

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 24, 1995
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Vargas at 2:07 p.m. Deputy Mayor Vargas adjourned the meeting at 5:57 p.m., to meet in Closed Session on Tuesday, July 25, 1995, at 9:00 a.m., in the 12th floor Conference Room to discuss pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-excused by R-286223
(City business in Washington, D.C., regarding
San Diego Coastal Corrections Act of 1995)
 - (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 Abdelnour called the roll:

- (M) Mayor Golding-not 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 Reverend Guy Lamothe of First Unitarian Universalist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding the law of the land.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A082-105.)

ITEM-PC-2: REFERRED TO THE CITY MANAGER

Comment by Marlene Dawson regarding a privately owned section in Lake Murray.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A106-136.)

ITEM-PC-3:

Comment by James Reed regarding the Via Grimaldi Project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A137-164.)

ITEM-PC-4:

Comments by Cynthia Chasan and Jeff Chasan regarding the ban of alcohol in Marine Street Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A165-199.)

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Council Members Mathis and Harvey regarding the comments made by Cynthia Chasan and Jeff Chasan.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A220-233.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

06/26/95
06/27/95
07/03/95 Adjourned
07/04/95 Adjourned
07/10/95 Adjourned
07/11/95 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A239-244.)

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

ITEM-31:

SUBJECT: Commending the 1995 Mission Valley YMCA Gymnastics Team.

COUNCILMEMBERS STALLINGS' AND HARVEY'S RECOMMENDATION:

Adopt the following resolution:

(R-96-59) ADOPTED AS RESOLUTION R-286129

Commending and congratulating the 1995 Mission Valley YMCA Gymnastics Team on their noteworthy year.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A245-320; A435-445.)

MOTION BY STEVENS 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-not present.

* ITEM-50:

SUBJECT: Operating Agreement - Carmel Mountain Ranch Swimming Pool.

(District-5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-4) INTRODUCED, TO BE ADOPTED ON AUGUST 7, 1995

Introduction of an Ordinance authorizing the execution of a Seven-Year Operating Agreement with Southern California Fitness, Inc., dba Fitness Advantage, with one seven-year option to renew the agreement, for the operation of the Carmel Mountain Ranch Swimming Pool.

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

CITY MANAGER SUPPORTING INFORMATION:

As a development requirement by the City, Presley Communities has agreed to construct a swimming pool in the Carmel Mountain Ranch Area and deed the pool and the land upon which it will be built to the City. The pool will be built east of the intersection of Highland Ranch Road and World Trade Drive, east of the fire station on World Trade Drive. The land is currently unimproved and owned by Presley Communities. It is anticipated that construction of the pool will commence in early summer. At its July 13, 1994 meeting, the Carmel Mountain Ranch/Sabre Springs Recreation Council recommended that the City commence negotiations with Fitness Advantage as the pool operator. At its May 17, 1995 meeting, the Public Safety & Neighborhood Services Committee directed staff to enter into exclusive negotiations with Fitness Advantage for the operation of the swimming pool. Fitness Advantage (Richard D. Meyer, President) proposes to operate the pool in conjunction with its proposed fitness facility, which will be located adjacent to the pool. Fitness Advantage is an existing City sublessee, having operated The Plunge at Belmont Park for the past 7 years. Mr. Meyer has stated that it is not financially feasible to build the fitness facility without the agreement to operate the City's pool. The proposed operating agreement will commence upon completion of construction of the pool and Presley Communities' granting fee title of the property to the City. The term is 7 years with one 7-year option to extend. Annual minimum rent is \$9,000 vs. 7-1/2 percent of the operator's gross income. Maintenance, utilities and insurance are the responsibility of the operator. In the

event of a transfer of the agreement or encumbrance of the leasehold, Mr. Meyer has agreed to pay the City 1-1/2 percent of the amount paid for the leasehold or of the amount of any increased loan above any pre-existing loan balance. Throughout the agreement, Park & Recreation staff have reviewed and approved authority for operating hours and fees. Typically, City-operated pools are open fewer hours during the off-season and do not generate revenue. Under an operating agreement, the community will benefit from having a swimming pool open year round and the City will benefit from increased revenue.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-100:

SUBJECT: El Pueblo Ribera Final Map.

(A 1-lot subdivision located on the north side of Gravilla Street, between La Jolla Boulevard and Vista Del Mar. La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-37) ADOPTED AS RESOLUTION R-286130

Approving the final map.

FILE LOCATION: SUBD - El Pueblo Ribera

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-101:

SUBJECT: Five actions related to Camino Park Mitigation Site/Monarch Pointe Final Map, Subdivision Agreement, and Related Items.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-2) ADOPTED AS RESOLUTION R-286131

Approving the acceptance by the City Manager of a grant deed of The Newland Group, Inc., granting to the City 35.8 acres of vacant land described as a portion of Rancho Los Penasquitos and portions of Parcels 1 and 3 of Parcel Map PM-14629; dedicating said land as and for public park purposes;

Directing that the \$10,000 cash payment, represented by Check No. 00210371, dated May 24, 1995, from Newland California-Mira Mesa, be deposited into the Park and Recreation Department's Penasquitos Park Fund No. 10582, and used for removing transients and debris from the 35.78-acre site.

Subitem-B: (R-96-3) ADOPTED AS RESOLUTION R-286132

Approving the final map.

Subitem-C: (R-96-4) ADOPTED AS RESOLUTION R-286133

Authorizing a Subdivision Improvement Agreement with Pardee Construction Company, for the installation and completion of public improvements.

Subitem-D: (R-96-5) ADOPTED AS RESOLUTION R-286134

Setting aside for sewer purposes an easement in a portion of City-owned property in the north half of Section 34, Township 14 South, Range 3 West, San Bernardino Meridian.

Subitem-E: (R-96-1) ADOPTED AS RESOLUTION R-286135

Stating for the record that the information contained in Environmental Impact Report DEP-87-1038, including any comments received during the public review process, has been reviewed and considered by the Council in connection with the Monarch Pointe subdivision.

CITY MANAGER SUPPORTING INFORMATION:

Camino Park: On April 26, 1994, the City Council adopted Resolution R-283762, approving Vesting Tentative Map VTM-87-1038 for Monarch Pointe Subdivision. One of the conditions imposed on the subdivider, The Newland Group, Inc., was that, prior to the recordation of the first final map, the subdivider must deed to the City fee title to 35.78 acres of land as biological mitigation/open space preserve, known as the Camino Park mitigation site. The site meets the intent of a future conservation plan, such as the Multiple Species Conservation program, by providing a connection to Los Penasquitos Canyon Preserve. An adjoining 11.39-acre parcel (Camino Park) is proposed to be acquired by the City at a future date for the eventual development of a neighborhood park.

Monarch Pointe: This 94-lot subdivision is located in the Mira Mesa Community, southwesterly of the intersection of Sorrento Valley Boulevard and Camino Santa Fe. The work to be done is shown in detail on Drawing Nos. 27533-1-D through 27533-33-D, filed in the Office of the City Clerk under Micro No. 138-82, and to be completed within two years. A cash bond has been posted for the lot stakes and monument estimate in the amount of \$15,000 (Receipt No. CE 000836). This subdivision is located in the Mira Mesa Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. The subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". This map conforms to the provisions of Conditions for City Council Vesting Tentative Map VTM-87-1038.

FILE LOCATION: SUBITEM A: DEED F-6533; SUBITEMS B,C & E:
SUBD - Camino Park Mitigation Site/Monarch
Pointe;
SUBITEM D: DEED F-6534 CONTFY96-1 DEEDFY96-2

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-102:

SUBJECT: Parcel Map W.O. No. 032000 (I.D. 94-096).

(Located on the east side of Soledad Mountain Road at
Ridgegate Row. La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-38) ADOPTED AS RESOLUTION R-286136

Approving Parcel Map W.O. 032000 (I.D. 94-096).

FILE LOCATION: SUBD - PM-032000

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-103:

SUBJECT: Two actions related to Street Dedication of Daley
Center Drive, North and South of Stonecrest Boulevard.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-10) ADOPTED AS RESOLUTION R-286137

Accepting the grant deeds of: 1) The Daley Group and Daley Corporation, dated September 1, 1994; 2) Tandy Corporation, dated March 11, 1995; and 3) Aero Drive Associates Limited, L.P., dated September 6, 1994, granting to the City easements for public street purposes in portions of Lot 41 of Rosedale Tract, Map-825, and in portions of Lots 14 and 15 of Stonecrest Plaza, Map-13072; dedicating and naming the same Daley Center Drive.

Subitem-B: (R-96-31 Cor. Copy) ADOPTED AS RESOLUTION R-286138

Re-adopting the Mitigation, Monitoring and Reporting Program, Environmental Impact Report DEP-92-0738, in connection with the approval of the dedication of Daley Center Drive.

FILE LOCATION: DEED F-6535 DEEDFY96-3

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-104:

SUBJECT: Acceptance of Two Sewer Easements for the Realignment of a Sewer Line in the Point Loma Area.

(Located east of Rosecrans Street and north of Rogers Street. Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-71) ADOPTED AS RESOLUTION R-286139

Approving the acceptance by the City Manager of those deeds of David A. Purcell and Jean R. Purcell, and the San Diego Unified Port District, conveying to the City

a sewer easement in Pueblo Lots 175 and 176,
Miscellaneous Map-36;

Authorizing the execution of a quitclaim deed,
quitclaiming to David A. Purcell and Jean R. Purcell,
all the City's right, title and interest in a sewer
easement in Pueblo Lot 175, Miscellaneous Map-36.

CITY MANAGER SUPPORTING INFORMATION:

An application has been received by the Engineering Department for the exchange of a 6-foot wide public sewer easement that encumbers property located at 3264-1/2 Rosecrans Street. The exchange will allow for the realignment of the sewer line in this area. The easement has been reviewed by all affected City Departments and all have concluded there is no prospective public need for the easement to be quitclaimed. Therefore, abandonment is recommended.

FILE LOCATION: DEED F-6536 DEEDFY96-1

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-105:

SUBJECT: Community Facilities District (CFD) No. 1 - Annual
Special Tax Levy.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-49) ADOPTED AS RESOLUTION R-286140

Establishing the special tax to be levied in the 1996
Fiscal Year for Community Facilities District No. 1,
Miramar Ranch North, in accordance with the City

Manager's recommendations:

residential property, \$0.92 per square foot; industrial property, \$12,000 per acre; undeveloped property, \$4,009.31 per acre.

CITY MANAGER SUPPORTING INFORMATION:

In January 1991, the City Council adopted resolutions that established the formation of Community Facilities District No. 1 (Miramar Ranch North), authorized the issuance of limited obligation improvement bonds to finance the construction and acquisition of public infrastructure in or serving the district, and authorized the annual levy of a special tax as the revenue source to pay yearly debt service (interest and principal) on the district's outstanding bonds. The special tax levy was modified by Council resolution in November 1993, reducing the maximum tax rates to effect a reduction in the authorized bonded indebtedness of the district.

This Council action would confirm the annual rates, apportionment, and total amount of special tax to be levied and collected on taxable property within the boundaries of CFD No. 1 for the 1995/96 Fiscal Year. The rate and apportionment of special tax was first presented to the City Council in July 1992, making this the fourth consecutive year that the special tax is being levied. Each year, until final maturity of all bonds issued by the district, the special tax will be presented to the City Council for approval. Based on the funding needs of CFD No. 1 for the upcoming 1995/96 year, an aggregate amount of \$3,441,535.06 in special taxes should be levied against taxable parcels of land within the district. These special taxes will be billed and collected by the County of San Diego in the same manner as ordinary ad valorem property taxes. Monies received in the form of special taxes will be used to pay the March 1996 and September 1996 debt service due on the outstanding bonds, maintain the appropriate balance in the reserve account, and pay costs incurred by the City and the district in administering the special tax levy.

FILE LOCATION: STRT - CF-1

COUNCIL ACTION: (Tape location: A461-B098.)

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

yea, Vargas-yea, Mayor Golding-not present.

ITEM-106:

SUBJECT: Rosemary White-Pope Day.

COUNCILMEMBER STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-96-40) ADOPTED AS RESOLUTION R-286141

Commending Rosemary White-Pope for her thirty years of commitment and devotion to the seniors of the Fourth Council District and to the community as a whole;

Proclaiming July 28, 1995 to be "Rosemary White-Pope Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A321-400; A435-445.)

MOTION BY STEVENS 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-not present.

* ITEM-107:

SUBJECT: Excusing Councilmember Barbara Warden from the Natural Resources, Culture and the Arts Committee Meeting of 7/12/95.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-96-62) ADOPTED AS RESOLUTION R-286142

Excusing Councilmember Barbara Warden from attending the Natural Resources, Culture and the Arts Committee meeting of July 12, 1995, due to illness.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-108:

SUBJECT: Two actions related to Accepting a Donation and Adding
Funds for the Golden Hill Playground.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1952) ADOPTED AS RESOLUTION R-286143

Accepting the generous donation of \$39,000 from the
Golden Hill Tot Lot Committee to supplement Capital
Improvement Program funding available in CIP-21-834.0,
Balboa Park/Mission Bay Park Requirements, Sublet CIP-
21-841.4, Golden Hill Playground, TOT Fund No. 102242,
for construction of the Golden Hill Playground;

Authorizing the Auditor and Comptroller to transfer not
to exceed \$17,000 from CIP-20-001.0, Annual Allocation
- Minor Park Requirements, Capital Outlay Other Fund
No. 302453, to supplement the funding in CIP-21-834.0,
Balboa Park/Mission Bay Park Requirements, Sublet CIP-
21-841.4, Golden Hill Playground;

Thanking the Golden Hill Tot Lot Committee for its
generous donation.

Subitem-B: (R-95-1953) ADOPTED AS RESOLUTION R-286144

Certifying that the information contained in Negative
Declaration DEP-95-0264, in connection with the
construction of the Golden Hill Playground, has been

completed in compliance with the California Environmental Quality Act of 1970 and State guidelines; that the Negative Declaration reflects the independent judgment of the City as Lead Agency; and that the Declaration has been reviewed and considered by Council.

CITY MANAGER SUPPORTING INFORMATION:

Golden Hill Playground is located on the eastern fringe of Balboa Park on 28th Street at Cedar Street, in the Balboa Park Planning Area. The proposed project will provide construction of a playground and miscellaneous associated improvements. The generous donation of \$39,000 by the Golden Hill Tot Lot Committee, will supplement the Capital Improvement Program funding, to construct a playground for their neighborhood. Aud. Cert. 9501295.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-109:

SUBJECT: Community Crime Resistance/Southeast Asian Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-33 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-286145

Authorizing the City Manager to apply for, accept and administer funds for a Community Crime Resistance Grant from the California Office of Criminal Justice Planning, for a program to enhance community empowerment and crime prevention in Southeast Asian populations throughout the City.

Aud. Cert. 9600022.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B098.)

CONSENT MOTION BY STALLINGS TO ADOPT WITH DIRECTION TO THE CITY MANAGER TO IDENTIFY THE HMONG AND VIETNAMESE POPULATIONS AS COMMUNITIES TO FOCUS ON IN THE COMMUNITY CRIME RESISTANCE/SOUTHEAST ASIAN GRANT. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-110:

SUBJECT: Transfer of Funds for the Enterprise Zone Program.

(District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-34 Cor. Copy) ADOPTED AS RESOLUTION R-286146

Authorizing the Auditor and Comptroller to transfer \$12,000 from Fiscal Year 1996 District 3 allocation for the Mid-City Mid Block Street Lighting Project, Fund 18531, Dept. 4081, Org. 8116, to the Enterprise Zone Program, Fund 18531, Dept. 4084, Org. 8403;

Authorizing the City Manager, or designee to expend \$12,000 for purposes consistent with this resolution.

CITY MANAGER SUPPORTING INFORMATION:

Since 1986 the City has supported the Enterprise Zone Program through Community Development Block Grant (CDBG). Consisting of business assistance and job placement services, the Program has consistently been cited as among the most successful Enterprise Zones in California. Its job placement element has been used as a Statewide model and currently accounts for more than 3,000 placements of low income, unemployed persons. During the recent FY 1996 CDBG allocation process it was anticipated that Council Districts 3,4 and 8 would allocate funding for the EZ Program on

a proportionate (based on job placements of their Districts residents) basis. Council District 4 and 8 both allocated funds, however, due to an oversight, District 3 did not. To make adjustments, \$12,000 (of the total \$302,000) is being transferred from the FY 1996 District 3 allocated Mid-City Mid Block Street Lighting Project, Fund 18531, Dept. 4081, Org. 8116, to the Enterprise Zone Program, Fund 18531, Dept. 4084, Org. 8403. The portion of lighting project monies being transferred will not be needed for the next 12 months.

Aud. Cert. 9600027.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B098.)

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

ITEM-111:

SUBJECT: Two actions related to the Encanto Neighborhood Park Improvements.

(Skyline-Paradise Hills Community Area - South Encanto Neighborhood. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1958) ADOPTED AS RESOLUTION R-286147

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$11,000 from ParkService District Fund No. 11670, and an amount not to exceed \$4,000 from CIP-29-603.0, Annual Allocation - Park Irrigation System Upgrades, Capital Outlay - Other Fund 302453, both to CIP-29-443.0, Encanto Neighborhood Park Improvements;

Authorizing the expenditure of an amount not to exceed \$15,000 from CIP-29-443.0, Encanto Neighborhood Park

Improvements, to supplement funding previously authorized by the Council on January 18, 1994 in Resolution R-283299.

Subitem-B: (R-95-1959) ADOPTED AS RESOLUTION R-286148

Stating for the record that DEP-88-1054 has been reviewed and considered prior to approving the project.

CITY MANAGER SUPPORTING INFORMATION:

Encanto Neighborhood Park is a 7.2-acre site located at 6715 Imperial Avenue between Woodman Street and 68th Street. The current project provides an open turf area, a tot lot, pedestrian access, drainage channel improvements, landscaping and irrigation improvements and removes an old comfort station. Construction of Encanto Neighborhood Park Improvements is expected to be completed in May 1995. Additional funding is required to provide improvements needed to avoid future damage due to heavy rains.

Aud. Cert. 9501286.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F285-348.)

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

* ITEM-112:

SUBJECT: Transfer of Funds for Construction of Olive Street Improvements.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1938) ADOPTED AS RESOLUTION R-286149

Authorizing the Auditor and Comptroller to transfer not

to exceed \$43,000 from CIP-52-327.0, Safety All Weather Walkways, Fund 30300 to CIP-52-505.0, Olive Street Improvements;

Authorizing the expenditure of not to exceed \$103,000 from CIP-52-505.0, Olive Street Improvements, Fund 18528 (\$60,000), Community Development Block Grant and Fund 30300 (\$43,000), for the purpose of providing funds for the construction of Olive Street improvements and related costs;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to retain excess budgeted funds, if any, in the project until completion.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for installing curb, gutter, sidewalks, alley ramps, pedestrian ramps, driveways, pavement as necessary, and retaining wall across the street from Hamilton Elementary School, along Olive Street between Fairmount Avenue and Highland Avenue.

Aud. Cert. 9600021.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-113:

SUBJECT: Two actions related to Cabrillo Heights Neighborhood Park Ballfield Lighting.

(Serra Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1954) ADOPTED AS RESOLUTION R-286150

Authorizing the Auditor and Comptroller to transfer not to exceed \$15,000 from CIP-20-001.0, Annual Allocation - Minor Park Requirements, Capital Outlay - Other, Fund No. 302453, to CIP-29-752.0, Cabrillo Heights Ballfield Lighting.

Subitem-B: (R-95-1955) ADOPTED AS RESOLUTION R-286151

Stating for the record that the City of San Diego as Lead Agency has reviewed and considered Negative Declaration DEP-90-0019 BG.

CITY MANAGER SUPPORTING INFORMATION:

Cabrillo Heights is a fourteen and one half acre neighborhood park located at 8303 Hurlbut Street between Kearny Villa Road and Afton Road containing ballfields, multi-sport fields, and turfed areas. A contract has been let to light the western baseball and multi-sport field to allow night use of these facilities. Unknown site conditions have depleted the project contingencies, and the project is currently in deficit. Additional funds are required to complete construction and for related City engineering charges.

Aud. Cert. 9501285.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-114:

SUBJECT: Amendment No. 1 to Agreement with BSI Consultants, Inc., for the Miramar Storage Tank.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-50) ADOPTED AS RESOLUTION R-286152

Authorizing an amendment to the agreement of May 16, 1994 with BSI Consultants, Inc., for additional design services in connection with the Miramar Storage Tank and Raw Water Connection;

Authorizing the expenditure of not to exceed \$100,000 from Fund 41500, CIP-70-917.0, Miramar Storage Tank and Raw Water Connection, to provide funds for the amendment, provided that the City Auditor and Comptroller first furnishes certificate(s) that the funds necessary for expenditure under established contract phases are on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

On May 16, 1994, under Resolution R-283907, the City Council approved the agreement between the City and BSI Consultants, Inc., to provide design services for the Miramar Storage Tank and Raw Water Connection. Amendment No. 1 is requested to accommodate recent revisions in the estimated size of the market for reclaimed water. These revisions necessitate the addition of 2,700 feet of 12-inch diameter reclaimed water distribution pipeline and an increase in capacity of the Miramar storage tank from eight million gallons to nine million gallons. The cost of this task is \$19,210. Of the \$100,000 requested, \$80,790 will be used to replenish the completely depleted additional services account of this project. The additional services funding will be used for possible additional scope changes during the design of this project. The funding provided by this amendment to BSI's contract will ensure there will be no delay in obtaining support from the design engineer during the remainder of the design and construction phases. This project is included in the Interim Order issued by federal court for construction of the distribution system for the North City Water Reclamation Plant. The overall MBE/WBE participation commitment for this agreement is 100 percent MBE and 0 percent WBE.
Aud. Cert. 9501307.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-115:

SUBJECT: Genoa Drive Slope Repair.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1939) ADOPTED AS RESOLUTION R-286153

Amending the FY 1995 Capital Improvements Program
Budget by adding CIP-12-097.0, Genoa Drive Slope
Repair;

Waiving Council Policy 300-7;

Authorizing the City Manager to enter into negotiations
and execute an agreement with Group Delta Consultants,
Inc., to provide construction documents for Genoa Drive
Slope Repair;

Authorizing the City Auditor and Comptroller to
transfer an amount not to exceed \$135,000 from CIP-52-
433.0, Fairmount Avenue from Montezuma Road to I-8 -
Widen and Improve, (TransNet Bond Proceeds, Fund 30302)
to CIP-12-097.0, Genoa Drive Slope Repair;

Authorizing the expenditure of not to exceed \$135,000
from CIP-12-097.0, Genoa Drive Slope Repair, TransNet
Bond Proceeds, Fund 30302;

Authorizing the City Manager to request advance funding
from SANDAG through debt financing in an amount not to
exceed \$135,000;

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 is responsible for paying its proportionate share of the issuance costs and overall annual debt service requirements of the SANDAG debt financing program and that the costs shall be the first priority use of the City of San Diego Annual Allocation of TransNet revenues.

CITY MANAGER SUPPORTING INFORMATION:

The existing slope and storm drain behind 5680 Genoa Drive has failed as a result of the 1995 winter storms. Because of the damage caused by the landslide, the City Council authorized the purchase of four homes directly involved. This project will provide an immediate geologic investigation as well as the plans required to address the hillside. It is proposed to utilize the services of a consultant to design this project since the design requires specific technical skills and expertise which is not available within the present City staff. Additionally, because of the rapid rate of movement, staff is suggesting that Council Policy 300-7 be waived and the firm Group Delta Consultants, Inc. be retained to provide the construction documents. This firm has been monitoring the slide for the City since its beginning and can provide a quick and efficient design. Because this damage is the result of the 1995 winter storms, City staff has requested disaster assistance funds from the Federal and State governments. This project may be eligible for up to 94 percent reimbursement of the construction costs.

Aud. Cert. 9501289.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-116:

SUBJECT: Phase II Agreement with Martinez, Cutri and McArdle and
ZHA, Inc. for Consultant Services for the Convention

Center Expansion.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1680 Cor. Copy) ADOPTED AS RESOLUTION R-286154

Directing and authorizing the City Manager to negotiate and enter into a Phase II Agreement with Martinez, Cutri and McArdle and ZHA, Inc., to continue providing specific programming services related to the expansion of the San Diego Convention Center;

Authorizing the expenditure of not to exceed \$169,100 from the Convention Center Expansion Project Fund 102212, CIP-37-010-0.

CITY MANAGER SUPPORTING INFORMATION:

On September 19, 1994, the City of San Diego entered into a Professional Services Agreement with Martinez, Cutri and McArdle and ZHA Incorporated (MCM/ZHA), on file in the City Clerk's Office as Document No. R-284654, whereby MCM/ZHA would provide specific programming services related to expansion of the San Diego Convention Center. The City Manager respectfully requests authorization to negotiate and enter into Phase II of the Professional Services Agreement with MCM/ZHA for an amount not to exceed \$169,100.

Aud. Cert. 9501118-Rev.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-117:

SUBJECT: Casa Familiar Senior Group Home.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

Subitem-A: (R-96-53) ADOPTED AS RESOLUTION R-286155

Authorizing an agreement with Trabajadores de la Raza, Inc., for the remodeling and addition to the existing building at 119 West Hall Avenue;

Authorizing the expenditure of not to exceed \$145,000 from CDBG Fund 18530, Dept. 4062, Org. 6217, Job Order 112535.

Subitem-B: (R-96-87) ADOPTED AS RESOLUTION R-286156

Certifying that the information in DEP-94-0053BG has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State CEQA Guidelines, and the National Environmental Policy Act (NEPA), that the report reflects the independent judgement of the City of San Diego as Lead Agency, and that the report has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION:

Trabajadores de la Raza, Inc. (TR), doing business as Casa Familiar, is a non-profit corporation whose primary purpose is to promote the general welfare of the San Ysidro Community by providing family, youth and other social services to residents of the South San Diego area. T.R. also assists in the revitalization of the San Ysidro Community by engaging in community and economic development activities. Casa Familiar is proposing to renovate their existing administrative office building and add a two story senior residential facility at the rear. The residential facility will house two group living units with three bedrooms each. On May 9, 1994, City Council adopted Resolution R-283845 granting \$145,000 of CDBG funding for this project. This action will allow the \$145,000 to be used for this project.

FISCAL IMPACT: This project is partially funded by CDBG Program

Funds. The total estimated construction cost is \$255,000, TR will fund the additional \$110,000. City administrative costs have been retained.

Stapleton/Belock/CC

Aud. Cert. 9600020.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A461-B098.)

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

* ITEM-118:

SUBJECT: Authorization to Amend Housing Opportunities for Persons with AIDS (HOPWA) Funding Cycle III & Authorize Future Amendment Consistent with Housing Commission Budget Authority.

(See Housing Commission Report.)

HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1914) ADOPTED AS RESOLUTION R-286157

Authorizing the San Diego Housing Commission to: 1) Amend the Housing Opportunities for persons with AIDS (HOPWA) Funding Cycle III Budget; 2) Execute future transfer of funds included in the HOPWA Budget among activities and projects.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B098.)

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

yea, Vargas-yea, Mayor Golding-not present.

ITEM-200:

SUBJECT: Amended Memorandum of Understanding (MOU) between the City and Arena Group 2000 Concerning the New and Old Sports Arenas.

(Midway/Pacific Highway Corridor Community Area.
District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1878) ADOPTED AS RESOLUTION R-286158

Authorizing an amended and Restated Memorandum of Understanding between the City and Arena Group 2000 concerning the new San Diego Sports Center;

Authorizing the City Manager and the City Attorney to negotiate amendments to the existing lease for the San Diego Sports Arena for potential refurbishment of that facility with Arena Group 2000.

FILE LOCATION: LEAS - Arena Group 2000 LEASFY96-1

COUNCIL ACTION: (Tape location: F120-284.)

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

ITEM-201: CONTINUED TO AUGUST 7, 1995

SUBJECT: Awarding Contracts for Removal and Disposal of Sludge from Fiesta Island.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1362)

Awarding contracts for furnishing removal and disposal of an estimated 140,000 to 220,000 tons of digested sludge, an estimated 2,500 wet tons of screenings and an estimated 3,000 wet tons of grit, as may be required for a period of one year beginning August 10, 1995 through August 9, 1996 as follows:

1. ECDC Environmental, L.C. - (Salt Lake City, Utah)
Category II - an estimated 90,000 wet tons of Belt Press Cake to Sanitary Landfill Disposal at a cost of \$32.75 per ton for a total estimated cost of \$2,947,500 (with a range from 45,000 to 135,000 tons and a price range from \$1,473,750 to \$4,421,250);

Category IV - an estimated 60,000 wet tons of Non-Class B Sand Bed Cake to Sanitary Landfill Disposal at a cost of \$32.75 per ton for a total estimated cost of \$1,965,000 (with a range from 30,000 to 90,000 tons and a price range from \$982,500 to \$2,947,500), with options to renew for three additional one year periods subject to the escalation terms specified in the bid documents;

2. Pima Gro Systems, Inc. - (Redlands, CA)

Category V - an estimated 60,000 wet tons of Class B Sand Bed Cake to Beneficial Use at a cost of \$28.85 per ton for a total estimated cost of \$1,731,000 (with a range from 30,000 to 90,000 tons and a price range from \$865,500 to \$2,596,500), with options to renew for three additional one year periods subject to the escalation terms specified in the bid documents;

3. Falcon Disposal, Inc., A Greenfield Environmental Company - (San Diego, CA)

Category VI - an estimated 5,000 wet tons of Screenings to Sanitary Landfill Disposal at a cost of \$34.85 per ton for a total estimated cost of \$174,250 (with a range from 2,500 to 7,500 tons and a price range from \$87,125 to \$261,375);

Category VII - an estimated 6,000 wet tons of Grit to Sanitary Landfill Disposal at a cost of \$34.85 per ton for a total estimated cost of \$209,100 (with a range from 2,500 to 7,500 tons and a price range from

\$104,550 to \$313,650, with options to renew for three additional one year periods subject to the escalation terms specified in the bid documents;

Authorizing the City Manager to amend the contract with ECDC Environmental, L.C., to allow for beneficial use of biosolids to be disposed at the same price per ton as the original award of Categories II and IV, contingent upon ECDC assuming all responsibility and accepting all liability for the development of a detailed procedures, instructions and Quality Assurance/Quality Control Program to ensure proper disposal in accordance with all applicable laws and regulations;

In the event a Contractor is unable to perform in accordance with specifications, the Purchasing Agent is authorized to terminate the contract and award to the next low responsible and responsive bidder, and to subsequent bidders, if necessary, until a bidder is found who can comply with specifications, or to obtain this service on the open market until it can be rebid.

(BID-B4615/95)

(Six bids received. Requested by the Metropolitan Wastewater Department, Metropolitan Operations and Maintenance Division.)

Aud. Cert. 9600031.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A401-434.)

MOTION BY McCARTY TO CONTINUE TO AUGUST 7, 1995 AT THE REQUEST OF REBECCA MICHAEL AND THE CITY MANAGER TO WORK WITH THE METROPOLITAN WASTEWATER DEPARTMENT TO RESOLVE THE DEPARTMENT'S OUTSTANDING ISSUE. 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-not present.

ITEM-202:

SUBJECT: Two actions related to Additional Construction Funding for the South Bay Ocean Outfall Tunnel.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-52) ADOPTED AS RESOLUTION R-286159

Stating for the record that the information contained in the final Environment Impact Report DEP-94-0615, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the South Bay Ocean Outfall Tunnel.

Subitem-B: (R-96-51) ADOPTED AS RESOLUTION R-286160

Authorizing the Auditor and Comptroller to transfer not to exceed \$3,620,000 from Sewer Fund 41508, CIP-46-179.0, Point Loma - Power Generation and Distribution Upgrade; \$2,800,000 from Sewer Fund 41508, CIP-46-110.0, Point Loma - Scum Removal System; \$865,000 from Sewer Fund 41508, CIP-46-104.0, North Metro Interceptor; and \$2,415,000 from Sewer Fund 41509, CIP-42-910.6, South Bay Water Reclamation Plant, to Sewer Fund 41509, CIP-40-910.1, South Bay Outfall Extension;

Authorizing the expenditure of not to exceed \$10,230,000 from Sewer Fund 41509, CIP-40-910.1, South Bay Outfall Extension, to provide funds for this project for construction, contingency, and related costs, provided that the City Auditor first furnishes certificate(s) demonstrating that funds necessary for expenditure under established 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.

CITY MANAGER SUPPORTING INFORMATION:

The South Bay Ocean Outfall, formerly named the South Bay Outfall Extension, is a joint project between the City and the federal

government. The outfall will convey treated effluent from the International Treatment Plant and future City of San Diego plants to the ocean for final disposal. The project is broken into three separate construction packages. The Council approved the award of the construction contract for Package 2 - Tunnel to the lowest responsible bidder and certified the Environmental Impact Report for the project on May 22, 1995, R-285822 and R-285823. On June 15, 1995, the City opened bids for Package 2. Two bids were received. The bids are currently being reviewed for responsiveness. The apparent low bidder is Traylor Brothers/Obayashi. The bid is for \$88,300,000. This is approximately 12 percent greater than the original construction contract estimate of \$79,000,000, which was approved by Council on May 22, 1995 (R-285823). The increase in cost is due, in part, to revised final design conditions that took place after the routing of the original Council Action. These scope changes which could have resulted in increased cost include seven-day-a-week tunneling, increased riser costs, additional reinforcing in the drop shaft and adding compressed air requirements. Also, given the nature of an underground tunneling project and the inherent risks involved, the contractor may have budgeted additional contingencies in his bid to cover the risk. This request is to provide the additional funding necessary to award the construction contract to the lowest responsible bidder.

Aud. Cert. 9600043.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B098.)

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

ITEM-203:

SUBJECT: Five actions related to the Annual Appropriation Ordinance for Fiscal Year 1995-96.

TODAY'S ACTIONS ARE:

Hold the first public hearing for Subitem A; adoption of the resolutions for Subitems B and C; introduction of the

ordinances in Subitems D and E:

Subitem-A: (O-96-3) HEARING HELD

First public hearing in the matter of adopting the Annual Budget for the Fiscal Year 1995-96 and appropriating the necessary money to operate the City of San Diego for said fiscal year.

NOTE: See Item 333 on the regular docket of Tuesday, July 25, 1995 for the introduction and adoption.

Subitem-B: (R-96-48 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-286161

Adoption of a Resolution approving a temporary charge for improving the land development permit process (Process 2000), adjusting certain fees to facilitate the transfer of the development services General Fund Budget to the Enterprise Fund, converting certain development deposit accounts to flat fees, and increasing the valuation discount for multiple plan checks.

Subitem-C:

There is no Subitem C on today's docket.

Subitem-D: (O-96-8) INTRODUCED, TO BE ADOPTED ON
AUGUST 7, 1995

Introduction of an Ordinance amending Chapter II, Article 2, of the San Diego Municipal Code by amending Section 22.0101, relating to Permanent Rules of Council and Section 22.1901, relating to Department of Intergovernmental Relations, and Section 22.2101, relating to Council Administration Division, to shift the three Legislative Specialists and Program Secretary from the Intergovernmental Relations Department to Council Administration.

NOTE: 6 votes required for Subitem D, pursuant to Section 26 of the City Charter.

Subitem-E: (O-96-9) INTRODUCED, TO BE ADOPTED ON AUGUST 7,
1995

Introduction of an Ordinance amending Chapter III, Article 1, Division 3 of the San Diego Municipal Code by amending Section 31.0301, relating to Business License Taxes.

FILE LOCATION: SUBITEMS A, C, D, & E: NONE; SUBITEM B: MEET

COUNCIL ACTION: (Tape location: B099-C356.)

MOTION BY McCARTY TO APPROVE THE APPROPRIATION ORDINANCE; ACCEPT THE SURCHARGE PORTION OF PROCESS 2000, THAT IS, ACROSS THE BOARD 5% WITH THE HOME OWNER EXEMPTION; INCLUDE CONCERN: "...TEARING UP EL CAJON BLVD WOULD BE LEFT IN THE SAME DISREPAIR THAT OTHER STREETS HAVE BEEN LEFT IN"; INCLUDE THE INCREASE OF THE LEVEL OF REPAIR ON THE STREETS AFTER THEY HAVE BEEN TORN UP BY WATER AND SEWER; INCLUDE THE CLARIFICATION THAT THE \$800,000 THEN OF GENERAL FUND MONEY COMES FROM STREET REPAIR INTO THE CITY ATTORNEY'S OFFICE; AND DIRECT THE CITY MANAGER TO DO THE FOLLOWING: 1) DISCUSS WITH EACH COUNCIL MEMBER THE MOTIONS THEY MADE DURING BUDGET DELIBERATIONS AND MAKE SURE THE MOTIONS ARE DOCKETED CORRECTLY FOR THE LU&H COMMITTEE MEETING AND 2) PRIOR TO THE LU&H COMMITTEE MEETING SCHEDULED FOR AUGUST 2, 1995, PREPARE AND PROVIDE TO COUNCIL AS SOON AS POSSIBLE A REPORT REGARDING THE DEVELOPMENT SERVICES DEPARTMENT FEE REVISIONS SHOWING THE POTENTIAL FEE INCREASE; ALTERNATIVES OF HOW A REGULATION CAN BE CHANGED TO LOWER THE PROCESS COST, ANDTHUS, WOULD NOT REQUIRE THE FEE INCREASE; MORE INFORMATION ABOUT THE PROCESS 2000 IMPLEMENTATION; THE FOLLOWING LANGUAGE TO BE ADDED TO THE DEVELOPMENT SERVICE DEPARTMENT FEE REVISIONS: "PAYMENT OF WATER AND SEWER HOOKUP FEES WILL BE DELAYED UNTIL JUST BEFORE FINAL OCCUPANCY INSPECTION"; RESPONSE TO THE ISSUES IN COUNCIL MEMBER MCCARTY'S MEMO DATED JULY 24, 1995; RESPONSE TO WHETHER OR NOT THE CITY MANAGER IS GOING TO DO A REDUCTION IN THE LEVEL OF REGULATION AND SERVICE OR DO A FULL COST RECOVERY AT FULL REGULATION; AND PREPARE A STRIKE OUT VERSION FOR THE FEES ONLY. THEN REFER THESE ISSUES, THE PROCESS 2000 IMPLEMENTATION, AND ITEMS B, C, AND D OF NO. 2 OF THE DEVELOPMENT SERVICES DEPARTMENT FEE REVISIONS TO THE LU&H COMMITTEE MEETING ON AUGUST 2, 1995. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea (nay - \$800,000 of General Fund money from Street Repair into the City Attorney's Office), Kehoe-yea, Stevens-yea, Warden-yea (nay - Subitem E), Stallings-yea, McCarty-yea, Vargas-yea (nay - Subitem E), Mayor Golding-not present.

ITEM-204: REFERRED TO CLOSED SESSION

SUBJECT: In the matter of potential purchase of property located at the southwest corner of Murphy Canyon Road and Balboa Avenue, Assessors Parcel No. 421-391-01, (02); 421-392-01, (02), (03), (04).

Pursuant to Government Code Section 54956.8 the City Council will meet in Closed Session on July 25, 1995 to discuss the price and terms for the above property which is owned by San Diego Gas & Electric Company, Joe Larkin, representative. The public is entitled to speak on this matter prior to Council going into Closed Session.

CITY MANAGER'S RECOMMENDATION:

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

2) Close the public hearing; and 3) Refer the matter to Closed Session on July 25, 1995.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A461-B098.)

CONSENT MOTION BY STALLINGS TO REFER THE MATTER TO CLOSED SESSION ON JULY 25, 1995. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-S400: DEFEATED

SUBJECT: Temporary Emergency Ordinance Banning Alcohol Consumption in All of Mission Bay Park and the Bayside of Mission Beach for a 90-Day Period.

(See memorandum from Councilmember Harvey dated 7/20/95. District-2.)

TODAY'S ACTION IS:

Introduction and adoption of the following Ordinance:

(O-96-15)

Introduction and adoption of a Temporary Emergency Ordinance amending Chapter V, Article 6, of the San Diego Municipal Code, by amending Section 56.54, banning alcohol consumption in all of Mission Bay Park, including Mariner's Point, and the Bayside of Mission Beach for a 90-day period.

NOTE: 6 votes required.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATIONS:

On 7/19/95 PS&NS voted 5-0 to direct the City Attorney to draft an emergency ordinance banning alcohol consumption in Mission Bay Park and the Bayside of Mission Beach. (Councilmembers Kehoe, Stevens, Stallings, McCarty and Vargas voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C357-F119.)

Motion by Harvey to introduce and adopt the Emergency Alcohol Ordinance to add the language relating to the permits to read: "In order to protect the health and safety of the public, all permits that have been or will be issued for activities scheduled in Mission Bay Park during the 90-day emergency Ordinance period, must be reviewed by the Police Department prior to the scheduled event"; add the language relating to covering Mission Beach Blvd to read: "...the public rights-of-way located between Ocean Front Walk on the west, the easternmost edge of Bayside Walk on the east, and areas appurtenant thereto"; and amend the Section 56.54 (d) (2) to insert the words to clarify the Leasehold Exemptions to read: "businesses and leaseholds" after the term "any." No second.

MOTION BY HARVEY TO BAN ALCOHOL IN MISSION BAY PARK BETWEEN THE HOURS OF 4 P.M. AND 6 A.M.; ADD THAT SANDY BEACHES ARE INCLUDED IN THIS ORDINANCE; AND ADD, AS TO DOCKS, IF THE DOCKS ARE ON THE PREMISES OF THE LESSEE, THEN THEY ARE

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Vargas at 5:57
p.m. in honor of the memories of Gary Chong as requested by
Council Member Kehoe; David Engle as requested by Council
Member Harvey; and Mathew John Siesel as requested by
Council Member Stallings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F349).