

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, AUGUST 14, 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 2:05 p.m. Mayor Golding adjourned the meeting at 6:31 p.m. to meet in Closed Session on Tuesday, August 15, 1995, at 9:00 a.m., in the 12th floor Conference Room to discuss pending litigation matters.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Frank Wooden of Sweetwater Assembly of God 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 subject "When Rules are Laws."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A030-061.)

ITEM-PC-2:

Comment by Dr. Art Salzberg regarding illegal police action.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A062-083.)

ITEM-PC-3:

Comment by Joe Craver thanking Council for their outstanding support regarding BRAC '95.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A084-096.)

ITEM-PC-4:

Comment by Ben Linker thanking Mr. Pizano and Mr. McGrory for finally cleaning up the dump in Acacia Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A110-120.)

ITEM-PC-5:

Comment by Sidney Hall requesting that the City get a guard or a gate for his community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A121-135.)

ITEM-PC-6:

Comment by David Bruce Thompson regarding educating the public on addiction in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A137-172.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Mayor Golding regarding the EPA with the California Regional Water Quality Control Board. Mayor Golding stated that today they jointly issued for public review the City's draft of the Waste Water Permit for San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A173-214.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:
07/24/95
07/25/95

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A215-218.)

MOTION BY STEVENS 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:

SUBJECT: Old Globe Theater 60th Anniversary Celebration Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-96-146) ADOPTED AS RESOLUTION R-286215

Commending the Board of Directors, Globe Guilders and volunteers, administration, staff, actors and designers of the Old Globe Theater for six decades of providing quality entertainment and education to the citizens of

San Diego and their continued efforts to make Balboa Park a safer and more attractive destination;

Proclaiming September 9, 1995 to be "Old Globe Theater 60th Anniversary Celebration Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A219-281; A588-600.)

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

ITEM-32: RECOGNIZED

Recognition of Schmidt Fire Protection Company for its generous donation to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A282-353.)

ITEM-50:

SUBJECT: Ban on Consumption of Alcoholic Beverages.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 7/31/95. (Council voted 8-0. District 7 not present):

(0-96-20 Rev.2) ADOPTED AS ORDINANCE O-18201 (New Series)

Amending San Diego Municipal Code Section 56.54 banning Alcoholic Beverage Consumption in Certain Areas.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D581-E085.)

MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE

ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Due Course Anti-Cruising Ordinance for the Mission Beach Community.

(Mission Beach Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/31/95. (Council voted 8-0. District 7 not present):

(O-96-19) ADOPTED AS ORDINANCE O-18202 (New Series)

Amending Chapter V, Article 2 of the San Diego Municipal Code by adding Division 50, Sections 52.5001, 52.5002, 52.5003, 52.5004, 52.5005 and 52.5006 all relating to Cruising Activity.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A601-B176.)

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-52:

SUBJECT: U.S.O. Relocation Lease Agreement.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/31/95.

(Council voted 8-0. District 7 not present):

(O-96-7) ADOPTED AS ORDINANCE O-18203 (New Series)

Authorizing the City Manager to execute a 50-year lease agreement with the U.S.O. Council of San Diego, Inc., for property located at 303 "A" Street, San Diego; Authorizing the expenditure of an amount not to exceed \$113,935, which represents the USO's pro-rata share of prepaid rent, refunded by the San Diego Unified Port District to the City, for the USO's existing sublease located at 433 Harbor Drive;

Authorizing the City Manager to execute a quitclaim deed, causing the remise, release and quitclaim to the San Diego Unified Port District the property at 433 Harbor Drive.

Aud. Cert. 9600067.

FILE LOCATION: LEAS - U.S.O. Council of San Diego, Inc.
LEASFY96-1 DEEDFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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-53:

SUBJECT: Renewal of a Lease with the Copley Young Men's Christian Association (YMCA).

(See City Manager Reports CMR-95-192 and CMR-95-153. City Heights Community Area. District-3.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-96-26) INTRODUCED, TO BE ADOPTED ON SEPTEMBER 11, 1995

Introduction of an Ordinance authorizing the City Manager to execute a 25-year lease agreement with the Young Men's Christian Association of San Diego County for the operation of a recreation center at 3901 Landis Street.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 7/5/95, PS&NS voted 4-0 to adopt the City Manager's recommendation.

(Councilmembers Kehoe, Stevens, McCarty and Vargas voted yea. Councilmember Stallings not present).

NOTE: See Item 114 for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A601-B176.)

CONSENT MOTION BY McCARTY TO INTRODUCE. 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-54:

SUBJECT: Test of "Pay and Display" Multispace Parking Machine.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-133) INTRODUCED, TO BE ADOPTED ON SEPTEMBER 11, 1995

Introduction of an Ordinance allowing for the temporary installation of pay and display parking machines.

CITY MANAGER SUPPORTING INFORMATION:

This action directs the City Manager to test a "Pay and Display" multi-space parking machine as an alternative to parking meters. The device will dispense receipts for display in the vehicle when the parking fees have been paid. The test area will be the north side of the block of F Street between Front Street and First Avenue, where there currently are parking meters. The test period will expire on May 1, 1996. The "Pay and Display" device is being tested to determine whether it has benefits compared to traditional parking meters. Areas of study will include customer acceptance, ease of collections, enforce-ability, and aesthetics. A report will be prepared and presented when the test is complete.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: E086-193.)

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

* ITEM-100:

SUBJECT: Awarding a Contract for Liquid Caustic Soda.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-121) ADOPTED AS RESOLUTION R-286216

Awarding a contract to Western States Chemical Supply Corp. (Orange, CA), for furnishing liquid caustic soda, as may be required for a period of one year beginning September 1, 1995 through August 31, 1996, for a grand total of \$933,674.93, with options to renew the contract for four additional one year periods, with price escalations not to exceed 20 percent of prices in effect at the end of each prior contract year;

Authorizing the Purchasing Agent to terminate the contract and to award to the next low responsible and responsive bidder, in the event the vendor fails to deliver material meeting specifications.

(BID-B4793/96)

FILE LOCATION: CONT - Purchase - Western States Chemical
Supply Corp. (Orange, CA) CONTFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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-101:

SUBJECT: Accepting Donations and Inviting Bids for the
Construction of La Jolla Recreation Center Playground
Upgrade.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-14) ADOPTED AS RESOLUTION R-286217

Inviting bids for the Construction of La Jolla
Recreation Center Playground Upgrade on Work Order No.
112558;

Authorizing a contract with the lowest responsible
bidder;

Accepting the generous donation of \$40,000 from the La
Jolla Recreation Council, to supplement Community
Development Block Grant (CDBG) funding available in
CDBG Fund No. 18530, for construction of the La Jolla
Recreation Center Playground Upgrade;

Authorizing the expenditure of \$90,000: \$40,000 from
Private and Other Contributions Fund No. 63022, and
\$50,000 from CDBG Fund No. 18530;

Authorizing the City Auditor and Comptroller, upon

advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K96008)

CITY MANAGER SUPPORTING INFORMATION:

The La Jolla Recreation Center is located at Draper Street and Prospect Street in the La Jolla Planning Area. The proposed project will upgrade play equipment in an existing tot lot, and remove architectural barriers to the equipment.

The generous donation of \$40,000 by the La Jolla Recreation Council for the purchase of "Landscape Structures" play equipment as selected by the Recreation Council Playground Committee will supplement Community Development Block Grant funding to construct these improvements.

Aud. Cert. 9600099.

FILE LOCATION: W.O. 112558 CONT - Court Concepts CONFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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: CONTINUED TO SEPTEMBER 11, 1995

SUBJECT: Three actions related to Rory Heights Final Map,
Subdivision Agreement and Related Item.

(A 12-lot subdivision located on the south side of Palm
Avenue, east of I-5. Otay Mesa-Nestor Community Area.
District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-112)

Approving the final map.

Subitem-B: (R-96-113)

Authorizing a Subdivision Improvement Agreement with Palm Avenue R-1, for the installation and completion of public improvements.

Subitem-C: (R-96-114)

Waiving the requirement of under-grounding of public utility systems and service facilities in connection with Rory Heights subdivision, consistent with Council Policy 600-25.

CITY MANAGER SUPPORTING INFORMATION:

On August 27, 1990, the Subdivision Board of the City of San Diego approved Tentative Map TM-90-0117. As a condition of the approval of the final map, the subdivider of the property was required to underground an existing overhead utility system and service facility. The subdivider has requested a waiver of this condition consistent with Council Policy 600-25. This policy allows waiver of the under-grounding if the conversion costs prorated over the entire development costs exceed 1 percent of the average sales prices of the living units within the development. Staff review of the conversion costs versus the total costs of the living units indicated that the applicant's request could be granted.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A354-587.)

CONSENT MOTION BY HARVEY TO CONTINUE TO SEPTEMBER 11, 1995 AT DEPUTY MAYOR VARGAS' REQUEST FOR MORE OPPORTUNITY TO WORK WITH THE RESIDENTS AND PLANNING GROUP IN THIS AREA. 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: Two actions related to South Creek Parcels 35-48, Unit No. 10, Final Map and Subdivision Improvement Agreement.

(A 64-lot subdivision located southerly of Sabre Springs Parkway and Springbrook Drive. Sabre Springs Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-116) ADOPTED AS RESOLUTION R-286218

Approving the final map.

Subitem-B: (R-96-117) ADOPTED AS RESOLUTION R-286219

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

FILE LOCATION: SUBD - South Creek Parcels 35-48, Unit No. 10
CONFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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: Parcel Map W.O. No. 032000 (I.D. 95-151).
(Located on the east side of El Camino Real, south of
Del Mar Heights Road. Carmel Valley Community Area.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-149) ADOPTED AS RESOLUTION R-286220

Approving Parcel Map W.O. No. 032000 (I.D. 95-151).

FILE LOCATION: SUBD - PM 032000

COUNCIL ACTION: (Tape location: A601-B176.)

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-105:

SUBJECT: Water, Sewer, and Emergency Access Easement
Abandonment.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-159 COR. COPY 8/11/95) ADOPTED AS RESOLUTION R-286221

Vacating the City's interest in an unneeded water,
sewer and emergency access easement located within
Parcel 3 of Parcel Map PM-16244, pursuant to Section
8330 et seq. of the California Streets and Highways
Code.

CITY MANAGER SUPPORTING INFORMATION:

The proposed easement abandonment has been requested in
conjunction with the development of Parcel 3 of Parcel Map
PM-16244. The easement is currently unused and will not be used
with the proposed development. The build-out of the site will
necessitate the realignment of sewer, water and emergency access
facilities to another location. The new easement for these
facilities has already been granted to the City. Staff review of
this easement abandonment indicates the four required findings
for this abandonment can be made and the existing easement may be
summarily abandoned.

FILE LOCATION: DEED F-6544 DEEDFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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-106:

SUBJECT: Accepting the Generous Gift of \$2.5 million from Erma Taylor O'Brien, Vernon E. and Mary F. Taylor to Build the Earl and Birdie Taylor Library in Pacific Beach.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-144) ADOPTED AS RESOLUTION R-286222

Accepting the generous gift of \$2.5 million from Erma Taylor O'Brien, Vernon E. and Mary F. Taylor to build the Earl and Birdie Taylor Library in Pacific Beach, subject to an acceptable agreement being negotiated and executed by the City Manager;

Authorizing the City Manager to negotiate and execute an agreement with Erma Taylor O'Brien, Vernon E. and Mary F. Taylor, for funding the construction of the library;

Authorizing the appropriation of the gift of \$2.5 million to the Earl and Birdie Taylor Library, CIP-35-073.0, Fund 60261;

Authorizing the City Manager to proceed to advertise for bids and award a contract to the lowest responsible bidder;

Authorizing the expenditure of not to exceed \$2.5 million for the Earl and Birdie Taylor Library, CIP-35-073.0, Fund 60261;

Authorizing the City Manager to advance monies for cash flow purposes, if necessary under the agreement, to be refunded upon receipt of the gift.

CITY MANAGER SUPPORTING INFORMATION:

The Taylors (Vernon E. and Mary F.) and the O'Briens (Farley M. and Erma T.) gave a total of \$1,250,000 to the City of San Diego

in 1987, 1988 and 1989 to help the City acquire title to the Martha Farnum School site.

This was with the understanding that the City would develop a new library and a passive community park on the site and name them in memory of Earl and Birdie Taylor. The Taylors and the O'Briens also gave the City a life insurance policy that would, upon the death of the last to die of Mary and Vernon Taylor, pay to the City \$2,500,000 to enable the City to build the library. Erma Taylor O'Brien, Vernon E. and Mary F. Taylor (Farley O'Brien died in 1992) are desirous of having the new Earl and Birdie Taylor Library become a reality during their lifetime and have offered to give the City \$2,500,000 to enable the City to build the library at this time. This action is to accept another generous gift from the Taylor/O'Brien family; to authorize the City Manager to negotiate and execute an agreement with the donors for the funding construction of the Earl and Birdie Taylor Library; and to authorize the expenditure of funds to begin the construction process.
Aud. Cert. 9600123.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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: Excusing Mayor Susan Golding from attending the regularly scheduled Council meetings of 7/24-7/25/95.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-164) ADOPTED AS RESOLUTION R-286223

Excusing Mayor Susan Golding from attending the regularly scheduled Council meetings of July 24-25, 1995, to attend to City business in Washington, D.C. to support the San Diego Coastal Corrections Act of 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A601-B176.)

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: Grant to Fund the High Technology Resource Center from
the Trade and Commerce Agency, State of California.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-147) ADOPTED AS RESOLUTION R-286224

Authorizing the City Manager to apply for, accept and
execute the grant agreement and all amendments as
necessary in the administration of Grant C95-0017, San
Diego Technology Alliance, in the amount of \$150,000;

Authorizing the Director of Economic Development
Services, the City Manager's designee as grant
administrator, to execute all documents, including any
grant amendments, as necessary to administer the grant.

CITY MANAGER SUPPORTING INFORMATION:

The City Council authorized the application and acceptance of the
California Trade and Commerce Agency (CA/T&CA) grant, to
establish the San Diego Regional Technology Alliance (SDRTA) by
Resolution No. R-283447, dated February 22, 1994. The SDRTA has
been established and staffed to assist the local economy in the
commercialization of technology among small businesses in the San
Diego region. The CA/T&CA will continue to renew the funding of
the SDRTA under current state enabling legislation through the
year 1999, and as state funds are available. The initial grant
of \$250,000 expired June 30, 1995, and currently that grant will
be renewed for six months with an additional \$150,000 from the
CA/T&CA. This funding and subsequent funding renewals will

enable the SDRTA to continue operation. This action will enable the City Manager to continue accepting such funding from the State of California.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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: Scheduled Debt Service Payments for Assessment District No. 4011, De La Fuente Business Park - Phase I, and Assessment District No. 4021, De La Fuente Business Park - Phase II.

(District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-152) ADOPTED AS RESOLUTION R-286225

Advancing an amount not to exceed \$248,000 to partially fund debt service payments on Assessment Districts No. 4011, De La Fuente Business Park - Phase I and No. 4021, De La Fuente Business Park - Phase II.

CITY MANAGER SUPPORTING INFORMATION:

Previous City Council actions authorized the commencement of judicial foreclosure proceedings on delinquent parcels of land in Assessment District No. 4011, De La Fuente Business Park - Phase I and Assessment District No. 4021, De La Fuente Business Park - Phase II. Absent payment of the past-due assessment amounts, the authorized foreclosure proceedings will result in the collection of all outstanding unpaid assessments once a successful sale of the delinquent parcels of land is concluded. Current scheduling indicates that all delinquent parcels will have been offered for sale by the end of the first quarter of 1996.

Given that foreclosure of the delinquent parcels was in process, this issue was scheduled for Closed Session to decide what steps should be taken to prevent a temporary default in the scheduled debt service (principle and interest) payments to the bondholders in each district.

The final decision was for the City to advance the necessary funds to preclude a temporary default in bondholder payments. This docket item accomplishes the decision reached in Closed Session. (Unanimous decision 5-0 by Councilmembers Stevens, Warden, Mathis, Roberts and Kehoe).

Aud. Cert. 9600090.

FILE LOCATION: STRT - D-2265 D-2283

COUNCIL ACTION: (Tape location: A601-B176.)

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: Conversion of Designated Street Lights to High Pressure Sodium.

(Districts-2, 3, 4, 7 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-69) ADOPTED AS RESOLUTION R-286226

Authorizing the expenditure of not to exceed \$289,500 from the FY 1996 - TransNet Fund 30300 - CIP-38-001.0, (Conversion of Designated Street Lights), for City Force work to convert designated street lights to High Pressure Sodium (HPS) vapor.

CITY MANAGER SUPPORTING INFORMATION:

On September 28, 1993, Council directed the City Manager to convert 8,700 street lights from Low Pressure Sodium (LPS) to High Pressure Sodium (HPS) in the Central Business District, Gaslamp District, High Crime Areas south of I-8, Golden Hill Revitalization Area, Skyline Drive from 58th Street to East Skyline Drive, and Imperial Avenue from Euclid Avenue to 69th Street.

The lights were divided into two phases, a "group" phase and a "as they burn out" phase. The "group" phase of approximately 5,800 lights was completed on June 2, 1995. The "as they burn out" phase will start immediately, extending through FY 1999. This phase will replace the remaining eligible 2,900 LPS lights. Annual costs for the second phase of the conversion are \$121,500. On January 9, 1995, Council approved the conversion of an additional 4,068 lights. This conversion known as "Option B" expands the conversion area to all major collector streets (greater than 40 feet in width, with an ADT of 5,000 vehicles or more) south of I-8. This conversion will coincide with the original "as they burn out" conversion extending through FY 1999. The annual costs for "Option B" are \$168,000.

Aud. Cert. 9600081.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E194-215.)

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

* ITEM-111:

SUBJECT: Two actions related to State Route 52/Mission Gorge Road Sewer Relocation.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-108) ADOPTED AS RESOLUTION R-286227

Authorizing Utility Agreements with the State of California, Department of Transportation, in connection with the State Route 52/Mission Gorge Road sewer relocation;

Authorizing a third amendment to the agreement of March 29, 1993, with Dudek and Associates, Inc., for additional services in connection with the State Route 52/Mission Gorge Road sewer relocation;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$126,450 within Sewer Revenue Fund 41506, from CIP-44-001.1, Annual Allocation - Sewer Main Replacement, to CIP-43-004.0, Annual Allocation - Freeway Relocation; and to transfer an amount not to exceed \$199,337 from CIP-40-920.4, (Object Account 4118), East Mission Gorge Trunk Sewer Rehabilitation, and all costs associated with Work Order No. 172486, to CIP-43-004.0, Annual Allocation - Freeway Relocation (Sublet CIP-43-005.0, State Route 52/East Mission Gorge Interceptor Sewer), Work Order No. 173032;

Authorizing the expenditure of not to exceed \$145,050 from Sewer Revenue Fund 41506, CIP-43-004.0, Annual Allocation - Freeway Relocation, to provide funds for Utility Agreement No. 29402 and Amendment No. 3.

Subitem-B: (R-96-109) ADOPTED AS RESOLUTION R-286228

Stating for the record that the City of San Diego, as Responsible Agency under CEQA, has reviewed and considered the Final Environmental Impact Statement (EIS) and Final Section 4(f) Evaluation and Environmental Addendum/Re-evaluation for EIS SCH No. 84040707, prepared by the State of California, Department of Transportation (CalTrans); and adopting Findings, Statement of Overriding Considerations, and the Mitigation, Monitoring, and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

In 1993, the State Department of Transportation (CalTrans) issued the City of San Diego (City) a "Notice to Relocate" utilities in conflict with the proposed State Route (SR) 52 project in the area of Mission Gorge Road between Fanita Drive and Big Rock

Road. The impacted utilities included sewers owned by the City of El Cajon, the County of San Diego, and the City of San Diego (also known as the East Mission Gorge Trunk Sewer).

With concurrence from the other agencies, the City hired a consultant, Dudek & Associates, to design the sewer relocations by amending an existing agreement for engineering services on the East Mission Gorge Trunk Sewer Rehabilitation Project (Amendment No. 1, November 29, 1993, RR-283066, \$199,337). Recently, CalTrans requested additional design services due to changes in their freeway alignment. Proposed Amendment No. 3 with Dudek contains these additional sewer relocation services for an amount not to exceed \$18,600. No subconsultants will be used for this work. The original MBE/WBE participation was 21.1 percent and the new participation figure will be 19.3 percent.

The City will be reimbursed for all costs associated with the SR52 project by the responsible agency. Accordingly, the two proposed agreements with CalTrans, Agreements No. 29402 and No. 25721, address the construction of the City's sewer and reimbursement of the related costs. In addition, a Memorandum of Understanding will be executed in the future to address reimbursement of the design costs incurred on behalf of the City of El Cajon. An agreement with the County of San Diego for reimbursement of the design costs incurred was executed (September 12, 1994, RR-284570).

Construction will be done by CalTrans contractor and is scheduled to begin in October 1995.

Aud. Cert. 9600082.

WU-U-95-176.

FILE LOCATION: MEET CONFY96-1 CCONFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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 Additional Funding Source for Federal Boulevard Island Improvement Project.

(Mid-City Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-102) ADOPTED AS RESOLUTION R-286229

Authorizing the City Manager to request funding from SANDAG, through the Debt Financing Program, in an amount not to exceed \$125,000, for the Federal Boulevard Island Improvement Project between 47th Street and Euclid Avenue (CIP-52-521.0, Sublet No. 52-520.8);

Authorizing the execution of all necessary documents relating to the receipt of such funds from SANDAG; Certifying that the City will be responsible for paying its proportional share of the issuance costs and overall annual department service requirements of the SANDAG Debt Financing Program and that such costs shall be the first priority of the City of San Diego's Annual Allocation of TransNet revenues.

Subitem-B: (R-96-103) ADOPTED AS RESOLUTION R-286230

Certifying that the information contained in Environmental Negative Declaration END-94-0639, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the Declaration reflects the independent judgment of the City as Lead Agency, and that Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION:

The Federal Boulevard Island Improvement Project will allow for the construction of landscaped medians along Federal Boulevard between Euclid Avenue and 47th Street. This action will provide for the replacement of \$125,000 in previously approved (R-283139) Trans-P Funds for the Federal Boulevard Island Improvement Project. Replacement funding is required because, of the \$545,000 originally authorized by Council, only \$420,000 ever

appeared as revenue within the City's Trans-P Fund (Fund No. 30303). The new landscaping for this project will be maintained through the establishment of a Landscape Maintenance District.

Aud. Cert. 9600042.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A601-B176.)

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: TRAILED TO AUGUST 15, 1995

SUBJECT: Remodeling of the Waste Management Office Building at 9601 Ridgehaven Court.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-135 Cor. Copy)

Authorizing the Auditor and Comptroller to expend an additional amount of \$700,000 from the Environmental Services Enterprise Fund 41201, CIP-37-356.0, Waste Management Facility, for the remodeling of the Waste Management office building at 9601 Ridgehaven Court;

Authorizing the City Manager to award a construction contract to Soltek of San Diego, per Base Bid and Additive Alternates 1,2,4,5,6 and Deductive Alternates 2,4,8,9,10,11,12, and 14, in the amount of \$2,361,100, for the remodeling of the office building at 9601 Ridgehaven Court, which is 24 percent above the estimate of \$1,900,000.

CITY MANAGER SUPPORTING INFORMATION:

This action is to authorize the additional expenditure of

\$700,000 from the Environmental Services Enterprise Fund. This project will remodel an existing office building to house the Environmental Services Department and Inspection Division of the Development Services Department, who are now quartered in leased office space. Per City Council Resolution No. R-285970, this project was authorized for construction and related expenditure of \$2,130,000 and contract award to the lowest responsible bidder. All three bids received are significantly higher than estimated.

The project incorporates energy efficiency measures that have been developed in cooperation with San Diego Gas & Electric and the Electric Power Research Institute, who have engaged David Gottfried, cofounder of the U.S. Green Building Council, as consultant.

The project also includes environmentally safe and healthful materials which will enhance productivity, and complies with ADA requirements. The design has been recognized as a "Green Building Demonstration Project," and has received a Certificate of Excellence from the San Diego Chapter of the American Institute of Architects under the San Diego Gas and Electric "Savings Through Design" Program. In response to Mayor Golding's letter to the president of SDG&E dated February 24, 1995, the company has offered incentive payments and incremental financing in an aggregate amount of about \$230,000. In addition, partnering agreements are being negotiated with several manufacturers of advanced building products, within the framework of the City Venture Program and Council Policy 100-2, whereby the City will receive discounts in exchange for publicity resulting from the project. Even with the higher bids, the project is still economical and will produce long-term savings in terms of rental payments and energy costs. The project was discussed with experts on the subject, and it is not expected that the bids would be significantly lower if the project were re-advertised within the given time constraints and specifications to achieve the energy efficiency and environmental objectives. About two-thirds of the total costs are related to the building's mechanical and electrical systems. It is therefore recommended that additional expenditure be authorized and the project awarded to the lowest bidder.

Aud. Cert. 9600103.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F671-G248.)

MOTION BY McCARTY TO TRAIL. Second by Vargas. Vote not taken.

* ITEM-114: CONTINUED TO OCTOBER 16, 1995

SUBJECT: Exclusive Negotiations with the Young Men's Christian Association (YMCA) of San Diego County.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-148)

Authorizing the City Manager to enter into negotiations with the Young Men's Christian Association of San Diego County, for the proposed development, construction and operation of a child care center on City-owned land located at 41st Street and Polk Street, adjacent to Central Elementary School.

CITY MANAGER SUPPORTING INFORMATION:

The YMCA, Copley Branch, leasehold at 3901 Landis Street consists of 8.22 acres of which only two acres have been developed and used. As part of the completion of I-15 and the development of Park de la Cruz, the YMCA leasehold area is proposed to be reduced by a new lease agreement which will be coming before City Council. The reduced lease area will not accommodate the YMCA's desire for a child care facility to serve up to 200 children. The YMCA has approached the City with a request to operate a child care facility on City land located at 41st Street and Polk Street, adjacent to Central Elementary School. The City currently owns property designated as park land at this location consisting of approximately .55 acres.

City and the YMCA staff have had preliminary discussions about each organization's role in development and operation of the proposed center described as follows:

- Both the City and the YMCA would contribute toward funding a facility with the City paying the majority of the costs. The YMCA would have the lead in the design of the facility, subject

to City approval.

- The City would pursue financing for the construction of the facility through the City Heights Redevelopment Program and Community Development Block Grant funds.

- In the event additional land is required, (the present City-owned parcels will accommodate about 100 children) the City would assume full responsibility for acquisition costs.

- YMCA would be responsible for operation of the facility. It is recommended that the City Manager be authorized to enter into exclusive lease negotiations with the YMCA for the development, construction and operation of a child care facility on the vacant City parcels. The lease will be brought back to the City Council for consideration. If the City and the YMCA cannot reach an agreement, or if funds are not available to proceed with the project, within five years of City Council approval of this action, the YMCA's right for exclusive negotiations will be terminated.

NOTE: See Item 53 for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A354-587.)

MOTION BY KEHOE TO CONTINUE TO OCTOBER 16, 1995, AT HER REQUEST FOR MORE TIME TO WORK WITH ALL THE PARTIES INVOLVED ON THE RELATED ISSUES THAT HAD BEEN DISCUSSED OVER A YEAR AGO BUT ARE NOT REFLECTED IN THE AGREEMENT. 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-115:

SUBJECT: First Amendment to the Participation Agreement with Aero Drive Associates, Inc., regarding Murphy Canyon Trunk Sewer at Stonecrest Plaza.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-155) ADOPTED AS RESOLUTION R-286231

Authorizing an amendment to the participation agreement of October 3, 1994, with Aero Drive Associates, Inc., for the design, relocation and construction of the existing Murphy Canyon Trunk Sewer at Stonecrest Plaza;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$41,969.03 within Sewer Revenue Fund No. 41506, from CIP-46-158.0, Mission Bay Sewage Interceptor System, to CIP-46-183.0, Murphy Canyon Trunk Sewer;

Authorizing the expenditure of an amount not to exceed \$41,969.03 from Sewer Revenue Fund No. 41506, CIP-46-183.0, Murphy Canyon Trunk Sewer.

CITY MANAGER SUPPORTING INFORMATION:

As a condition of Tentative Map TM-92-0738, the Developer was required to make improvements to a certain portion of the existing sewer system known as the Murphy Canyon Trunk Sewer. Council approved the original Participation Agreement (Resolution R-284700) with Aero Drive Associates on October 3, 1994. The agreement provided financial reimbursement for the design and construction of 962 lineal feet of 30-inch PVC sewer main. The original estimated cost of the project was \$571,867. Construction of the project is now complete. However, during the course of construction, the contractor encountered broken pipe at the proposed tie-in point. One hundred and fifty feet of broken pipe was replaced, resulting in total project expenditures of \$613,836.03. Under terms of the original agreement in Section D, Paragraph 5, the City is required to reimburse the contractor for 100 percent of the actual costs of construction.
Aud. Cert. 9600110.

WU-U-96-186.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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: Agreement with Daniel Boyle Engineering Inc., for As-Needed Pipeline Value Engineering Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-132) ADOPTED AS RESOLUTION R-286232

Authorizing an agreement with Daniel Boyle Engineering, Inc., for as-needed pipeline value engineering services;

Authorizing the expenditure of an amount not to exceed \$200,000, consisting of \$100,000 from Sewer Revenue Fund 41506, CIP-46-174.0, Annual Allocation, As-Needed Consultant Services/Sewer, and \$100,000 from Water Revenue Fund 41500, CIP-73-312.0, Annual Allocation, As-Needed Consultant Services/Water.

CITY MANAGER SUPPORTING INFORMATION:

The Water Utilities Department will be implementing a number of pipeline projects in the future as part of the Capital Improvement Program.

Pipeline value engineering services are desirable, on an as-needed basis, to ensure that the most cost-effective methods and materials are incorporated into the improvement plans and specifications for construction. In addition, these services will include assistance to the in-house design team, as required, for specialty items (e.g. creek crossing, trenchless technology). The request for consultant services was advertised on July 14, 1994 in the San Diego Daily Transcript.

The City's Nominating Committee reviewed eleven letters of interest from qualified consultants and selected five firms to be interviewed. On March 7, 1995, the interviews were conducted in accordance with Council Policy 300-7 and Daniel Boyle Engineering was selected as the best qualified consultant to perform these services. Southland Geo-technical Consultants (WBE) will be a

subconsultant providing support services with an estimated 15 percent of the total contract amount. Engineering services shall be provided on an as-needed, hourly fee basis, with a cost ceiling per task of \$50,000. The total contract amount shall not exceed \$200,000. The agreement will terminate two years from the date of execution by the City.

Aud. Cert. 9600076.

WU-U-95-175.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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-117:

SUBJECT: Amendment No. 15 to the Agreement with Montgomery
Watson Americas for Program Management Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-145) ADOPTED AS RESOLUTION R-286233

Authorizing Amendment No. 15 to the Agreement with
Montgomery Watson Americas, Inc., for program
management services, to re-phase funds previously
approved by the City Council to more accurately reflect
the progress of work performed by Montgomery Watson
Americas.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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: Two actions related to the Linda Vista Health Care Center.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-141) ADOPTED AS RESOLUTION R-286234

Authorizing an agreement with the Linda Vista Health Care Center (Agency), which defines the terms and method of securing CDBG Funds granted to the Agency by Resolution No. R-282038, adopted on May 24, 1993, for the purchase of property for the expansion of the Agency's medical clinic;

Authorizing the expenditure of not to exceed \$140,000 from CDBG Fund 18529, Linda Vista Health Care Center, for acquisition of property and related costs.

Subitem-B: (R-96-142) ADOPTED AS RESOLUTION R-286235

Certifying that the information contained in FONSI/ND-95-0009BG has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency, and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Finding that there is no substantial evidence that the project will have a significant effect on the environment, based upon the Initial Study and any comments received, and therefore approving the FONSI/Negative Declaration.

CITY MANAGER SUPPORTING INFORMATION:

On April 23, 1993, the Public Services and Safety Committee approved CDBG requests for Council District allocations for FY 94. On May 24, 1993, City Council adopted the FY 1994 CDBG Program. One item approved for District 5 was the Linda Vista Health Care Center (Agency) funds for property acquisition in the amount of \$140,000. The Linda Vista Health Care Center opened escrow on March 20, 1995 to purchase property located at 6979 Linda Vista Road from San Diego Gas & Electric for \$140,000. By this Council action, the Linda Vista Health Care Center will enter into an agreement with the City to apply the \$140,000 to the purchase of the property. The Agency will pay all other costs associated with the acquisition including appraisal, closing costs and similar expenses.

Aud. Cert. 9600112.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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: First Amendment to the Agreement with Bryan A. Stirrat
& Associates for the Miramar Landfill.

(Miramar Naval Air Station Community Area. District-
5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-163) ADOPTED AS RESOLUTION R-286236

Authorizing a first amendment to the agreement with
Bryan A. Stirrat & Associates for professional services
required for the West Miramar Refuse Disposal Facility-
Phase II;

Authorizing the Auditor and Comptroller to transfer not to exceed \$501,660 from CIP-37-250.0, Landfill Closure and Environmental Projects, Fund 41210, Environmental Services Enterprise Fund to CIP-37-056.0, West Miramar Refuse Disposal Facility-Phase II;

Authorizing the expenditure of not to exceed \$501,660 from the Refuse Disposal Enterprise Fund No. 41201, CIP-37-056.0, West Miramar Refuse Disposal Facility-Phase II.

CITY MANAGER SUPPORTING INFORMATION:

In 1991, Congress passed the Resource Conservation and Recovery Act (RCRA). A portion of the act (Part 257-258, 40 CFR) referred to as "Subtitle D" affects all landfills accepting municipal solid waste after October 9, 1993. Bryan A. Stirrat & Associates was hired in March of 1994 by Council Resolution No. R-283575 to design a liner system for the first two modules scheduled for development, and to update all applicable permits required under existing regulations.

Construction of the first lined cell, designed by BAS, was completed in May 1995. BAS also provided Construction Management and Construction Quality Assurance (CQA) services for this construction. The construction period of the completed liner was extended because of an extremely wet spring and a two phase construction schedule designed to assure uninterrupted disposal capacity. This amendment will provide the additional funds to cover actual CQA and construction management costs incurred during the extended construction period. This amendment will expand the original scope of work by having BAS provide CQA services for the next liner construction project (currently scheduled for October 1995). BAS will oversee and certify the placement of the low-permeability layer and high density polyethylene liner components. This amendment will also provide for upgrades to the groundwater monitoring network at the Miramar Landfill to comply with newly promulgated, "Subtitle D," driven, State regulations (Chapter 15 of Division 3, Title 23, CCR). BAS will oversee all groundwater construction related activities to assure approval from the Regional Water Quality Control Board.

Aud. Cert. 9600125.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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: Human Relations Commission's Semi-Annual Report to
Council.

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-95-1941) ADOPTED AS RESOLUTION R-286237

Accepting the Human Relations Commission's Semi-Annual
Report on the status of the Human Relations Commission.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 7/19/95, PS&NS voted 5-0 to accept the report. (Councilmembers
Kehoe, Stevens, Stallings, McCarty and Vargas voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A601-B176.)

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: Solid Waste Management Issues.

(See City Manager Report CMR-95-91; Councilmember
Harvey's 4/22/95 memorandum; Richard L. Hays' 4/25/95
memorandum.)

(Continued from the meeting of July 17, 1995, Item 151, at the City Manager's request, to answer questions asked in the Committee meeting that had not been addressed in his report.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-95-1677 REV.) ADOPTED AS AMENDED AS RESOLUTION R-286238

1. Approving the City Manager's recommendation to continue the disposal fee for the Miramar Landfill at the current rate of \$33 per ton for Fiscal Year 1996;
2. Approving the City Manager's recommended approach (Plan 2000) to achieve the State's 50 percent solid waste diversion mandate and create a multi-disciplinary partnership for strategic planning;
3. Formally terminating negotiations with Daneco, Inc. for a Materials Recovery Facility of the size and type originally envisioned.

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

This item was reviewed by the Natural Resources, Culture, and the Arts Committee on 4/26/95. The three issues in City Manager's Report CMR-95-91 were approved in three separate votes. The Committee voted 4-1 to approve Issue 1 (Councilmembers Mathis, Harvey, Stallings, and McCarty voted yea; Councilmember Warden voted nay). The Committee voted 5-0 on Issues 2 and 3. The Committee also requested that the Director of Environmental Services submit a draft letter from the Committee to the appropriate legislators in Sacramento and Washington, D.C. protesting the unfunded mandates in the Resource Conservation and Recovery Act, Subtitle D and requesting a cost-benefit study for the proposed landfill liner. The Committee also requested that the City Manager respond back on the issues outlined in Councilmember Harvey's memorandum of April 22, 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B177-C166.)

MOTION BY McCARTY TO ADOPT THE CITY MANAGER'S RECOMMENDATION WITH THE LEGISLATIVE CHANGES TO: 1) APPROVE THE LETTERS THAT HAVE BEEN WRITTEN AT THE REQUEST OF THE COMMITTEE FOR MAYOR GOLDING'S SIGNATURE TO BE SENT TO THE GOVERNOR AND TO THE UNITED STATES CONGRESS; 2) ADD MR. HARVEY'S REQUEST THAT IF THERE IS LEGISLATION PENDING RIGHT NOW FOR EITHER THE ISSUE OF THE LINER OR THE DIVERSION RATE, THEN EXPRESS SUPPORT FOR BOTH; AND 3) ADD GIVING MAYOR GOLDING THE FLEXIBILITY TO CHANGE THE WORDING OF THE LETTER REGARDING THE FINES.

Second by Stallings. Passed by the following vote:
Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea,
Warden-yea(nay - on current rate of \$33 per ton for FY'96),
Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea(nay - on Disposal Fee schedule and regulations).

ITEM-151: CONTINUED TO SEPTEMBER 26, 1995

SUBJECT: Two actions related to Revised Permit Fees and the Conversion of Development Services Department to the Enterprise Fund.

(See City Manager Report CMR-95-180.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-96-167)

Approving the Schedule of Fees and Deposits for the Development Services Department, as described in City Manager's Report CMR-95-180.

Subitem-B: (R-96-166)

Directing the City Manager to provide notice of land development permits to all of those persons who may be entitled to notice under state and federal law;

Declaring that the City Manager is no longer required by City Council to provide notice of land development permits to tenants unless such notice is required by law or by some other regulatory scheme.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 8/2/95, LU&H voted 4-0 to approve the City Manager's recommendation for the following revised fees and/or regulatory changes (a through f). In addition, the Committee requested periodic updates on Process 2000 and requested the City Manager to return to the Committee for review of permit fees once the automation was complete. (Councilmembers Mathis, Harvey, Stevens and Warden voted yea. Councilmember McCarty not present):

- a) Revise the fee for Zoning Use Certificates from \$12 to \$25;
- b) Revise the fee for Substantial Conformity Review from \$250 to \$500;
- c) Revise the fee for Adult Entertainment Zoning Use Certificate from \$25 (the revised fee for a Zoning Use Certificate) to \$1,500;
- d) Amend the Municipal Code to revise the noticing requirements for all land development permits to eliminate the noticing of tenants in order to maintain the current fee for Noticed Variances without a Hearing at \$725 and Variances and Conditional Use Permits that Require a Public Hearing at \$1,000;
- e) Convert certain deposit accounts to a flat fee basis;
- f) Reduce fees for Subdivision (Multiple Unit) Plan Check and Building Permits by decreasing the building valuation by 18 percent for building permit fees and 45 percent for plan check fees from the current 10 percent reduction in valuation.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: E216-F268.)

MOTION BY STEVENS TO CONTINUE TO SEPTEMBER 26, 1995, AT HIS REQUEST WITH DIRECTIONS TO THE CITY MANAGER TO DO THE FOLLOWING: 1) PROVIDE COUNCIL MEMBER STEVENS WITH A JUSTIFICATION ON WHAT THE CITY WILL BE CHARGING PEOPLE WITH REGARDS TO THE FLAT FEE FOR MOUNT HOPE PLANNED DISTRICT; 2) PROVIDE A CLEARER ANSWER TO COUNCIL MEMBER KEHOE REGARDING THE NOTICING REQUIREMENTS FOR ALL LAND DEVELOPMENT PERMITS;

AND 3) WITH RESPECT TO OPTION A AND OPTION B SUGGESTED BY COUNCIL MEMBER McCARTY, FLUSH THOSE OPTIONS OUT AND BRING THE OPTIONS BACK TO COUNCIL WHEN IT COMES BACK. Second by Kehoe. Passed by the following vote: Mathis-nay, Harvey-nay, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Responsibilities of City of San Diego for Ocean Monitoring as it Relates to the City's Sewage Treatment, Discharge and Continued Water Quality.

MAYOR GOLDING'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-24) INTRODUCED AS AMENDED, TO BE ADOPTED ON SEPTEMBER 11, 1995

Introduction of an Ordinance amending the San Diego Municipal Code, relating to Water Reclamation and Ocean Monitoring of Sewage Discharge, requiring the City to be responsible for the continuation of monitoring activities to ensure a healthy ocean environment.

SUPPORTING INFORMATION:

The federal Clean Water Act requires that all publicly owned treatment works treat sewage to secondary treatment levels which are defined by Environmental Protection Agency regulations as an effluent containing not higher than 30 milligrams per liter (mg/l) of Total Suspended Solids (TSS) and 30 mg/l Biochemical Oxygen Demand (BOD). The City has submitted an application for a waiver from this requirement and has secondary equivalency legislation, approved by the House and pending before the Senate, for the Point Loma treatment facility and deep ocean outfall in recognition of the outfall's exceptional length and depth. The secondary equivalency legislation does not cover future facilities which would be treated at a higher level. The California Water Code requires a water quality plan for ocean waters to contain standards by which discharges in the marine environment are monitored. The State Ocean Plan was created to satisfy this and requires compliance of criteria for effluent analysis for: pH, suspended solids, turbidity, heavy metals, 20 mineral constituents and approximately 150 other organic compounds. The State Ocean Plan standards requires 75 percent of TSS be removed and does not include BOD due to scientific data substantiating the fact that BOD does not effect the ocean environment. The City of San Diego is currently in compliance with State Ocean Plan standards, which in most cases far exceed federal requirements. Nevertheless, the City of San Diego, in

order to protect and insure to its citizens the standards of ocean monitoring are not minimized or reduced, agrees to comply with applicable state and federal standards and increase the removal requirement to result in the removal of not less than 80 percent of TSS (on a monthly average) and agree to not less than 58 percent of BOD (on an annual basis), not required by the State or Federal regulations.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C167-580; D239-284.)

Motion by Stallings to put the numbers of 80% TSS and 58% BOD back in the ordinance in addition to what is currently in the ordinance or the Federal Standards, whichever is higher. Second by Harvey.

MOTION BY STALLINGS TO INTRODUCE THE ORDINANCE TO INSERT THE FOLLOWING LANGUAGE TO READ: "...WHICH IN NO EVENT SHALL RESULT IN LESS THAN 80% TSS REMOVAL AND NO LESS THAN 58% REMOVAL OF BOD ON AN ANNUAL BASIS." 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-201:

SUBJECT: Tax Rate Ordinance for Fiscal Year 1996.

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-96-23) INTRODUCED AND ADOPTED AS ORDINANCE O-18204 (New Series)

Introduction and adoption of an Ordinance fixing the tax rates and levying taxes for the Fiscal Year 1995-96.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A601-B176.)

CONSENT MOTION BY McCARTY TO INTRODUCE AND 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-202:

SUBJECT: Fiscal Year 1996 Proposed San Diego Data Processing
Corporation (SDDPC) Budget.

(See City Manager Report CMR-95-194.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-67) ADOPTED AS RESOLUTION R-286239

Approving the Annual Budget for San Diego Data
Processing Corporation for Fiscal Year 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F269-406.)

MOTION BY McCARTY TO ADOPT THE DPC BUDGET. 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-203:

SUBJECT: Amendment of First Year's Federal Planning Grant and
Approval of Second Year's Grant for the San Diego Naval
Training Center (NTC).

(See City Manager Report CMR-95-191. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-134) ADOPTED AS RESOLUTION R-286240

Authorizing the application for and acceptance of a Federal Grant to support the Second Year Planning Effort to develop a Reuse Plan for the conversion of the Naval Training Center from military to civilian use.

Aud. Cert. 9600107.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A601-B176.)

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-204:

SUBJECT: Proposal Selection - Evan Jones Parkade and World Trade Center Parkade.

(See City Manager Report CMR-95-133. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1811) ADOPTED AS RESOLUTION R-286241

Authorizing the City Manager to negotiate a 5-year contract with Ace Parking Management, Inc., for operation of the Evan Jones Parkade and World Trade Center Parkade, and to return to Council with the proposed contract.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C581-D236.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION FOR OPERATION OF THE EVAN JONES PARKADE AND THE WORLD TRADE CENTER PARKADE, AND THEN TO RETURN TO COUNCIL WITH THE PROPOSED CONTRACT.

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

ITEM-205:

SUBJECT: Miramar Landfill Disposal Fee Schedule and Regulations for FY 1996.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-140) ADOPTED AS RESOLUTION R-286242

Authorizing a Settlement Agreement with the San Diego County Disposal Association, regarding overweight fees;

Approving the Miramar Landfill Disposal Fee Schedule and Regulations for Fiscal Year 1996.

CITY MANAGER SUPPORTING INFORMATION:

The Refuse Disposal Enterprise Fund was established in July 1988 to fund all disposal related activities of the Environmental Services Department without subsidies from the City's General Fund. Municipal Code Section 66.0125 authorizes the City Manager to periodically issue the Fee Schedule and Regulations for the Miramar Landfill which establishes fees for landfill use. The proposed revisions will update the current Fee Schedule, which became effective on July 1, 1994. The proposed schedule does not alter the current tipping fee of \$33 per ton for general refuse. The fees for clean green/wood, demolition materials, and flat rate fees for cars, pickup trucks and vans remain unchanged from current levels. Disposal fees have remained at the same level since July 1993. The proposed schedule includes a number of administrative changes required to respond to operational and regulatory issues. The majority of the changes will have little or no fiscal impact. Two areas of significant fiscal impact are the deletion of the overweight charges and the special handling fees for Decontaminated Bio-Hazardous Waste. As a result of a Settlement Agreement with the San Diego County Disposal Association (SDCDA), the Overweight Fee Schedule is being deleted. In return, SDCDA relinquishes any alleged legal rights in recovery monies collected pursuant to the Overweight Fee Schedule. The special handling charges are no longer necessary due to pretreatment of bio-hazardous waste by medical facilities

prior to disposal. The combined impact of these changes will result in an annual revenue loss to the Refuse Disposal Enterprise Fund of approximately \$850,000.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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 (nay - on 1st Section - \$33.00 per ton of Miramar Landfill Disposal Fee Schedule and Regulations).

ITEM-206:

SUBJECT: Use of City Vehicles by City Employees.

(See Report from the City Attorney dated 6/21/95.)

(Continued from the meeting of July 31, 1995, Item 201, at the City Manager's request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1873) ADOPTED AS RESOLUTION R-286243

Establishing Council Policy 200-19 regarding Use of City Vehicles by City Employees.

CITY MANAGER SUPPORTING INFORMATION:

The City Manager has identified a need for a Council Policy that sets out conditions for the use of City vehicles used by City personnel on a 24-hour basis and the applicable insurance coverage available to passengers in the event of an accident involving injuries. There are presently approximately 370 City vehicles used by City personnel on a 24-hour basis. This Council Policy will also provide guidelines and responsibilities for all City department personnel in their use of City vehicles.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F407-643.)

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

ITEM-207:

SUBJECT: Ordering Foreclosure Action Against Delinquent Parcels of Land.

(See City Manager Report CMR-95-187. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1931) ADOPTED AS RESOLUTION R-286244

Ordering an action to be brought in the Superior Court of San Diego County to foreclose the special assessment liens against the following delinquent parcels of land:

Assessment District No. 3975-R
(Sunset Cliffs Shoreline Stabilization)
448-061-03-00
448-061-04-00
Assessment District No. 3987
(Otay Mesa Road)
646-111-19-00
646-111-20-00
646-111-21-00
646-111-22-00
646-111-23-00
646-130-46-00
646-130-47-00
Assessment District No. 4010
(Otay International Center - Phase I)
646-142-26-00
646-143-11-99
646-160-08-00
Assessment District No. 4019

(Otay International Center - Phase II)
646-142-26-00
646-143-11-99
Assessment District No. 4011
(De La Fuente Business Park - Phase I)
646-150-18-00

FILE LOCATION: STRT - D-2233 D-2236 D-2264 D-2276 D-2265

COUNCIL ACTION: (Tape location: A601-B176.)

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: Foreclosure and Sale of The Park in The Valley Property
in Assessment District No. 4007, First San Diego River
Improvement Project (FSDRIP).

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-120) ADOPTED AS RESOLUTION R-286245

Authorizing the City Manager to take the action
necessary to cause the City to take title to the Park
in The Valley property pursuant to the May Company
Sale;

When the City takes title to the Park in The Valley
Property:

- 1) The City Manager is authorized to make the
September 2, 1995 principal and interest payment
in the amount of \$1,953,922.66 to the Redemption
Fund;
- 2) The City Manager is authorized to sell the Park in
The Valley Take Parcel to the MTDB for \$5.575
million, less the seller's reasonable closing

costs incurred with the transaction;

- 3) The City Manager is authorized to sell the Park in The Valley Remainder Parcel to Sunbelt for an amount not less than \$8.9 million, less the seller's reasonable closing costs incurred with the transaction.

CITY MANAGER SUPPORTING INFORMATION:

The action before Council reflects the decisions reached at Closed Session regarding the City's plan of action to foreclose and sell the Park in The Valley (PIV) property, which has been delinquent in the payment of annual assessments and property taxes since the 1989-1990 fiscal year. In accordance with previous Council direction, staff obtained due-diligence studies from consultants retained to evaluate the development potential of the delinquent property. Based on the results of the due-diligence efforts, the City is prepared to take title to PIV and sell the property to identified buyers. A portion of the property (Take Parcel) would be sold to the Metropolitan Transit Development Board (MTDB) for light rail transit purposes and the balance of the property (Remainder Parcel) would be sold to a private developer, Sunbelt Management Company. The City will receive \$5,575,000 from the MTDB for the Take Parcel and no less than \$8,900,000 from Sunbelt Management Company for the Remainder Parcel.

After taking title to PIV, the City will make the September 2, 1995, debt service payment to the District's Redemption Fund. Subsequent to the sale of the Take Parcel to MTDB, the City will purchase not more than \$8,400,000 in FSDRIP bonds to satisfy and discharge the outstanding lien on the PIV property.

Aud. Cert. 9600122.

FILE LOCATION: STRT - D-2256

COUNCIL ACTION: (Tape location: A601- B176.)

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: TRAILED TO AUGUST 15, 1995

SUBJECT: Two actions related to San Diego Stadium Improvements Project - San Diego Charger's Training Facility - Phase I.

(Mission Valley and Kearny Mesa Community Areas.
District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-15)

Inviting bids for Construction of San Diego Chargers Training Facility, Phase I on Work Order No. 341211;

Authorizing a contract with Robbins Jorgensen Christopher Architects (RJC), for an amount not to exceed \$998,000 from Fund 10332, CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, for professional services required for the design of the San Diego Chargers Training Facility;

Authorizing the transfer and appropriation of \$3,000,000 from Fund 10226, Trolley Extension Reserve, to CIP-34-121.0, Fund 10332, San Diego Jack Murphy Stadium Improvements, to provide interim project funding with the transfer to be repaid from bond proceeds;

Authorizing the expenditure of \$1,300,000 from CIP-34-121.0, Fund 10332, San Diego Jack Murphy Stadium Improvements, for a site preparation contract for the San Diego Chargers Training Facility, and authorizing the expenditure of \$808,000 from Fund 10332, CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, for professional services required for the design of the San Diego Chargers Training Facility;

Authorizing the addition of CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, to the FY 96 Budget in the amount of \$60,000,000;

Authorizing a contract with the lowest responsible bidder for the site preparation of the San Diego

Chargers Training Facility, based on the actual low bid received for an amount not to exceed \$1,300,000 from CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, Fund 10332;

Stating for the record that the final Mitigated Negative Declaration DEP-95-0261, has been reviewed and considered prior to approving the project;

Adopting the Mitigation Monitoring and Reporting Program.

(BID-K96000)

Subitem-B: (R-96-16)

Certifying that the information contained in Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program DEP-95-0261, dated July 5, 1995, has been completed in compliance with the California Environmental Quality Act of 1970 and State CEQA Guidelines, and reflects the independent judgement of the City of San Diego as Lead Agency.

CITY MANAGER SUPPORTING INFORMATION:

On May 15th, the City Council authorized and subsequently adopted an ordinance for the 1995 Agreement for the Partial Use and Occupancy of San Diego Jack Murphy Stadium between the Chargers Football Company and the City (the "1995 Agreement"). The 1995 Agreement provided for \$60,000,000 in Stadium and related improvements, including: additional seating at the Stadium, renovation and construction of skybox suites, improved public amenities at the Stadium, new scoreboards, and a training facility. The San Diego Chargers Training Facility will provide administrative, player, public relations, and ticket facilities. Some of the building functions include weight training, auditorium, steam rooms, locker rooms, staff lounge, offices, conference room, and media rooms. The site will also include practice fields. In accordance with Council Policy 300-7 and Administrative Regulation 25.60 four (4) firms were selected by the Consultant Nominating Committee. Interviews were conducted on March 27, 1995 with Robbins Jorgensen Christopher being recommended for professional services. Fee negotiations were consummated on July 10, 1995, resulting in mutually acceptable terms and conditions including a base fee of \$861,188, miscellaneous expenses of \$34,682, and additional services (if

needed) of \$102,130. In order to adhere to the construction time-line as imposed by the 1995 agreement, it was necessary to enter into an interim agreement with Robbins Jorgensen Christopher Architects (RJC). In July 1995, the City Manager authorized an interim agreement with RJC in the amount of \$190,000 for professional services required for the design of the San Diego Chargers Training Facility. Authorization is requested for the City Manager to enter into a contract with RJC, for the balance of \$808,000, for a total not-to-exceed amount of \$998,000. Additionally, authorization is requested for the City Manager to enter into a site preparation contract, with the lowest responsible bidder, for the San Diego Chargers Training Facility, for a not-to-exceed amount of \$1,300,000. Authorization of the transfer of funds from Fund 10226, Trolley Extension Reserve, is requested to fund interim project costs to be repaid from bond proceeds and must be repaid prior to fiscal year-end to fund required Trolley Extension debt services reserves.

Aud. Cert. 9600080.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A601-B176.)

CONSENT MOTION BY McCARTY TO TRAIL TO AUGUST 15, 1995.
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-210:

SUBJECT: Inviting Bids for the Construction of Waring Road Median Enhancement.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-13) ADOPTED AS RESOLUTION R-286246

Inviting bids for the Construction of Waring Road Median Enhancement on Work Order No. 112143;

Authorizing a contract with the lowest responsible bidder;

Certifying that the City will be 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's annual allocation of TransNet revenues;

Authorizing the City Manager to request advance funding from SANDAG through the Debt Financing Program in an amount not to exceed \$1,670,000, and to execute any necessary documents relating to the receipt of the funds from SANDAG;

Authorizing the City Auditor and Comptroller to transfer \$73,975.72 from the Street Resurfacing Program (Program Element 94411) (Object Account 4213), Fund 30219, to Waring Road Median Enhancement, CIP-63-014.0;

Authorizing the expenditure from CIP-63-014.0, Waring Road Median Enhancements, of \$1,670,000 from TransNet Bond, Fund 30302, and \$73,975.52 from the Streets Resurfacing Program, Fund 30219, for the construction of the Waring Road Median Enhancement. (BID-K96007)

CITY MANAGER SUPPORTING INFORMATION:

This project provides for the construction of a raised landscaped median on Waring Road between Interstate 8 and Lance Street, south of Navajo Drive. The installation of a traffic signal at Waring Road and Eldridge Street and upgrades to the existing signals at Princess View Drive and Navajo Drive are also included in this project. These actions would authorize funding for the construction of this project through debt financing. The primary funding source would be TransNet Bonds. This project is consistent with the Navajo Community Plan and the City's General Plan Guidelines.

Aud. Cert. 9600093.

FILE LOCATION: W.O. 112143 CONT - Carolyn E. Scheidel
CONFY96-1

COUNCIL ACTION: (Tape location: A601-B176.)

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-211:

SUBJECT: Two actions related to the North Chollas Burn Site Remediation.

(Mid-City Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-11) ADOPTED AS RESOLUTION R-286247

Inviting bids for the North Chollas Burn Site on Work Order No. 119260;

Authorizing a contract with the lowest responsible bidder;

Authorizing the Auditor and Comptroller to transfer \$2,131,035 within the Environmental Services Enterprise Fund 41201: \$1,800,000 from CIP-37-356.0, Waste Management Facility and \$331,035 from CIP-37-250.0, Landfill/Closure/Environmental Project to CIP-37-219.0, North Chollas Site Mitigation;

Authorizing the expenditure of \$4,904,854 from CIP-37-219.0, Fund 41201, for construction and related costs for the North Chollas Remediation Project. (BID-K96004)

Subitem-B: (R-96-12 REV.) ADOPTED AS AMENDED AS RESOLUTION R-286248

Certifying that the information contained in Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program DEP-89-1426, dated May 26, 1995, in connection with North Chollas Burn Site, has been completed in compliance with the California

Environmental Quality Act of 1970 and State guidelines, and that the Declaration has been reviewed and considered by Council; Adopting the final Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Between approximately 1946 and 1951 municipal solid waste was burned at the North Chollas Site. In 1968, an experimental trash baling and landfilling operation was performed in the eastern portion of the site, during which approximately 317 cubic yards of baled municipal solid waste was buried. In 1979, some of the ash residue from the burning operation was relocated and used for the construction of berms along the northern perimeter of the site. Since 1987 the City has conducted several assessments on the site during which elevated levels of heavy metals including lead were found in the soil. Since that time the site has not been accessible to the public. The proposed project will remove the contaminated soil and baled waste to facilitate public use of the property. The remediation project consists of the excavation of an estimated 450,000 cubic yards of material; of this approximately 115,000 cubic yards is expected to be contaminated soil. Clean soil will be temporarily stockpiled on site for use in regrading at the completion of the remediation project to allow for public access. On-site testing will determine which material soil will then be removed and disposed of at the Miramar Landfill. Clean soil will be backhauled from Miramar and deposited at South Chollas Landfill where it will be used for site maintenance in the future. The Plans and Specifications have been completed for the North Chollas Burn Site Remediation (CIP-37-219.0). An EIR (DEP-89-1426) prepared by the City has been circulated for public comment. To mitigate for the loss of habitat of the California Gnatcatcher as identified in the EIR, \$108,900 will be allocated for the purchase of mitigation property.

Aud. Cert. 9600030.

FILE LOCATION: W.O. 119260 CONT - Fill Dirt, Inc.
CONFY96-1

COUNCIL ACTION: (Tape location: D285-580.)

MOTION BY STEVENS TO ADOPT THE CITY MANAGER'S RECOMMENDATION TO INCLUDE THE SIX CONDITIONS PRESENTED IN THE LETTER BY THE CLAIREMONT MESA PLANNING COMMITTEE DATED AUGUST 11, 1995 WITH DIRECTIONS TO THE CITY MANAGER TO DO THE FOLLOWING: 1)

WITH RESPECT TO THE TRAFFIC CIRCULATION IN THE EIR, AMEND THE PRESENT DIRECTIONS LISTED DOWN COLLEGE GROVE WAY TO EUCLID AVENUE TO GO FROM THE SITE ITSELF EAST ON COLLEGE GROVE WAY TO THE RAMP THAT GOES ONTO THE FREEWAY, SO IT WOULD NOT GO THROUGH ANY OF THE NEIGHBORHOODS DOWN ON 54TH STREET; AND 2) HAVE STAFF INCLUDE MR. SHAW'S RECOMMENDATION TO SHOW THE FOLLOWING LANGUAGE: "AT ANY TIME DURING A RAIN EVENT WHEN THERE IS WATER ACTUALLY OVERFLOWING TO CATCH BASIN, THAT THE CITY WOULD TEST THAT WATER ON A DAILY BASIS UNTIL SUCH TIME AS IT STOPPED OVERFLOWING INTO SAN CLEMENTE." 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-212:

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-96-131) ADOPTED AS RESOLUTION R-286249

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

CITY MANAGER SUPPORTING INFORMATION:

For more than 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 February 23, 1995 at a cost of \$4,873,615.

- B. Construction Contract 2 (CC-2) - Advanced Primary Facilities.
Construction: June 1995 - February 1997.
A Notice to Proceed was issued to Western Summit on June 12, 1995.
The contractor is mobilizing equipment and support facilities, establishing temporary utility services, installing security fencing, and removing surcharged soil from the SBIWTP site. The construction is proceeding on schedule.
On July 19, 1995, the federal government settled the lawsuit with the Sierra Club and Surfrider Foundation. As a result of the settlement, the EPA/IBWC will prepare two Supplemental Environmental Impact Statements (SEIS). One will cover interim discharge of effluent until the ocean outfall is completed, and the second will cover alternative methods of secondary treatment.

- 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 - January 1996
Bid Solicitation: February 1996 - April 1996
Construction: May 1996 - May 1997
Design work has been delayed due to right-of-way acquisition problems at Smuggler's Gulch and decisions regarding siting of the Goat Canyon pump station and the dechlorination facility. Funding may still be an issue.

SOUTH BAY OCEAN OUTFALL

On June 29, 1995, the Surfriders Foundation initiated a lawsuit against the City of San Diego requesting that the City Council's May 22, 1995 approval of the Environmental Impact Report for the South Bay Ocean Outfall be set aside. The law firm of McCutcheon Doyle is handling this lawsuit for the City. A settlement conference has been scheduled for August 7, 1995.

A. Package 1 - Special Structures.

Design: Completed May 12, 1995
Revised Design: Complete October 27, 1995
Bid Solicitation: November 16, 1995 - January 3, 1996
Construction: April 1996 - July 1997

The start of construction of this package has been accelerated in order to coordinate work under this project with work being done in connection with the International Treatment Plant.

B. Package 2 - Tunnel.

Bid Solicitation: April 6, 1995 - June 15, 1995
Construction: September 1995 - May 1998
The bid opening for the Tunnel package was held on June 15, 1995.

The apparent low bidder is Traylor Brothers/Obayashi, joint venture.

The bid was \$88,300,000. On July 11, 1995, the second low bidder, Kajima/Dillingham/ICA, a Joint Venture, filed a protest to the award of the construction contract to Traylor Brothers. On August 1, 1995, the City sent a letter to Kajima/Dillingham informing them of the City's decision to proceed with the low bidder and advising them of their right to appeal the decision to the Council. The issuance of the Notice of Intent to Award will be delayed pending the resolution of the bid protest.

C. Package 3 - Marine Works.

Bid Solicitation: June 15, 1995 - August 15, 1995
Construction: November 1995 - October 1997
The bid for the Marine package was advertised on 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: A601-B176.)

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-213: REFERRED TO CLOSED SESSION ON AUGUST 15, 1995

SUBJECT: The matter of directing staff regarding the City's option to negotiate for the acquisition of the building at 600 B Street and directing staff regarding the potential negotiations to acquire the Civic Center Plaza Building.

Negotiators for the building at 600 B street include Mr. Michael Krier, representing the building's owner, and Messrs. Craig Irving of the Irving Group and Mike Steffen of the City's Real Estate Assets Department, representing the City's interest.

The negotiator for the Civic Center Plaza Building's owner is Mr. John Valenstein of Chase Manhattan Bank. The City would be represented by Messrs. Craig Irving of the Irving Group and Mike Steffen of the City's Real Estate Assets Department.

As a requirement of the Brown Act (California Government Code Section 54956.8) the public is entitled to speak on this matter prior to Council discussion in Closed Session. This item will be heard in Closed Session on August 15, 1995.

TODAY'S ACTION IS:

- 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 Tuesday, August 15, 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F644-670.)

ITEM-214: TRAILED TO AUGUST 15, 1995

A Special Presentation by the City Manager regarding City-Wide Restructuring. This is an information item only.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: G249-250.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:31 p.m. in honor of the memories of Captain Harry T. Jenkins, Jr., as requested by Mayor Golding and Attorney Witt; Augusta Starkey as requested by Mayor Golding; and Paul Hayes as requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G251-297).