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-112:

SUBJECT: Two actions related to Drainage Easement and Emergency Access Easement Abandonment - Drucker Lane at Kerns Street.

(Located south of Siempre Viva Road and Drucker Lane. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1852) ADOPTED AS RESOLUTION R-285989

Authorizing the sale of unneeded drainage and emergency access easements in Parcel 2 of Parcel Map PM-15289 for the cost of processing to Mitsui Real Estate Sales USA Company Ltd.;

Authorizing the execution of a quitclaim deed, quitclaiming to Mitsui Real Estate Sales USA Company Ltd., all the City's right, title and interest in the drainage and emergency access easements;

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

Subitem-B: (R-95-1853) ADOPTED AS RESOLUTION R-285990

Stating for the record that Mitigated Negative Declaration DEP-94-0516, 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;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.6.

CITY MANAGER SUPPORTING INFORMATION:

The drainage and emergency access easements being abandoned were acquired at no cost to the City and the City has no fee interest. Engineering approved this abandonment on February 21, 1995. These easements are being abandoned for the cost of processing. No easements are being granted to replace these because the drainage channel has been moved to City-owned property, and an access strip from the terminus of Drucker Lane south to the U.S./Mexico border was deeded to the City for vehicular right-of-way for the La Media Truck Route. Approval of the easement abandonment would be the final step in the Gateway Truck Park Project, and the first Process 2000 Project to span entirely from Preliminary Review, through discretionary Plan Review, and to completion of the Design Review process for construction of the Project.

FILE LOCATION: DEED F-6520 DEEDFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-113:

SUBJECT: Conflict of Interest Code for the Civic Events and
Promotional Programs Allocation Board.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1738) ADOPTED AS RESOLUTION R-285991

Adopting a Conflict of Interest Code for the Civic
Events and Promotional Programs Allocation Board.

CITY MANAGER SUPPORTING INFORMATION:

On February 22, 1993, the City Council adopted Resolution R-281494 approving a new procedure for making recommendations to the City Council for the annual allocation of Transient Occupancy Tax (TOT) funds for Civic Events and Promotional Programs. A nine-member temporary board was appointed by the City Manager consisting of representatives nominated by each of the Council members. On January 18, 1994, the City Council directed the City Manager to establish a permanent board for the Fiscal Year 1996 process. The permanent board consists of nine members who are appointed by the major and confirmed by the City Council. The City Manager, on the advice of the City Attorney, recommends that a conflict of interest code be adopted for the Civic Events and Promotional Programs Allocation Board. The Board makes recommendations which are, and have been over the past two years, regularly approved without significant modification by the City Manager or the City Council within the meaning of California Code Regulations 18700(a)(1)(c).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-114: NOTE AND FILE

SUBJECT: San Diego County Apartment Association Day.

COUNCILMEMBER HARVEY'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1826)

Recognizing the San Diego County Apartment
Association's ongoing dedication to housing San
Diegans;

Proclaiming Friday, June 23, 1995 to be "San Diego
County Apartment Association Day" in San Diego, in
recognition of the San Diego County Apartment
Association's 21st Annual Rental Housing Education
Conference and Exposition.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT MOTION BY McCARTY TO NOTE AND FILE. 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-115:

SUBJECT: Excused Absence for Councilmember McCarty from the
Council Meeting of 6/5/95.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1888) ADOPTED AS RESOLUTION R-285993

Excusing Councilmember Judy McCarty from attending the
Council meeting of June 5, 1995 due to out of town
travel.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)
CONSENT 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-116:

SUBJECT: Excusing Deputy Mayor Vargas from the May 30 and June
13, 1995 Council Meetings.

DEPUTY MAYOR VARGAS' RECOMMENDATION:

Adopt the following resolution:

(R-95-1812) ADOPTED AS RESOLUTION R-285994

Excusing Deputy Mayor Juan Vargas from attending the
Council meetings of May 30 and June 13, 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-117:

SUBJECT: Settlement of the Property Damage Claim of Mr. & Mrs.
Waltham M. Bates.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1809) ADOPTED AS RESOLUTION R-285965

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 request advance funding
from SANDAG through the debt financing program in an
amount not to exceed \$220,000;

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

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

Authorizing the City Manager to pay the total sum of
\$220,000 in the settlement of each and every claim
against the City, its agents and employees, brought by
Mr. and Mrs. Waltham M. Bates, 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
reallocate \$220,000 in TransNet bond proceeds, Fund
30302, by transferring \$220,000 from CIP-52-433.0,
Fairmount Avenue from Montezuma Road to Interstate 8,
to TransNet Public Liability Reserve Fund 30302, J.O.
127005;

Authorizing the City Auditor and Comptroller to issue
one check in the total amount of \$220,000 made payable
to First American Title Insurance Company, in full
settlement of all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the
property damage claim of Mr. & Mrs. Waltham Bates 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. 9501198.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-118:

SUBJECT: Settlement of the Personal Injury Claim of Bozier Hails
Demaree.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1894) ADOPTED AS RESOLUTION R-285995

A Resolution approved by the City Council in Closed
Session on Tuesday, May 30, 1995 by the following vote:
Mathis-yea; Harvey-not present; Kehoe-yea; Stevens-yea;
Warden-yea; Stallings-yea; McCarty-yea; Vargas-not
present; Mayor-yea.

Authorizing the City Manager to pay the total sum of
\$80,000 in the settlement of each and every claim
against the City, its agents and employees, resulting
from the personal injury to Bozier Hails Demaree
(Superior Court Case No. 673332, Bozier Hails Demaree
v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue
one check in the total amount of \$80,000 made payable
to Bozier Hails Demaree and her attorney of record,
Ernest M. Gross, Esq., in full settlement of the
lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the
personal injury claim of Bozier Hails Demaree against the City of
San Diego, its agents and employees, as a result of an incident
which occurred on February 22, 1993.

Aud. Cert. 9600010.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-119:

SUBJECT: High Intensity Drug Trafficking Area Initiative Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1834) ADOPTED AS RESOLUTION R-285996

Authorizing the City Manager to accept, manage and
expend grant funds from the High Intensity Drug
Trafficking Area Initiative as described in the Award
Document and Letter;

Authorizing the City Manager to execute all aspects of
program operation, including any amendments,
extensions, renewals, or future funding for this
program, for a period of up to five years, provided
funding is made available by the United States
Department of Justice, and/or the High Intensity Drug
Trafficking Area Initiative.

Aud. Cert. 9501196.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-120:

SUBJECT: Additional Repairs to Two Fire Department Aerial
Ladders.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1741) ADOPTED AS RESOLUTION R-285997

Authorizing a contract increase of \$54,214.13 to Purchase Order 9943456 (Seagrave Fire Apparatus, Inc.) for additional repairs to two Fire Department aerial ladder trucks.

CITY MANAGER SUPPORTING INFORMATION:

On March 21, 1994, Council Resolution R-283553 approved the transport and repair of four (4) Seagrave Aerial Ladders for the Fire Department. The ladders were transported by the manufacturer to its facility in Clintonville, Wisconsin. The amount estimated for the repairs was \$205,960.84. At the Seagrave facility, two additional sections of the ladders were found to be beyond repair and in need of replacement, at an additional cost of \$54,214.13. Fire Department staff approved the replacement. Delay would have resulted in a reschedule of the ladder repairs, extending their out-of-service time by an additional three to six months. The added costs for the two additional aerial ladder sections requires an increase of \$54,214.13 to the contract/Purchase Order 9943456, bringing the full repair cost to a total of \$250,174.97.

Aud. Cert. 9501221.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe. 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-121:

SUBJECT: Transfer of Funds for the Montgomery Field Runway Extension.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1885 Cor.Copy) ADOPTED AS RESOLUTION R-285998

Authorizing the Auditor and Comptroller to transfer not to exceed \$285,000 from Operating Fund 41100 to CIP-31-1410;

Authorizing the expenditure of not to exceed \$285,000 from CIP-31-1410, for the purpose of providing funds for additional construction requirements in the Montgomery Field Runway Extension Project;

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

CITY MANAGER SUPPORTING INFORMATION:

The Montgomery Field Runway Extension was approved on September 12, 1994. The project was undertaken to enhance the community by creating a safer and quieter airport. The project includes provisions to protect or enhance the environment. The original concept was to build the runway extension during dry weather conditions and before the beginning of the gnatcatcher nesting season. However, delayed project approval by the U.S. Fish and Wildlife Service (USFWS) and other environmental agencies caused the FAA and the City to issue the Notice to Proceed after the wet weather conditions had commenced (January 1995). After a series of preconstruction negotiations between the Airports Division assisted by Affinis, the City's Development and Environmental Planning Division and the USFWS, construction began in spite of the constraints of the rains, the vernal pools and the gnatcatcher.

The alternative was to delay the project until August 15, 1995, the official end of the gnatcatcher nesting season and the beginning of the dry season. Protection of the environment combined with the difficulties of construction during the rainy season have increased the scope of work of the project. The increased scope of work will result in increased costs which are estimated to be:

- Increased environmental protection - \$98,000
- Storm drain construction - \$42,000
- Removing and replacing unstable soil - \$80,000
- An FAA mandated runway lighting system - \$65,000

Aud. Cert. 9501241.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-122:

SUBJECT: Transfer of Funds to Finance Increased Biological Monitoring Services, Montgomery Field Runway Extension.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1886) ADOPTED AS RESOLUTION R-285999

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$48,000 from Fund 41100 to CIP-31-1410;

Authorizing the expenditure of an amount not to exceed \$48,000 from CIP-31-1410, for the purpose of providing funds to finance increased biological monitoring services, Montgomery Field Runway Extension project;

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

CITY MANAGER SUPPORTING INFORMATION:

Affinis provides biological monitoring services for the Montgomery Field Runway Extension project. These services are mandated by the environmental permits issued for this project by the U. S. Fish and Wildlife Service (USFWS) and other agencies. The scope of work for this project has increased substantially as a result of the difficulties of construction during the rainy season, near vernal pools and nesting gnatcatchers. The original estimate of working days, environmental concerns and concern over construction during the rainy season increased the number of working days the contractor bid for construction. The original concept was to construct the runway extension during dry weather conditions and before the beginning of the gnatcatcher nesting season. However, delayed project approval by the USFWS and other

environmental agencies caused the FAA and the City to issue the Notice to Proceed after the wet weather conditions had commenced (January 1995).

Affinis assisted the Airports Division during a series of preconstruction negotiations with the City's Development and Environmental Planning Division and the USFWS, after which, construction began in spite of the constraints of the rains, the vernal pools and the gnatcatchers. The alternative was to delay the project until August 15, 1995, the official end of the gnatcatcher nesting season and the beginning of the dry season. Affinis represented the Airports Division during these preconstruction negotiations and during project site inspections. They also composed reports, created procedures and designed systems to protect the vernal pools and the gnatcatchers. These extensive preconstruction negotiations resulted in an increased scope of work for Affinis and required the expenditure of most of the funds in the existing \$24,000 contract. An additional amount not to exceed \$48,000 will be needed to provide continued services necessary to complete the Montgomery Field Runway Extension project. The amendment includes the provision of increased services for 100 working days. These services include daily biological monitoring; composition of daily and weekly biological reports; participation in construction meetings and meetings with environmental agencies; and provide daily interaction with resident engineer concerning environmental issues.

Aud. Cert. 9501240.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-nay, Vargas-yea, Mayor Golding-yea.

* ITEM-123:

SUBJECT: Construction of Changeable Message Sign Systems on
Friars Road.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1872) ADOPTED AS RESOLUTION R-286000

Authorizing the expenditure of not to exceed \$200,000 from CIP-34-200.0, AA - San Diego Jack Murphy Stadium, Fund 10332, for the construction of changeable message signs on Friars Road;

Authorizing the Auditor and Comptroller to retain excess monies, if any, in CIP-34-200.0.

CITY MANAGER SUPPORTING INFORMATION:

The subject Capital Improvement Program provides for needed improvements at San Diego Jack Murphy Stadium. This particular project provides for the furnishing and installation of changeable message signs on Friars Road. There will be two signs installed as part of this project, one each on the east and west bound approaches to the Stadium. The changeable message signs will be installed on the existing cantilever overhead sign structures on Friars Road. The signs will be capable of a minimum of one hundred messages.

Aud. Cert. 9501235.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-124:

SUBJECT: Transfer of Funds: Park De La Cruz Phase I.
(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1820) ADOPTED AS RESOLUTION R-286001

Amending the FY 1995 Capital Improvement Project Budget by adding CIP-12-096.0 - Park De La Cruz Phase I;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$26,851.16 from CIP-17-001.0, Annual Allocation - Minor Drains and Seepage Problems, Sublet CIP-17-102.8, West Drescher Street, Fund 30300 to CIP-12-096.0, Park De La Cruz Phase I, Fund 30300.

CITY MANAGER SUPPORTING INFORMATION:

This project will provide for the design of a storm drain and grading plans for Park de la Cruz and a portion of 38th Street. In conjunction with CalTrans I-15 grading and improvements, the storm drain, grading and 38th Street will be constructed concurrently with the I-15 improvements. The West Drescher Street Storm Drain (CIP-17-102.8) improvements are complete. The project has been completed with a surplus of \$26,851.16 in the CIP account. These funds are requested to be transferred to CIP-12-096.0, Park De La Cruz Phase I, for the design of the storm drain, grading and 38th Street improvements. Funds for construction are being identified and a recommendation will be brought to Council at a later date.

Aud. Cert. 9501218.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-125:

SUBJECT: Memorandum of Understanding with Local 127, AFSCME, AFL-CIO.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1849) ADOPTED AS RESOLUTION R-286002

Endorsing and approving the Memorandum of Understanding agreed to by the Management Team and representatives of Local 127, AFSCME, AFL-CIO.

CITY MANAGER SUPPORTING INFORMATION:

The Management Team of the City of San Diego has met and conferred with Local 127 regarding hours, wages, working conditions, and other terms and conditions of employment for employees represented by Local 127 in the Classified Service. Pursuant to these negotiations, the Management Team and Local 127 have agreed to the provisions contained in the successor MOU on file with the City Clerk's Office.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-126:

SUBJECT: Memorandum of Understanding (MOU) with Local 145 of the
International Association of Firefighters (IAFF).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1850) ADOPTED AS RESOLUTION R-286003

Endorsing and approving the Memorandum of Understanding
(MOU) agreed to by the Management Team and
representatives of Local 145 of the International
Association of Firefighters (IAFF).

CITY MANAGER SUPPORTING INFORMATION:

The Management Team of the City of San Diego has met and conferred with Local 145 regarding hours, wages, working conditions, and other terms and conditions of employment for employees represented by Local 145 in the Classified Service. Pursuant to these negotiations, the Management Team and Local 145 have agreed to the provisions contained in the successor MOU on file with the City Clerk's Office.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-127:

SUBJECT: Memorandum of Understanding (MOU) with the Municipal
Employees Association (MEA).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1851) ADOPTED AS RESOLUTION R-286004

Endorsing and approving the Memorandum of Understanding
(MOU) agreed to by the Management Team and
representatives of the Municipal Employees Association
(MEA).

CITY MANAGER SUPPORTING INFORMATION:

The Management Team of the City of San Diego has met and
conferred with MEA regarding hours, wages, working conditions,
and other terms and conditions of employment for employees
represented by MEA in the Classified Service. Pursuant to these
negotiations, the Management Team and MEA have agreed to the
provisions contained in the successor MOU on file with the City
Clerk's Office.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-128:

SUBJECT: Health Insurance Premium Reimbursement for Pre-1980
Retirees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1867) ADOPTED AS RESOLUTION R-286005

Authorizing the City Manager to implement the Fiscal Year 1996 Health Insurance Premium Reimbursement Benefit for Eligible Pre-1980 Retirees;

Authorizing the expenditure of an amount not to exceed \$720,000 from Fund 60013 for the purpose of providing funds for the above program;

Authorizing the Retirement Administrator to administer the program.

CITY MANAGER SUPPORTING INFORMATION:

A Health Insurance Premium Reimbursement Benefit for eligible pre-1980 retirees was established for Fiscal Year 1995. The benefit established was a reimbursement of up to \$589.20 for actual health insurance premium expenses incurred. The benefit was effective for Fiscal Year 1995 only. The City Manager proposes to continue coverage through Fiscal Year 1996. The continued benefit is a reimbursement of up to \$553.20 for actual health insurance premium expense incurred. The benefit is effective from July 1, 1995 through June 30, 1996. The FY95 reimbursement was up to \$589.20 and was tied to the Kaiser Health Pledge cost. The FY 96 amount is tied to the Medicare rate of \$46.10 per month instead of the Kaiser rate which would have resulted in a reduction of over \$250. The Benefit is available to all retirees (no survivors or ex-spouses) who are not currently provided a City-paid health insurance benefit. This includes those retirees who retired prior to October 6, 1980 as well as those retirees who were ineligible for health insurance as of June 30, 1994 for any other reason, such as deferred retirement, disability retirement, etc. Eligible retirees may: 1) apply the benefit toward reimbursement of the Medicare Part B Premium, which is reimbursed on a quarterly basis, or, 2) request reimbursement of actual premium expense incurred, up to \$553.20, for either a privately secured health insurance plan or one of the City-sponsored group health expense incurred, not to exceed \$553.20. If the retiree should die prior to distribution of the annual reimbursement benefit, the named beneficiary will receive a pro-rata benefit based on the retiree's date of death. It is estimated that the benefit will cost approximately \$720,000 and will be paid from the Retiree Health Insurance Trust fund (60013). The Health Insurance Premium Benefit for Eligible Retirees will be administered by the Retirement Administrator for

the City Employees' Retirement System.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-129:

SUBJECT: Amendment and Restatement of the Long-Term Disability
Income Plan.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1868) ADOPTED AS RESOLUTION R-286006

Approving the amended and restated Long-Term Disability
Income Plan, pursuant to the City's agreement with
employee organizations as of July 1, 1995.

CITY MANAGER SUPPORTING INFORMATION:

The Long-Term Disability Income Plan has been amended and
restated pursuant to the City's agreement with employee
organizations as of July 1, 1995 as follows:

- 1) Industrial disabilities caused by employment with the City
were excluded from LTD benefits for such disabilities
occurring on or after July 1, 1994. LTD benefits are
herewith restored after a period of twelve months of
Industrial Leave coverage has been exhausted for such
disability. LTD coverage may then be approved for a maximum
period of twelve months while the participant is medically
certified as totally disabled as defined in Section 4.03(B).
- 2) Long-Term Disability Participants shall maintain their
eligibility for coverage after their effective date of
retirement from the City Employees' Retirement System as
defined by Plan provisions.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-130:

SUBJECT: Two actions related to First Amendment to the Agreement
with Boyle Engineering Corporation for the Penasquitos
Trunk Sewer Relief Project.

(University, Mira Mesa and Miramar Ranch North
Community Areas. Districts-1 & 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1841) ADOPTED AS RESOLUTION R-286007

Authorizing a first amendment to the agreement of
August 9, 1993 with Boyle Engineering Corporation, for
design services in connection with the Penasquitos
Trunk Sewer Relief Project;

Authorizing the expenditure of not to exceed \$250,000
from Sewer Revenue Fund 41506, CIP-46-120.0,
Penasquitos Trunk Sewer Relief.

Subitem-B: (R-95-1842) ADOPTED AS RESOLUTION R-286008

Stating for the record that Environmental Impact Report
and Mitigation, Monitoring and Reporting Program
DEP-91-0890 has been reviewed and considered by the
Council as Lead Agency in connection with the
Penasquitos Trunk Sewer Relief Maintenance Facility.

CITY MANAGER SUPPORTING INFORMATION:

On August 9, 1993, the City Council approved the agreement
between the City and Boyle Engineering Corporation to provide
design services for the Penasquitos Trunk Sewer Relief Project.
This request is for approval of Amendment No. 1 to the Agreement
with Boyle Engineering Corporation which includes:

1. Reconfiguration of Instrumentation and Control System - to
provide an instrumentation system that complies with the
MWWDD Design Guidelines for Pump Station Instrumentation and
Controls and to provide a system that is compatible with
other planned MWWDD facilities. The cost for this task is
\$97,817.

2. Addition of a Maintenance Facility - to provide design of the maintenance facility for the pump station. The cost for this task is \$105,134.
3. Artwork - in order to comply with Council Policy 900-11 effective March 30, 1992, pertaining to art being incorporated to City projects, MWWD has selected Mr. Philip Matzigkeit to be the artist for the Penasquitos Trunk Sewer Relief Project. This fee will provide for the design of required art and landscape design enhancements. The artist's fee for construction of the enhancements will be part of a subsequent and separate contract. The cost for this task is \$34,201.
4. Additional Services - Additional services provides funding for unforeseen changes to the aforementioned tasks. The cost for this task is \$12,848.

Aud. Cert. 9501205.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-131:

SUBJECT: Amendment No. 2 to the Agreement with Dudek &
Associates, Inc., for "As-Needed" Environmental
Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1819) ADOPTED AS RESOLUTION R-286009

Authorizing Amendment No. 2 to the Agreement with Dudek
& Associates, Inc., to add \$100,000 to the contract
value, increasing the total to an amount not to exceed
\$500,000 for "as-needed" environmental services.

CITY MANAGER SUPPORTING INFORMATION:

The original agreement between the City and Dudek and Associates,
Inc., for "as-needed" environmental services was adopted December

9, 1991 via Resolution R-279131. The agreement was issued for an amount not to exceed \$300,000. Amendment No. 1 was issued on September 27, 1993 via Resolution R-282687 increasing the contract value to \$400,000 due to ongoing as-needed environmental requirements. Amendment No. 2 is requested to increase the contract value by \$100,000 to an amount not to exceed \$500,000. Amendment No. 2 will allow completion of the 2 active authorized task orders which are still ongoing and nearing completion. With the conclusion of the Task Orders this agreement will be closed-out in its entirety.

MBE/WBE Utilization:

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, including minorities and women, Dudek & Associates has retained the following subconsultants as members of their engineering consultant team in connection with this project.

Certified Subconsultants:	Other Subconsultants:
MBE-Gallegos & Assoc.	Darwell & Assoc.
MBE-Estrada Land Planning	Potter & Assoc.
MBE-Sota Environmental Technologies	Habitat Restoration
MBE-KTU+A	Geocon Inc.
WBE-RMW Paleo	Giroux & Assoc.
WBE-Sycamore Assoc.	Linscott Law & Greenspan
WBE-Victoria Aires Touchstone	

Due to the nature of "as-needed" projects, the percentage utilization of MBE/WBE subconsultants is dependent upon the tasks authorized by the City and the type of work required by those tasks.

Aud. Cert. 9501230.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-132:

SUBJECT: Third Amendment to the Agreement with P&D Technologies
for the Montgomery Field Runway Extension Project.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1887) ADOPTED AS RESOLUTION R-286010

Authorizing a third amendment to the agreement with P&D Technologies for the Montgomery Field Extension Project;

Authorizing the Auditor and Comptroller to transfer not to exceed \$78,000 from Operating Fund 41100 to CIP-31-1410;

Authorizing the expenditure of not to exceed \$78,000 from CIP-31-1410;

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

CITY MANAGER SUPPORTING INFORMATION:

The Montgomery Field Runway Extension construction project was approved on September 12, 1994. This project benefits the public by improving the airport's safety, by reducing aircraft noise and through provisions which protect or enhance the environment. The engineer's original time estimate for this project was 60 working days. However, the construction contract was awarded to a contractor who bid 100 working days based on three issues. The first issue was the increased difficulty of construction during the wet season. The second issue was conforming to the corresponding environmental provisions during the wet season. The third issue was conformance to FAA requests made at the preconstruction meeting. During this meeting, the FAA requested that the City assign to the project, an independent, full-time resident inspector, experienced in airport and runway construction, as well as additional project engineering services. To concur with the FAA wishes, and to respond to the increased construction time, additional construction inspection and engineering services are required. These services would increase the existing contract with the engineering consultant, P&D Technologies, by \$78,000 of which \$70,200 is eligible for funding by the FAA. The Montgomery Field Runway Extension culminates a 12-year effort that began with the development of the Master Plan Update in 1982. The most prominent element of the plan is the 1,200 foot extension of the airport's main runway. This extension will benefit the users of the airport and the general public by improving safety and reducing the noise of the

departing aircraft.

Aud. Cert. 9501239.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.
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-133:

SUBJECT: Two actions related to Change Order No. 13 for the
Construction of the Rose Canyon Trunk Sewer.

(University and Clairemont Mesa Community Areas.
Districts-1 & 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1827) ADOPTED AS RESOLUTION R-286011

Approving Change Order No. 13, with the City of San
Diego and PCL Civil Constructors, Inc., increasing the
contract price by \$288,560.77;

Authorizing the expenditure of not to exceed
\$212,166.68 from General Services Dept. No. 3220,
Street Division Fund No. 302191, Object Account 4213,
Job Order No. 322222, for purposes of cost sharing and
funding this change order, and not to exceed \$76,394.09
from Sewer Revenue Fund 41506, Contingency Account
4905, CIP-46-111.0, Rose Canyon Trunk Sewer.

Subitem-B: (R-95-1828) ADOPTED AS RESOLUTION R-286012

Stating for the record that Environmental Impact Report
and Mitigation, Monitoring and Reporting Program
DEP-89-0876 has been reviewed and considered by the
City Council, as Lead Agency, in connection with the
construction of the Rose Canyon Trunk Sewer.

CITY MANAGER SUPPORTING INFORMATION:

On January 10, 1994 by Resolution Nos. R-283247 and R-283248, the City Council approved the plans and specifications, and authorized execution of a contract for the construction of Rose Canyon Trunk Sewer. The construction contract was awarded to PCL Civil Constructors, Inc. on March 10, 1994. During installation of the sewer pipeline in Santa Fe Street, it was noted that several areas of the existing pavement were in poor shape from a number of factors including roadway settlement, extensive surface cracking and potholes. These conditions were unrelated, and pre-existing prior to the start of the pipeline construction. To fix this situation and give citizens a better product, the substandard pavement was removed and replaced with a standard road section. Also, Santa Fe Street will be overlaid with asphalt concrete pavement in order to provide for better drainage, smooth traffic transitions and longer road life. Construction Change Order No. 13 is for the contractor's additional cost for paving areas of Santa Fe that are outside of the pipeline contract requirements. This change order is \$288,560.77. The City's Street Division was asked to participate in the cost for rehabilitating Santa Fe Street. This will provide an overall cost savings to the City by utilizing an existing contract to correct the above mentioned roadway deficiencies. Street Division will pay \$212,166.68 of this contract change order.

Aud. Cert. 9501181.
WU-U-95-164.

FILE LOCATION: CONT - PCL Civil Constructors, Inc.
 CONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-134:

SUBJECT: Appointments to the Civic Events and Promotional
 Programs Allocation Board.

(See memorandums from Mayor Golding dated 6/13/95 with
resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1897) ADOPTED AS RESOLUTION R-286013

Council confirmation of the following appointments by the Mayor to serve as members of the Civic Events and Promotional Program Allocation Board, for terms ending September 30, 1995:

John K. Hughes
Susan Baumann

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-135:

SUBJECT: Airports.

(See City Manager Reports CMR-95-31 and CMR-95-112. Serra Mesa, Clairemont, Kearny Mesa, Tierrasanta, Otay Mesa, Otay Nestor and San Ysidro Community Areas. Districts-5,6,7 & 8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-95-1479) ADOPTED AS RESOLUTION R-286014

Establishing Council Policy No. 700-15 entitled "Airport Policy."

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

On 2/8/95, NRC&A voted 5-0 to accept City Manager Report CMR-95-31 and make the following changes prior to the item going to Council (Councilmembers Mathis, Harvey, Warden, Stallings and McCarty voted yea):

A. Amend the Airport Policy to add an eighth item which would specify that only trained professional staff be hired as airport operators.

B. Amend Item 3d, Airports Policies and Procedures to read: Support and encourage all categories of aviation especially

general aviation to use the airports within the limits established by the City of San Diego such as aircraft weight and noise.

C. Add Airports Advisory Committee recommendations to all Manager's Reports dealing with airport issues.

D. Report back to the Committee on the status of the San Diego Association of Government's (SANDAG) Comprehensive Land Use Plan for the Brown Field area and prepare a letter to SANDAG to be signed by the Committee Chair on behalf of the Committee requesting the expeditious completion of this plan.

E. Amend Item 5 of the Airport Policy to read: Identify and involve the users, citizens including the City Manager's Airports Advisory Committee, and various other beneficiaries in the operation, utilization, and development of the airports.

F. Amend the Airports Advisory Committee structure to allow for community representation by a member of an officially recognized City of San Diego Planning and Land Use Committee from the areas impacted by the airports with the representative chosen by the impacted groups and rotated as decided by the community representatives.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-150:

SUBJECT: Housing Trust Funds - Otay Mesa Enterprise Zone.

(See City Manager Report CMR-95-121. Otay Mesa
Community Area. District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-95-1901) ADOPTED AS RESOLUTION R-286015

Waiving the Housing Trust Fund fees in the San
Ysidro/Otay Mesa Enterprise Zone; authorizing the City
Manager to waive the fees under the terms and
conditions set forth in City Manager Report CMR-95-121.

RULES COMMITTEE'S RECOMMENDATION:

On 5/22/95, RULES voted 3-2 to accept the City Manager's recommendation and forward to City Council. (Councilmembers Stallings, Vargas and Mayor Golding voted yea. Councilmembers Kehoe and Warden voted nay.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B325-C144.)

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

ITEM-151:

SUBJECT: Two actions related to the Transportation Demand Management (TDM) Ordinance.

(See City Manager Reports CMR-95-144 and CMR-95-103; SANDAG Report 95-4-20; and TDM Program Summary.)

TODAY'S ACTIONS ARE:

Introduction of the following ordinance and adoption of the following resolution:

Subitem-A: (O-95-119) INTRODUCED, TO BE ADOPTED ON JULY 17, 1995

Introduction of an Ordinance repealing Chapter VII, Article 1, Division 1, Sections 71.0101, 71.0102, 71.0103, 71.0104, 71.0105, 71.0106, 71.0107, 71.0108, 71.0109, 71.0120, 71.0121, 71.0122, 71.0123, 71.0130, 71.0131, 71.0150 and 71.0160; and by amending Chapter X, Article 1, Division 19, Section 103.1935 of the San Diego Municipal Code relating to the Transportation Demand Management Program.

Subitem-B: (R-95-1895) ADOPTED AS RESOLUTION R-286016

Adoption of a Resolution repealing the Technical Requirements of the San Diego Transportation Demand Management (TDM) Ordinance, as amended.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/3/95, LU&H voted 3-1 to repeal the Transportation Demand Ordinance, Municipal Code Section 71.0101, and direct

the City Manager to work with the San Diego County Regional Transportation Commission/SANDAG to incorporate a voluntary survey and Worksite Evaluation as part of SANDAG's Regional Transportation Planning.

(Councilmembers Harvey, Warden and McCarty voted yea. Councilmember Stevens voted nay. Councilmember Mathis not present.)

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

COUNCIL ACTION: (Tape location: C145-D524.)

Motion by Warden to adopt the LU&H Committee recommendation which is to repeal the Transportation Demand Management Ordinance stated as Subitems A and B with direction to the City Manager to do the following: 1. Propose a contract out to Transportation Management Association (TMA) to do the public outreach portion of the TDM Program; 2. Amend the Air Pollution Control District (APCD) Grant Application - New Contract for Public Outreach Program; 3. Reach a RFP for the public portion for the grant; 4. Use marketing outreach methods for the TDM Program to encourage employees to rideshare; and 5. With respect to Council Member Mathis' suggestion, bring back to LU&H Committee the developer issue regarding traffic impacts of new development for the TDM Program. Second by Harvey.

Substitute motion by Stevens to adopt the City Manager's recommendation. No second.

MOTION BY WARDEN TO ADOPT THE LU&H COMMITTEE RECOMMENDATION WHICH IS TO REPEAL THE TRANSPORTATION DEMAND MANAGEMENT ORDINANCE STATED AS SUBITEMS A AND B WITH DIRECTION TO THE CITY MANAGER TO DO THE FOLLOWING: 1. PROPOSE A CONTRACT OUT TO TRANSPORTATION MANAGEMENT ASSOCIATION (TMA) TO DO THE PUBLIC OUTREACH PORTION OF THE TDM PROGRAM; 2. AMEND THE AIR POLLUTION CONTROL DISTRICT (APCD) GRANT APPLICATION - NEW CONTRACT FOR PUBLIC OUTREACH PROGRAM; 3. REACH A RFP FOR THE PUBLIC PORTION FOR THE GRANT; 4. USE MARKETING OUTREACH METHODS FOR THE TDM PROGRAM TO ENCOURAGE EMPLOYEES TO RIDESHARE; AND 5. WITH RESPECT TO COUNCIL MEMBER MATHIS' SUGGESTION, BRING BACK TO LU&H COMMITTEE THE DEVELOPER ISSUE REGARDING TRAFFIC IMPACTS OF NEW DEVELOPMENT FOR THE TDM PROGRAM. 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-152:

SUBJECT: Actions related to the Reservoir Management Study for the City, City Participation in the County Water Authority Emergency Storage Project and a Strategic Plan for the City's Water Supply.

(See City Manager Reports CMR-95-145, CMR-95-116 and CMR-95-115; memorandums from Councilmember Warden dated 5/17/95 and 10/10/94; memorandum from Coleman Conrad dated 5/16/95.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following Resolution which contains the actions taken by the Natural Resources, Culture and the Arts Committee on 5/24/95:

(R-95-1815) ADOPTED AS RESOLUTION R-286017

1. Accepting the final report of the Reservoir Management Study;
2. Directing the City Manager to move forward with the implementation of a Hodges and San Vicente Pipeline/Pump Station in conjunction with the parallel efforts of the County Water Authority with the highest priority of such action being increasing the availability of water storage for the northern area of the City;
3. Directing the City Manager to develop recommendations for updating Council Policy 400-4, Emergency Storage of Water, in accordance with the recommendations made in the Reservoir Management Study;
4. Approving, in concept, the use of existing City facilities as part of the San Diego County Water Authority's (CWA) Emergency Storage Project, contingent upon the CWA adhering to the Coordination Guidelines outlined in City Manager Report CMR-95-116;
5. Directing the City Manager to work with the City Attorney to identify a method of conflict resolution other than binding arbitration prior to litigation in any model agreement with the CWA for emergency water storage;
6. Directing the City Manager to ensure that any agreement regarding the use of City reservoirs specifies that the use and control of City water remains with the City;
7. Directing the City Manager to return to the Natural Resources, Culture and Arts Committee and City Council with the principles of an agreement for coordination

with the CWA for emergency water storage before the August Council recess;

8. Directing the City Manager to return to the Natural Resources, Culture and Arts Committee with recommendations for a comprehensive Strategic Plan for the City's long-term water needs incorporating the recommendations made by Councilmember Barbara Warden in her May 17, 1995 memorandum;

9. Directing the City Manager to involve appropriate private sector entities in the review and discussion of the draft Strategic Plan;

10. Directing the City Manager to initiate an update of Council Policy 400-09, Action Plan for the City's Future Water Supply.

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

On 5/24/95, NRC&A voted 5-0 to take the actions listed above. (Councilmembers Mathis, Harvey, Warden, Stallings and McCarty voted yea.)

FILE LOCATION: WATER - County Water Authority Emergency Storage Project and a Strategic Plan for the City's Water Supply

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-200:

SUBJECT: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1843) ADOPTED AS RESOLUTION R-286018

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 follows:

SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT

- A. Construction Contract 1 (CC-1) - Site Preparation.
Construction: Completed.
- 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. A notice to proceed is expected to be issued on June 12, 1995.
- 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 - February 1996
Construction: On-hold
Construction is on hold pending the resolution of funding issues.

SOUTH BAY OCEAN OUTFALL

- A. Package 1 - Special Structures.
Design: Completed 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 15, 1995
Construction: August 1995 - May 1998
The bid opening for the Tunnel package is scheduled for June 15, 1995.
- C. Package 3 - Marine Works.
Design: Completed May 12, 1995
Bid Solicitation: June 15, 1995 - August 15, 1995
Construction: November 1995 - October 1997
The advertisement of bids for the Marine Package is scheduled for June 15, 1995, the pre-bid conference is scheduled for July 11, 1995 and the bid opening is scheduled for August 15, 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-201: RETURNED TO THE CITY MANAGER

SUBJECT: Two actions related to Approving Contract Change Order
for North Metro Interceptor - Phase I.

(Midway and Old Town Community Areas. Districts-2 and
6.)

(Continued from the meeting of June 12, 1995, Item 204,
at the City Manager's request, for further review
before budget discussions.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1797)

Authorizing the City Manager to enter into negotiations
with PCL Civil Constructors, Inc., for a change order
not to exceed \$3,000,000, and authorizing the City

Manager to execute the change order, if required;

Authorizing the expenditure of an amount not to exceed \$3,000,000 from Sewer Fund 41506, CIP-46-104.0, North Metro Interceptor - Fiscal Year 1996 appropriations, contingent upon appropriation of funds for this purpose in the Fiscal Year 1996 CIP budget, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury.

Subitem-B: (R-95-1798)

Stating for the record that the information contained in Environmental Impact Report and Mitigation, Monitoring, and Reporting Program DEP-89-1105 and Addendum DEP-94-0557, have been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION:

The construction contract for Phase I of the North Metro Interceptor project was approved for award by City Council on December 13, 1994. This project entails installing a new pipeline from Friars Road to Barnett Avenue near Gearing Drive and includes tunneling under Interstate 8 (I-8) and Interstate 5 (I-5). The construction drawings provided alternative tunneling methods to bidders: one-pass tunneling and two-pass tunneling. The one-pass tunneling simply includes a tunnel boring machine and the proposed Reinforced Concrete Pipe (RCP) is jacked immediately behind it. The two-pass method uses a large diameter tunnel boring machine to install steel plates as lining for the tunnel, then the RCP (carrier pipe) is placed inside the tunnel. All contractors bid on the one-pass tunneling method since it was less expensive. The CalTrans permit request for tunneling under its right-of-way at I-8 and I-5 was being processed at the same time as bidding for this construction project due to a very accelerated schedule to meet the Federal Court Interim Order deadline. CalTrans has since granted a permit which requires a two-pass tunneling method under their right-of-way. CalTrans requires this method to provide additional structural safety against failure due to settlement during an earthquake. Since completion of the I-5 tunnel on time is crucial due to overlap with MTDB's project, staff separated the two permit process and appealed the I-5 tunnel permit to CalTrans to obtain approval for a single-pass tunnel and succeeded. Currently staff are in the process of appealing the I-8 tunnel to allow for single passtunneling as well; however, the geology and geometry of the I-8 tunnel is substantially different than I-5. This action

authorizes the City Manager to enter into negotiations with PCL Constructors, Inc., and execute a change order if CalTrans denies the appeal to allow one-pass tunneling. The \$3,000,000 estimate for this change order is based on availability of the Tunnel Boring Machine and it may vary.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT MOTION BY McCARTY TO RETURN TO THE CITY MANAGER AT HIS REQUEST. 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-202:

SUBJECT: Inviting Bids for Construction of the North City Raw Sludge and Water Pipelines - Part 2.

(District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1486) ADOPTED AS RESOLUTION R-286019

Inviting bids for the North City Raw Sludge and Water Pipelines - Part 2;

Authorizing the City Manager to establish contract funding phases with the lowest responsible bidder, based on the actual low bid submitted, and to execute a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of \$15,092,864 from Fund No. 41509, CIP-42-911.3, for the purpose of providing funds for this project construction, contingency and related costs, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City

Treasury;

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

Certifying that the information contained in DEP-95-0249 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the Addendum to DEP-91-0653 reflects the independent judgement of the City of San Diego as Lead Agency;

Stating for the record that the final Addendum DEP-95-0249 has been reviewed and considered by Council prior to approving the project. (BID-K95125)

CITY MANAGER SUPPORTING INFORMATION:

The North City Raw Sludge and Water Pipelines (NCRS&WP) project consists of the following:

- A 16-inch raw sludge pipeline that will convey sludge generated at the North City Water Reclamation Plant (NCWRP), to the Northern Sludge Processing Facility (NSPF), for processing.
- A 36-inch pipeline conveying reclaimed water from NCWRP to NSPF.
- A 20-inch centrate pipeline that will convey the processed wastewater from NSPF to NCWRP.
- A 4-inch fiber optic duct parallel to the sludge pipeline.

The NCRS&WP, Part 2, is the third of three construction contracts for the NCRS&WP, and will run across NAS Miramar, from Miramar Road to NSPF.

Mitigation measures related to this action have been incorporated into each package. At this time, approval is requested to advertise for bid and award this contract package. The EIR/EIS was certified by City Council on December 5, 1994.

FILE LOCATION: W.O. 199379 CONT - Cass Construction, Inc.
CONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-203: TRAILED TO TUESDAY, JUNE 27, 1995

SUBJECT: San Diego Convention Center Expansion.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A, and refer Subitem B to
Closed Session:

Subitem-A: (R-95-1884)

Authorizing the City Manager to negotiate and enter
into a revised Memorandum of Understanding with the San
Diego Unified Port District for the expansion of the
San Diego Convention Center.

Subitem-B:

In the matter of the terms and conditions of a lease of
real property from the San Diego Unified Port District
to the City for purposes of expansion of the San Diego
Convention Center.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: G099-138.)

ITEM-204: CONTINUED TO AFTER BUDGET HEARINGS

SUBJECT: Citywide Restructuring Project.

(See City Manager Report CMR-95-127.)

(Continued from the meeting of June 12, 1995, Item
205, at the City Manager's request, for further
review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1801)

1) Approving the Citywide Restructuring Plan in concept
and authorizing the City Manager to proceed with
implementation;

2) Directing the City Manager and City Attorney to return to Council with the required amendments to the Municipal Code reflecting the restructuring changes.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F234-325.)

MOTION BY McCARTY TO ACCEPT THE \$1.3 MILLION SAVINGS AND CONTINUE THE DISCUSSION AFTER THE BUDGET HEARINGS. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205:

SUBJECT: Establishing a Business Registry Fee to Recover the Cost of Registering Businesses with 12 or Fewer Employees.

(See City Manager Report CMR-95-143.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1896 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-285992

Establishing a Cost Recoverable Fee in the amount of \$14 effective July 1, 1995 to recover the cost of registering businesses with 12 or fewer employees.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D525-F147.)

Motion by Kehoe to adopt the resolution to rollback the Business License Tax to \$34 with direction to the City Attorney to come back to Council on July 17, 1995 with an ordinance reestablishing the Business License Tax on businesses with 12 or less employees that will include a \$14 fee for registration, an additional \$20 fee for small business related programs, and a provision for a \$50 surcharge fee for businesses who do not register or pay their taxes. Accept McCarty's amendment to direct the City Manager to work with businesses to determine specific revenues and to look at a way to use some of that money for Staff to go out and communicate with businesses on how the

City might be of better service to them.

Substitute motion by Vargas to enact the Manager's recommendation to establish a Recovery Registration Fee of \$14 effective July 1, 1995, to recover the cost of registering businesses of 12 or fewer employees with the addition that the City look into a way to make sure the Business Improvement Districts could continue to survive either by doing a privatization for collection or enforcement or by having City Staff do it. Second by Mayor Golding. Failed. Yeas-1,8,M. Nays-2,3,4,5,6,7.

MOTION BY KEHOE TO ADOPT THE RESOLUTION TO ROLLBACK THE BUSINESS LICENSE TAX TO \$34 WITH DIRECTION TO THE CITY ATTORNEY TO COME BACK TO COUNCIL ON JULY 17, 1995 WITH AN ORDINANCE REESTABLISHING THE BUSINESS LICENSE TAX ON BUSINESSES WITH 12 OR LESS EMPLOYEES THAT WILL INCLUDE A \$14 FEE FOR REGISTRATION, AN ADDITIONAL \$20 FEE FOR SMALL BUSINESS RELATED PROGRAMS, AND A PROVISION FOR A \$50 SURCHARGE FEE FOR BUSINESSES WHO DO NOT REGISTER OR PAY THEIR TAXES. IN ADDITION TO THE ORDINANCE THAT IS TO COME BACK TO COUNCIL ON JULY 17, 1995, DIRECT THE CITY MANAGER TO DO THE FOLLOWING: 1. WORK WITH BUSINESSES TO DETERMINE SPECIFIC REVENUES; 2. COME BACK WITH RECOMMENDATIONS ON HOW THE REVENUE IS TO BE USED; 3. LOOK AT A WAY TO USE SOME OF THAT MONEY FOR STAFF TO GO OUT AND COMMUNICATE WITH BUSINESSES ON HOW THE CITY MIGHT BE OF BETTER SERVICE TO THEM; AND 4. REVIEW THE REVENUE ANNUALLY OR BIANNUALLY. Second by Stallings. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-nay.

ITEM-206:

SUBJECT: Stadium Fee Schedule.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1874) ADOPTED AS AMENDED AS RESOLUTION R-286020

Approving the fee schedule for use at San Diego Jack Murphy Stadium, effective July 1, 1995, except special event parking which will be effective January 1, 1996;

Authorizing the City Manager to partially waive or increase fees for one-time events, provided there shall

be no free use of the Stadium and fees paid by a user must always cover the Stadium operating expenses for the event.

CITY MANAGER SUPPORTING INFORMATION:

The current stadium fee schedule was adopted by City Council on January 27, 1992. This schedule incorporated changes in the fees until July 1, 1996. In addition, as part of this fee schedule, the City Manager, in the best interest of the City and Stadium, can partially waive or increase fees for one-time events. The San Diego Stadium Authority Board of Governors has had several meetings on stadium rental policies and felt that the rental rates could be increased based on the demand for the facility. The proposed fee schedule attempts to maximize stadium revenues without eliminating or discouraging events. In general, the proposed fee schedule represents an acceleration by one year of those rates that have been previously approved by City Council, i.e., July 1, 1996 rates proposed for July 1, 1995. In addition, the following fees are proposed for increase: base rental for inside the stadium; commercial filming fees, and parking rates for special events. The special event parking fee (all events other than Chargers, Padres, or Aztecs) will be increased from \$5 to \$6 per car. This rate is consistent with the Sports Arena's rate of \$6/car for concerts and special events.

For the recent Billy Joel/Elton John concert at the stadium, the parking rate was increased to \$6/car and no complaints were received. Hopefully, this increase will help encourage people to carpool or take public transportation. It is proposed that the fee schedule be effective on July 1, 1995, except the special event parking should go into effect on January 1, 1996. The delay in the parking fee is in response to concerns by the Holiday Bowl. This extension will give them ample time to notify their customers for the 1996 game. The proposed fee schedule was sent to all regular users of the stadium and there was no opposition to the fees. At the San Diego Stadium Authority Board of Governors meeting on June 1, 1995, the board unanimously recommended approval of the fee schedule and the City Manager's ability to waive or increase fees for one-time events.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F619-G098.)

MOTION BY STEVENS TO ADOPT THE FEE SCHEDULE RECOMMENDED BY THE CITY MANAGER WITH THE EXCEPTION OF PART B.1. - NON-PROFIT EVENT - INCREASING THE FEE FROM \$1,500 TO \$2,000 A DAY. Second by Vargas. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea,

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

ITEM-207:

SUBJECT: Old Town Business Improvement District (BID).

(Old Town Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1864) ADOPTED AS RESOLUTION R-286021

Resolution of Intention to establish the Old Town
Business Improvement District pursuant to the Parking
and Business Improvement Area Law of 1989.

CITY MANAGER SUPPORTING INFORMATION:

The City Council recognizes the usefulness of Business
Improvement Districts (BID's) in the revitalization of older
commercial neighborhoods.

The City of San Diego currently has 11 such BID's where merchants
assess themselves to provide for business development and
marketing activities as well as streetscaping and other physical
improvements in their respective areas. Pursuant to Council
Policy 900-7, the Old Town Business Improvement District
Formation Committee has garnered approximately 45 percent support
for establishment of the district from the affected businesses.
Not having met the 50 percent requirement of Council Policy, the
committee requests a waiver and Council action to establish the
district. The Small Business Advisory Board has heard the issue
and recommends establishment.

FILE LOCATION: STRT - L-13

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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-208:

SUBJECT: Second Amendment to the Agreement with AIDS Foundation San Diego, Inc. for Tenant Improvements of the Office Building at Arbor Drive.

(Hillcrest Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1821) ADOPTED AS RESOLUTION R-286022

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

Authorizing the Auditor and Comptroller to transfer not to exceed \$65,000 from CDBG Fund 18530, Dept. 4062, Org. 6225, Linda Vista Branch Library Expansion to CDBG Fund 18530, Dept. 4062, Org. 6230, JO 112529;

Authorizing the Auditor and Comptroller to transfer not to exceed \$10,000 from CDBG Fund 18530, Dept. 4062, Org. 6236, Pacific Beach Job Center to CDBG Fund 18530, Dept. 4062, Org. 6230, JO 112529;

Authorizing the expenditure of not to exceed \$75,000 from CDBG Fund 18530, Dept. 4062, Org. 6230, JO 112529.

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. The previous headquarters for AFSD was crowded and inadequate for their services and client needs. The new 4-story building at 140 Arbor Drive is used for administrative and program offices of AFSD. During construction additional work, which had not been anticipated in the original contract, was required. AIDS Foundation is in need of immediate funding in order to complete the project and reimburse contractors for work already performed. It is proposed that \$65,000 be transferred from the Linda Vista Library (the project cannot proceed until after July 1995), and \$10,000 from Pacific Beach Job Center. This action will allow the \$75,000 to be used to pay for additional project costs, and reimburse the project contractor for work already performed. Previous actions:

- On May 9, 1994, Council adopted Resolution No. 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 No. R-284452 authorizing \$480,000 for acquisition;
 - On September 19, 1994 Council adopted Resolution No. R-284642 authorizing \$430,000 for tenant improvements; and
 - On May 15, 1995, Council adopted Resolution No. R-285756 authorizing an additional \$165,000 for this project.
- Aud. Cert. 9501207.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: B143-324.)

CONSENT 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:

SUBJECT: Two actions related to Renovation and 25-Year Lease -
Dana Landing.

(See City Manager Report CMR-95-132. Mission Bay
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-95-115) INTRODUCED, TO BE ADOPTED ON JULY
17, 1995

Introduction of an Ordinance authorizing the City
Manager to execute a 25-year lease agreement with Wesco
Sales Corporation to lease Dana Landing in Mission Bay
Park, consisting of approximately 3.1 acres of land and
4.3 acres of water area, with a minimum rent of
\$100,000 per year against various percentage rents.

Subitem-B: (R-95-1806) ADOPTED AS RESOLUTION R-286023

Adoption of a Resolution certifying that the
information contained in DEP-94-0324, has been reviewed
and considered by Council; adopting the Mitigation,
Monitoring and Reporting Program, or alterations to
implement the changes to the project as required by
Council in order to mitigate or avoid significant

effects on the environment.

FILE LOCATION: SUBITEM A: NONE; SUBITEM B: LEAS - Wesco
Sales Corp./Dana Landing

COUNCIL ACTION: (Tape location: F148-233.)

MOTION BY HARVEY TO MOVE THE CITY MANAGER'S RECOMMENDATION WITH DIRECTION TO THE CITY MANAGER TO HAVE STAFF IMMEDIATELY MEET AND NEGOTIATE WITH THE LESSEE THE ONE-ACRE PARCEL TO BE MADE A PART OF THE LEASEHOLD. Second by Vargas. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-210:

SUBJECT: Two actions related to Year End Budget Adjustments.

(See City Manager Report CMR-95-126.)

(Continued from the meeting of June 12, 1995, Item 200, at the City Manager's request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution and hold the first public hearing of the ordinance:

Subitem-A: (R-95-1765) ADOPTED AS RESOLUTION R-286024

Authorizing Year-End Budget Adjustments.

Subitem-B: (O-95-114) HEARING HELD

First public hearing of an Ordinance amending Ordinance No. O-18089 (New Series), entitled "An Ordinance Amending the Adopted Annual Budget for the Fiscal Year 1994-95 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year."

NOTE: See Item 348 on the docket of Tuesday, June 27, 1995, for the introduction and adoption of the Ordinance.

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

COUNCIL ACTION: (Tape location: F553-618.)

MOTION BY HARVEY TO ADOPT SUBITEM-A AND APPROVE THE HEARING FOR SUBITEM-B. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-95-1889) ADOPTED AS RESOLUTION R-286025

A Resolution adopted by the City Council in Closed Session on June 26, 1995:

Authorizing the City Manager to pay the total sum of \$43,517.70 in settlement of each and every claim against the City, its agents and employees, resulting from the property damage to Shelley Knapp;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$43,517.70 made payable to Luth & Turley, Inc. in full settlement of all claims.

Aud. Cert. 9501245

FILE LOCATION: MEET

ITEM-CS-2: (R-95-1890) ADOPTED AS RESOLUTION R-286041

A Resolution adopted by the City Council in Closed Session on June 26, 1995:

Authorizing the City Manager to pay the total sum of \$46,089.16 in settlement of each and every claim against the City, its agents and employees resulting from the property damage to Richard Pearson;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$46,089.16 made payable to Richard Pearson in full settlement of all claims.

Aud. Cert. 9501238.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:34 p.m. in honor of the memories of Dr. Jonah Salk requested by Mayor Golding and Council Member Stallings; and Mitch Duncan as requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G139-145).