

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, SEPTEMBER 11, 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 2:10 p.m. Mayor Golding acknowledged and welcomed Lord Provost Norman Irons and Lady Provost Anne Irons from Edinburgh, Scotland. Lord Provost who is the Right Honorable Norman Irons, serves as the Queens' Representative in Edinburgh as well as the Head of the local Government. Mayor Golding announced Edinburgh, the Capitol of Scotland, became a Sister City to San Diego in 1977 and that our relationship with Scotland is a strong one with an active organization in San Diego and a large Scottish population of over 35,000. Mayor Golding also announced last year both Sister Cities were honored by receiving the Readers Digest Award for the best International Youth Exchange Program. Mayor Golding expressed how extremely proud San Diego is of the relationship between the two Sister Cities. Mayor Golding adjourned the meeting at 3:43 p.m. into Closed Session at 9:00 a.m. on Tuesday, September 12, 1995, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

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

(8) Council Member Vargas-present

Clerk-Abdelnour (pr)

ITEM-1: ROLL CALL

Clerk Abdelnour 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

ITEM-10: INVOCATION

Invocation was given by Father Jon Braun of the Saint Anthony Orthodox Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vargas.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding Cable T.V., Public Access, and the preemption of programs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A033-045.)

ITEM-PC-2: REFERRED TO HOUSING COMMISSION

Comment by Deyan Petakovich regarding unfair competition and the Maya Apartments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A047-072.)

ITEM-PC-3:

Comment by Ron Boshung urging the City Council to speak to Congress regarding the return of the U.S.S. Constitution, (the oldest ship on the Navy list) to the West Coast.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A076-110.)

ITEM-PC-4:

Comment by Reverend David Bruce Thompson regarding youth and violence.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A111-140.)

ITEM-PC-5: REFERRED TO CITY MANAGER

Comment by Susan Mish regarding boarding house statutes and regulations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A142-161.)

ITEM-PC-6:

Comment by David Bieber thanking the Council for their support this year and last year for the program "Bikers for Babies" representing the March of Dimes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A162-179.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Mathis regarding his recent trip to Moscow and their great interest in maintaining strong cultural and business ties with San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A163-293.)

ITEM-CC-2:

Comment by Council Member Vargas regarding the Postal Police who make sure the U.S. mail is not stolen. Currently there are 23 cities in the United States that have Postal Police; the 21 Postal Policeman here in San Diego could be losing their positions due to the Federal Government needing to cut back.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A294-328.)

ITEM-CC-3:

Comment by Council Member Stallings regarding her "ride-along" with the "Gang Suppression Team" who were attempting to apprehend a dangerous gang member. Council Member Stallings praised the police officers for their courage and professionalism in a very stressful, dangerous situation, and for the successful arrest of the gang member.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A330-351.)

ITEM-CC-4:

Comment by Council Member Harvey recognizing and congratulating Angelika Villagrana of the Chamber of Commerce on becoming a U.S. Citizen.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A355-367.)

ITEM-30:

SUBJECT: Nan Valerio Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-96-177) ADOPTED AS RESOLUTION R-286276

Recognizing and commending Nan Valerio for her eighteen years of community service and dedicated efforts to preserve Tecolote Canyon as a natural resource park for San Diegans to enjoy well into the future;

Proclaiming Monday, September 11, 1995 to be "Nan Valerio Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A588-B036.)

MOTION BY HARVEY TO ADOPT. 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-31: APPROVED

Approval of Council Minutes for the Meetings of:

07/31/95

08/01/95

08/01/95 Special Joint Meeting

08/07/95

08/08/95 Adjourned

08/14/95

08/15/95

08/15/95 Special Meeting

08/21/95 Adjourned

08/22/95 Adjourned

08/28/95 Adjourned

08/29/95 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A366-369.)

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

\* ITEM-50:

SUBJECT: Amending the San Diego Municipal Code to Add a Parking Prohibition Subsection.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/7/95. (Council voted 9-0):

(O-96-11) ADOPTED AS ORDINANCE O-18205 (New Series)

Amending Chapter VIII, Article 6, of the San Diego Municipal Code by amending Section 86.09, relating to Parking Prohibitions.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041.)

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

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 8/14/95. (Council voted 9-0):  
(O-96-24 Rev.) ADOPTED AS ORDINANCE O-18206 (New Series)

Amending Chapter VI, Article 4, Division 8, of the San Diego Municipal Code, by amending the title of Division 8 and adding Section 64.0811, relating to Water Reclamation and Ocean Monitoring of Sewer Discharges.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-52:

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/14/95. (Council voted 9-0):

(O-96-133) ADOPTED AS ORDINANCE O-18207 (New Series)

Authorizing the City Manager to establish a temporary "Pay and Display" Parking Meter Test area on the north side of the block of F Street between Front Street and First Avenue.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-53:

SUBJECT: Action related to the Old Town Business Improvement District (BID).

(Old Town Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 8/15/95. (Council voted 9-0):

(O-96-25 Rev.) ADOPTED AS ORDINANCE O-18208 (New Series)

Establishing the Old Town Business Improvement District pursuant to the Parking and Business Improvement Area Law of 1989.

FILE LOCATION: STRT-L-13

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-54:

SUBJECT: Convert One-Hour Metered Zone to Two-Hour Metered Zone.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/7/95. (Council voted 9-0):

(O-96-14) ADOPTED AS ORDINANCE O-18209 (New Series)

Converting the one-hour metered zone to a two-hour metered zone on both sides of Seventh Avenue between "A" Street and Ash Street, and on the north side of "A" Street between Seventh Avenue and Eighth Avenue.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-55:

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

(City Heights Community Area. District-3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/14/95. (Council voted 9-0):

(O-96-26) ADOPTED AS ORDINANCE O-18210 (New Series)

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.

NOTE: 6 votes required. Pursuant to Section 99 of the City Charter, a notice regarding the adoption of the ordinance was published in the Daily Transcript.

FILE LOCATION: LEAS - Young Men's Christian Association of San Diego County LEASFY96-1

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-56:

SUBJECT: Four actions related to Mobil Mini Mart Rezonings and Community Plan Amendments.  
(CPA-93-0368, Rezone-94-0157. District-4.)

TODAY'S ACTIONS ARE:

Adoption of the following ordinances and resolution. (The ordinances in Subitems A, B, and C were introduced on 8/15/95. Council voted 9-0):

Subitem-A: (O-96-27) ADOPTED AS ORDINANCE O-18211 (New Series)

Rezoning a 0.2-acre parcel, located at the northwest corner of Imperial Avenue and Escuela Street, into the CSR-1 Zone.

Subitem-B: (O-96-28) ADOPTED AS ORDINANCE O-18212 (New Series)

Amending Zone Map Drawing No. C-732 to reflect the change in land use designation of Parcels 7-11 of Sunshine Gardens Subdivision, Map-1804, from the MF-2500 Zone to the CSR-1 Zone.

Subitem-C: (O-96-29) ADOPTED AS ORDINANCE O-18213 (New Series)

Approving and adopting the First Amendment to the Redevelopment Plan for the Central Imperial Redevelopment Project.

Subitem-D: (R-96-157) ADOPTED AS RESOLUTION R-286277

Adoption of a Resolution approving the Southeast San Diego Community Plan Amendment.

FILE LOCATION: Subitem A: ZONE-RZ94-0157; Subitem B: SUBD - Sunshine Gardens Subdivision; Subitems C,D: LAND-SESD

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES FOR SUBITEMS A, B, AND C, AND ADOPT THE RESOLUTION FOR SUBITEM D. 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-57:

SUBJECT: Amending the San Diego Municipal Code relating to Fees for Responses to Public Record Requests.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-44) INTRODUCED, TO BE ADOPTED ON OCTOBER 2, 1995

Introduction of an Ordinance amending Chapter II, Article 2, Division 1, of the San Diego Municipal Code by amending and renumbering Section 22.0103; by renumbering Section 22.0104; by amending Section 29.0112; and by amending Chapter IX, Article 1, Division 3 of the San Diego Municipal Code by amending Section 91.0304, all relating to Fees for Responses to

Public Record Requests.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Municipal Code Sections 22.0103 and 91.0304 as currently written allow the City Manager to charge the public for the full cost of providing a public record. The full cost includes costs incurred in locating, researching and making the records available as well as the actual cost of reproducing the records. The City Attorney has recommended that these Municipal Code Sections be amended to conform with current state law, as reflected in the court case of North County Parents Organization v. California Department of Education, 23 Cal App. 4th 144 (1994) rev. denied, May 19, 1994. The North County Parents case holds that charging the public more than the actual cost of copying a public record is a violation of the California Public Records Act (Government Code Section 6250 et seq.). It is thus unlawful to charge for locating, researching and making public records available. The City Manager concurs with the City Attorney's recommendation to amend these Municipal Code Sections to conform with current case law. The recommended revisions to Municipal Code Sections 22.0103 and 91.0304, and the corresponding revision of Administrative Regulation 95.20, would enable the City Manager to continue charging the public for the costs of reproducing public records (typically \$0.15 per page unless the actual cost of reproducing the copy is substantially different from this guideline). However, the Manager would be prohibited from charging the public for the costs of locating, researching and making public records available. The City Manager's current policy of charging the full cost of providing records in response to civil subpoenas would remain unchanged. The City Attorney's Office also recommends that companion housekeeping amendments pertaining to municipal code numbering be approved; and the City Manager concurs with this recommendation.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B118-C041; B307-369)

CONSENT MOTION BY KEHOE TO INTRODUCE THE ORDINANCE. 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-58:

SUBJECT: Amending the San Diego Municipal Code relating to  
Refuse Disposal Facilities - Regulations.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-31) INTRODUCED, TO BE ADOPTED ON OCTOBER 2, 1995

Introduction of an Ordinance amending Chapter VI,  
Article 6, Division 1 of the San Diego Municipal Code  
by amending Section 66.0124, relating to Refuse  
Disposal Facilities - Regulations.

CITY MANAGER SUPPORTING INFORMATION:

Municipal Code Section 66.0124 establishes rules and regulations for the use of refuse disposal facilities operated or maintained by the City of San Diego. This Section was last amended on May 22, 1989 by Ordinance O-17304. The proposed amendment includes language prohibiting disposal of wastes in violation of Federal or State Law, or in violation of operating permits issued to the facilities by Federal, State, and local agencies. Prohibited wastes include hazardous wastes, infectious wastes and radioactive wastes. This language is necessary to enhance the City's ability to take appropriate enforcement action (Notice of Violation, Regulatory Referral or Prosecution Referral) when persons dispose or attempt to dispose of inappropriate wastes at these facilities. The amendment deletes the requirement for haulers to declare refuse containing non-infectious medical waste. Environmental Services Department staff, after consulting with medical experts and regulatory agencies, have determined that this requirement presents an undue burden on medical, dental, veterinary, and research facilities. The proposed amendment also includes modification of portions of the Section to clarify the intent. The placement of language within the Section has also been modified to improve the coherence and readability of the Section.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO INTRODUCE THE ORDINANCE. 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-59:

SUBJECT: Proposal to Lease Space at Catalina Fire Station to Airtouch Cellular.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-30) INTRODUCED, TO BE ADOPTED ON OCTOBER 2, 1995

Introduction of an Ordinance authorizing the City Manager to execute a 5-year lease agreement with three 5-year options, with Airtouch Cellular for approximately 150 square feet of space at Catalina Fire Station.

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

CITY MANAGER SUPPORTING INFORMATION:

Airtouch Cellular is a major provider of cellular phone service in the San Diego market. The proposed lease would allow Airtouch to utilize a storage room at the Catalina Fire Station to house the communication equipment. A slight increase of five feet in the height of the hose-drying tower will accommodate a cellular antenna and minimize visual impact on the neighborhood. Airtouch will pay the cost of all modifications. A rental rate of \$6,000 per year has been negotiated for this agreement, with C.P.I. adjustments at five year intervals. It is proposed that Airtouch provide \$30,000 worth of new standby electrical generators for fire stations in lieu of monetary rent for the initial five year term. The Fire Department has expressed a need for generators at various locations. Three additional 5-year extensions of the agreement are proposed, with the City Manager having discretion as to whether to accept further deliveries of capital equipment or monetary rent for each period.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO INTRODUCE THE ORDINANCE. 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-60:

SUBJECT: Water Service for the Twin Hills Park and Surrounding Properties.

(Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-35) INTRODUCED, TO BE ADOPTED ON OCTOBER 2, 1995

Introduction of an Ordinance authorizing a perpetual agreement with Sweetwater Authority, for water service to the Twin Hills Youth Park and surrounding properties.

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

CITY MANAGER SUPPORTING INFORMATION:

The Twin Hills Park and surrounding properties within the City of San Diego are isolated from the City's water distribution system. These properties are currently being served by the Sweetwater Authority on an informal basis. Sweetwater Authority has sufficient surplus water and intends to make significant improvements to its distribution facilities in order to more efficiently serve the properties in question. As such, a formal agreement is now necessary. This agreement will continue in perpetuity. However, should the City desire to terminate the agreement it agrees to pay the Sweetwater Authority an amount equal to the cost of the improvements which are constructed to benefit the City, less the amount which the improvements have been depreciated by the Sweetwater Authority.  
WU-SD-95-185.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B118-C041.)

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

\* ITEM-100:

SUBJECT: Two actions related to Hillery Drive Traffic Signal Cost Reimbursement District.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-165) ADOPTED AS RESOLUTION 286278;

HEARING TO BE HELD ON OCTOBER 17, 1995, AND OCTOBER 13, 1995.

Calling a public meeting and a public hearing to amend the assessments in the Hillery Drive Traffic Signal Cost Recovery District.

Subitem-B: (R-96-143) ADOPTED AS RESOLUTION 286279

Authorizing a second amendment to the agreement with Pardee Construction Company, to reflect the actual cost incurred to construct the Hillery Drive traffic signal project;

Authorizing the expenditure of not to exceed \$23,273.30 from CIP-61-001.0, Annual Allocation - Traffic Control Measures, Fund 30300;

Amending the lien amount from \$55,000 to \$78,273.30 to reflect the actual project costs.

CITY MANAGER SUPPORTING INFORMATION:



In September 1991, Council authorized execution of a reimbursement agreement with Pardee Construction Company to provide a traffic signal at the intersection of Hillery Drive and Black Mountain Road. In accordance with the terms of the reimbursement agreement, the estimated project cost of \$110,000 was to be recovered from two distinct funding sources. Fifty percent of the project cost was to be reimbursed from CIP-68-010.0, with the remaining 50 percent recovered through the formation of a cost reimbursement district affecting property owned by Kaiser Permanente.

In August 1992, Council authorized the formation of the Hillery Drive Traffic Signal Cost Reimbursement District and placed liens in the amount of \$55,000 against benefitted parcels owned by Kaiser Permanente. Since the recorded liens were based on estimated project costs, they are subject to modification to reflect actual costs upon completion of the project. The traffic signal is in place and the actual project cost of \$156,546.60 has been verified by a City audit. Based on confirmation of the project cost, the reimbursement agreement between the City and Pardee Construction Company should be amended to provide compensation for the \$46,546.60 increase. Half of the increase would be funded from CIP-61-001.0 and the other half by amending the liens on the Kaiser parcels. Since formation of the district, Kaiser has sold a three acre portion of one of their liened parcels to the County Water Authority (CWA) for right-of-way to construct a water pipeline. Based on the intent of the reimbursement district, liens will be reallocated on the Kaiser parcels without placing any lien on the CWA property. This reallocation recognizes that construction of the traffic signal would have a condition to accommodate future traffic generated by Kaiser's development. Since the CWA pipeline does not generate any traffic, no benefit is received by the CWA from the traffic signal project.

Aud. Cert. 9600089.

FILE LOCATION: STRT-CR-21 CONFY96-1

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-101: CONTINUED TO OCTOBER 3, 1995

SUBJECT: Four actions related to Mission Valley West LRT  
Extension Cost Reimbursement District No. 4083.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-197)

Authorizing the City Manager to take the necessary actions to initiate the Mission Valley West LRT Extension Cost Reimbursement District for improvements being constructed by the Metropolitan Transit Development Board;

Authorizing the Auditor and Comptroller to establish the Mission Valley West LRT Extension Fund (Fund No. 72021), to maintain interest in the fund and to make appropriate deposits when liens are paid.

Subitem-B: (R-96-198)

Authorizing a consultant agreement with Nolte and Associates, Inc., to provide cost reimbursement engineering services for the Mission Valley West LRT Extension.

Subitem-C: (R-96-199)

Authorizing a District Formation Cost Agreement with the Metropolitan Transit Development Board, for improvements being constructed on the Mission Valley West LRT Extension.

Subitem-D: (R-96-200)

Stating for the record that the information contained in the Final Mission Valley West Environmental Impact Report SCH No. 90010961, prepared by the Metropolitan Transit Development Board, dated May, 1992, including any comments received during the public review process, has been reviewed and considered by Council

in connection with the Mission Valley West LRT  
Extension Cost Reimbursement District.

CITY MANAGER SUPPORTING INFORMATION:

In past years, the City of San Diego received development proposals for several projects that abutted the right-of-way of a proposed Light Rail Transit (LRT) Extension in Mission Valley. The City placed development conditions relating to the LRT Extension on those properties. The Metropolitan Transit Development Board (MTDB) has recently awarded contracts for the construction of the Mission Valley West LRT Extension project between Interstate 5 and San Diego Jack Murphy Stadium. MTDB has requested the City to form a cost reimbursement district in connection with the public improvements that will be constructed as part of the LRT Extension project. The reason for establishing the district is to provide a mechanism to ensure that the development conditions (relating to the LRT) now in effect for properties in Mission Valley will be satisfied when the conditioned development occurs at some future date. The district will be formed under the terms of the City of San Diego Cost Reimbursement District Procedural Ordinance (O-17725, adopted January 6, 1992). The Ordinance specifies that the Street Superintendent shall determine the area of benefit and establish reimbursement charges, based on benefit, to be collected from the owners of the various parcels of property within the district. In the proposed LRT Extension Cost Reimbursement District, the release of subdivider responsibilities relating to the LRT is expected to be the only benefit criterion. The currently effective LRT conditions for each project will be used to determine the benefit received and to establish the reimbursement charge due from those projects placed in the reimbursement district. Only those abutting properties whose owners have approached the City with development proposals will be considered for inclusion in the district. Aud. Cert. 9600172.

FILE LOCATION:                   STRT-CR-26

COUNCIL ACTION:               (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO CONTINUE TO OCTOBER 3, 1995 FOR FURTHER REVIEW. 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-102:

SUBJECT: Two actions related to Street Dedication - 7505 Hillside Drive.

(La Jolla Shores Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-169) ADOPTED AS RESOLUTION R-286280

Approving the acceptance by the City Manager of a grant deed of Dean A. Spanos and Susan L. Spanos, granting to the City an easement for public street purposes in a portion of Lot "B" of the Resubdivision of La Jolla Hills No. 2, Map-2087; dedicating and naming the same Hillside Drive.

Subitem-B: (R-96-170) ADOPTED AS RESOLUTION R-286281

Certifying that the information contained in Mitigated Negative Declaration DEP-94-0621, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the Declaration reflects the independent judgement of the City of San Diego as Lead Agency, and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the dedication of a portion of Hillside Drive;

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

Adopting the Mitigation, Monitoring and Reporting Program.

FILE LOCATION: DEED F-6571 DEED FY96-1

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-103:

SUBJECT: Two actions related to Street Dedication - Palm Avenue and Dennery Road.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-189) ADOPTED AS RESOLUTION R-286282

Approving the acceptance by the City Manager of a grant deed of Gateway Plaza Partners, granting to the City an easement for public street purposes in a portion of the Southeast Quarter of the Southeast Quarter of Section 24, Township 18 South, Range 2 West, SBBM; dedicating and naming the same Palm Avenue and Dennery Road.

Subitem-B: (R-96-190) ADOPTED AS RESOLUTION R-286283

Stating for the record that the information contained in Environmental Impact Report DEP-92-0736, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the report reflects the independent judgement of the City of San Diego as Lead Agency, and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council;

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

FILE LOCATION: DEED F-6572 DEEDFY96-1

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-104:

SUBJECT: Two actions related to Sewer Easement Exchange - Fashion Valley.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-195) ADOPTED AS RESOLUTION R-286284

Approving the acceptance by the City Manager of the deed of Equitable Life Assurance Society of the United States, conveying to the City a sewer easement in portions of Lots 5 and 6 of Fashion Valley Center, Map-10282;

Authorizing the execution of a quitclaim deed, quitclaiming to Equitable Life Assurance Society of the United States, all the City's right, title and interest in a sewer easement in Lot 5 of Fashion Valley Center, Map-10282.

Subitem-B: (R-96-196) ADOPTED AS RESOLUTION R-286285

Stating for the record that Mitigated Negative Declaration DEP-91-0684, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that

the declaration reflects the independent judgement of the City as Lead Agency; that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of a sewer easement exchange in Fashion Valley;

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

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The existing East Linda Vista Trunk Sewer was constructed in 1942. It is generally located between Highway 163 and Linda Vista Road. The deterioration of the existing pipe and manholes and the inadequate size of the pipe to carry current and future flows has resulted in the need to reconstruct the sewer line. The project was adopted by the City Council on June 5, 1995, Resolution No. R-285898. A portion of the easement lies within the east parking lot of Fashion Valley Shopping Center. Fashion Valley is in the process of expanding and a parking structure has been planned for the area encumbered by the current sewer easement. Negotiations have been completed with Fashion Valley and they have agreed to donate a new easement for the trunk sewer in exchange for the current easement to be abandoned in place when the new sewer is constructed and working.

FILE LOCATION: DEED F-6573 DEEDFY96-1

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-105:

SUBJECT: Two actions related to Granting a Water Main Easement to the City of Escondido.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-150) ADOPTED AS RESOLUTION R-286286

Authorizing the execution of a deed conveying to the City of Escondido a water main easement, affecting a portion of Oaks Tract of Rancho San Bernardo, Map-1415.

Subitem-B: (R-96-151) ADOPTED AS RESOLUTION R-286287

Stating for the record that the information contained in Environmental Mitigated Negative Declaration EMND-92-0600, 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 the Declaration has been reviewed and considered by the Council;

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

Approving the Environmental Mitigated Negative Declaration EMND-92-0600;

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The City entered into a 55-year ground lease in 1993 with Plaza del Lago, Ltd., to develop a neighborhood commercial center on 3.75 acres of vacant Water Utilities land at Via Rancho Parkway and Interstate 15 in Escondido. The lessee has obtained all development approvals from the City of Escondido and is ready to begin construction. However, a 16-inch water main on the site is in the path of the lessee's development and must be relocated to a different portion of the site. Escondido requests San Diego to grant a water main easement for the new location in exchange for



a quitclaim deed to the old location. The new easement is smaller than the existing one (6,597 sq. ft. versus 8,200 sq. ft) and is being processed on an even-exchange basis. Escondido will issue the quitclaim deed upon receipt of the new easement. The lessee is paying the cost of relocating the water main.

FILE LOCATION: DEED F-6574 DEEDFY96-1

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-106:

SUBJECT: Easement Grant - SDG&E - Pinery Tree Farms.

(San Pasqual Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-202) ADOPTED AS RESOLUTION R-286288

Authorizing the execution of a deed conveying to San Diego Gas and Electric Company, an easement in portions of Lots 1 and 2 of Section 13, Township 13 South, Range 2 West, San Bernardino Meridian, to provide electrical service to the Pinery Tree Farm leasehold.

CITY MANAGER SUPPORTING INFORMATION:

Pinery Tree Farms, a City lessee, has requested SDG&E to provide electricity to a well pump that will provide water to its leasehold. The easement is 12 feet wide and approximately 1,500 feet long. Water Utilities has reviewed and approved this easement.

FILE LOCATION: DEED F-6575 DEEDFY96-1

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-107:

SUBJECT: Establishing a Tow-Away Zone on Front Street.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-176) ADOPTED AS RESOLUTION R-286289

Declaring that parking is prohibited on both sides of Front Street between E Street and F Street and that this parking prohibition is to be enforced as a tow-away zone;

Declaring that this resolution shall not be effective until signs and markings have been posted and placed to indicate its implementation.

CITY MANAGER SUPPORTING INFORMATION:

The General Services Administration has requested the establishment of a tow-away zone on Front Street between E Street and F Street to enhance security at the Schwartz Federal Building. Parking is already prohibited on this block, which passes under the Federal Building. This action will allow for immediate removal of violating vehicles, which currently can only be cited.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-108:

SUBJECT: Excusing Councilmember Judy McCarty from the Council Meetings of 7/31/95 and 8/1/95, Public Safety and Neighborhood Services Committee Meeting of 8/2/95, and Land Use and Housing Committee Meeting of 8/2/95.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-96-183) ADOPTED AS RESOLUTION R-286290

Excusing Councilmember Judy McCarty from attending the following meetings, due to out of town travel:

1. The regularly scheduled Council meetings of July 31 and August 1, 1995.
2. The regularly scheduled meeting of the Committee on Public Safety and Neighborhood Services of August 2, 1995;
3. The regularly scheduled meeting of the Committee on Land Use and Housing of August 2, 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-109:

SUBJECT: Piepenkotter Condemnation Settlement Funding.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-226 Cor. Copy) ADOPTED AS RESOLUTION R-286291

A Resolution approved by the City Council in Closed Session on Tuesday, May 2, 1995 by the following vote: Mathis-yea; Harvey-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor Golding-not present; and on May 16, 1995 by the following vote: Mathis-yea; Harvey-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor Golding-yea;

Authorizing the Auditor and Comptroller to transfer not to exceed \$457,637 from CIP-58-004.0, Annual Allocation Miscellaneous Requirements - City Streets TransNet Fund 30300; not to exceed \$702,363 from CIP-52-619.0, Otay Mesa Road Widening - Temporary State Route 905, TransNet Fund 30302; not to exceed \$365,000 from CIP-52-433.0, Fairmount Avenue from Montezuma Road to I-8, TransNet Bond Proceeds Fund 30302 to CIP-52-513.0, Crosby Street Widening - Harbor Drive to I-5, Prop A Fund 30300;

Authorizing the Auditor and Comptroller to transfer not to exceed \$700,000 from CIP-58-004.0, Annual Allocation Miscellaneous Requirements - City Streets, Trans P Fund, to CIP-52-619.0, Otay Mesa Road Widening - Temporary State Route 905, as those funds may be received from TransNet services;

Authorizing the expenditure of not to exceed \$1,525,000, (\$456,637 from CIP-52-513.0, Crosby Street Widening - Harbor Drive to I-5, Prop A Fund 30300; and \$1,067,363 from TransNet Bond Fund 30302), for settlement of condemnation proceedings entitled "City of San Diego vs. Henry P. and Charlotte Piepenkotter" (SDSC No. 676428-1). The \$1,525,000 will supplement funds previously authorized by Resolution No. R-283635, dated March 29, 1994, for settlement of the condemnation;

Authorizing the City Manager to request funding from SANDAG through the Debt Financing Program in an amount not to exceed \$702,363;

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

Certifying that the City of San Diego will be responsible for paying its proportional share of the issuance costs and overall annual department services 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.  
Aud. Cert. 9600222.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041; B282-300.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-110:

SUBJECT: Settlement of the Contract Loss Claim of Robertson Leasing Corporation.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-136) ADOPTED AS RESOLUTION R-286292

A Resolution approved by the City Council in Closed Session on Tuesday, July 25, 1995 by the following vote: Mathis-yea; Harvey-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$32,275.14 in the settlement of each and every claim against the City, its agents and employees, resulting from the contract loss claim of Robertson Leasing Corporation;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$32,275.14 from Public Liability Fund 81140 made payable to Robertson Leasing Corporation for settlement of Robertson Leasing Corporation v. City of San Diego, San Diego Superior Court Case No. 678593.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Contract Loss claim of Robertson Leasing Corporation against the

City of San Diego, its agents and employees, as a result of an incident which occurred on June 27, 1994.  
Aud. Cert. 9600129.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-111:

SUBJECT: Grant from the Office of Economic Adjustment, U.S. Department of Defense FY95.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-223) ADOPTED AS RESOLUTION R-286293

Authorizing the City Manager to apply for and accept a continuing funding grant from the Office of Economic Adjustment, United States Department of Defense, for the continuation of the Defense Conversion Center at San Diego State University;

Authorizing the City Manager or designee, the Director of Economic Development Services, to execute all documents, contracts, and reports required to administer the grant.

CITY MANAGER SUPPORTING INFORMATION:

This grant is recommended in accordance with Item 3, of the Council approved Economic Development Strategic Plan dated July 3, 1993 to pursue federal funding for the San Diego Economic Adjustment Program. The grant, entitled San Diego State University Defense Conversion Center, is to continue the funding of the center and has an award amount of \$7 million. The grant program retrains displaced defense workers for jobs in California's emerging biomedical, environmental, telecommunications, digital electronic, and public health

technologies.

In addition, the Center funds economic adjustment studies to determine the impacts of defense related cutbacks and future conversion efforts in the San Diego region. Federal funding for this Center was appropriated by the United States Congress in the FY 1995 Defense Appropriations Act. The Office of Economic Adjustment, U.S. Department of Defense, has requested the City of San Diego to apply for this grant continuation on behalf of San Diego State University (SDSU). The grant agreements call upon the City of San Diego to issue a sole source contract to San Diego State University Foundation to perform the work. Designating the Director of Economic Development Services to execute documents, contracts and reports will streamline the administration of this grant. This designation does not replace the Council requirement to approve contracts, or authorize the application or acceptance of grants.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041; B300-306.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-112:

SUBJECT: Internet Workstation Upgrade Grant.

(Linda Vista and Barrio Logan Community Areas.  
Districts-5 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-187) ADOPTED AS RESOLUTION R-286294

Authorizing the City Manager to apply for, accept, and administer grant funds from the California State Library's Library Services and Construction Act to purchase equipment that will allow graphical access to the Internet by upgrading the current system at the Logan Heights and the

Linda Vista branch libraries.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Public Library is requesting authorization to apply for a California State Library's Library Services and Construction Act (LSCA) Title I Grant. This grant will provide funding to upgrade the existing computer equipment at the Logan Heights and Linda Vista Branch Libraries. Specifically, the grant will allow for the purchase of equipment that will provide graphical access to the Internet. These funds will purchase a Pentium Computer, additional memory and the Etherlink Boards required to make the graphical connection at each branch. This upgrade will benefit the people of these communities by providing user friendly access to the Internet.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-113:

SUBJECT: Expenditure of Funds: Midblock Lights in District 3.

(Balboa Park, Centre City, City Heights, College Area, Greater Golden Hill, Greater North Park, Kensington/Talmadge, Normal Heights, Uptown Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-175) ADOPTED AS RESOLUTION R-286295

Authorizing the expenditure of not to exceed \$290,300 from Community Development Block Grant "Midblock Lights District 3," Fund 18531, for the purpose of installing street lights in Council District 3 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 the installation of street lights in Council District 3.  
Aud. Cert. 9600134.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-114:

SUBJECT: Agreement with AGRA Earth and Environmental, Inc., for As-Needed Annual Geotechnical Consultant Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-211) ADOPTED AS RESOLUTION R-286296

Authorizing an agreement with AGRA Earth & Environmental, Inc., for as-needed annual geotechnical consultant services for the Water Utilities Department;

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

CITY MANAGER SUPPORTING INFORMATION:

A list of As-Needed Geotechnical Engineering Consultants was requested from the Consultant Selection Coordinator. The

Consultant Nominating Committee selected five firms to participate in the final selection process. In conformance with Council Policy 300-7 these firms were interviewed, and the firm of AGRA Earth & Environmental, Inc., was selected as the best qualified firm to provide the as-needed annual geotechnical consultant services. Subconsultants on the project are: C&K Drilling (WBE) and Tri-County Drilling (WBE) for drilling services. The agreement provides for geotechnical services by task orders on an hourly basis not to exceed \$20,000 per task. These services would include geotechnical evaluation reports and preliminary hazardous waste material analysis for water and sewer projects. These reports and analysis will help to avoid construction delays by anticipating mitigative measures and selecting appropriate sites and pipeline alignments. The total contract shall not exceed \$200,000 for a period of two years from the date of execution by the City Council.

Aud. Cert. 9600156.

WU-U-96-188.

FILE LOCATION: MEET CCONT FY96-1

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Vargas. 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-115:

SUBJECT: Agreement with Center for Women's Studies and Services San Diego.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-203) ADOPTED AS RESOLUTION R-286297

Authorizing an agreement with the Center for Women's Studies and Services San Diego, which defines the terms and methods of securing Community Development Block Grant (CDBG) funds granted to the Agency in the amount of \$170,000 to assist in

the acquisition of facilities at 4508 Mission Bay Drive;

Authorizing the expenditure of not to exceed \$170,000 (\$110,000 from Fund 18530, Dept. 4062, Org. 6201, Account 4279, and \$60,000 from Fund 18528, Dept. 4023, Org. 2307, Account 4279) Center for Women's Studies and Services San Diego, for acquisition of property and related costs.

CITY MANAGER SUPPORTING INFORMATION:

By Resolution R-279840 and R-283845 City Council adopted the FY 1994 CDBG program which included funding in the amount of \$225,000, for property renovation for the Center for Women's Studies and Services Center. The Center has opened escrow to acquire a site at 4508 Mission Bay Drive for \$355,000. They will use \$170,000 of their grant towards the purchase of the site, with the remainder to go towards tenant improvements. The balance of the acquisition cost will be funded through a first deed of trust with a private lender.  
Aud. Cert. 9600221.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: B118-C041; B328-419.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-116:

SUBJECT: Agreement with Malcolm Pirnie, Inc. for Design Services for the Point Loma - Chemical Feed Systems Upgrade.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-212) ADOPTED AS RESOLUTION R-286298

Authorizing an agreement with Malcolm Pirnie, Inc. (San Diego), for design services in connection with the Point

Loma - Chemical Feed Systems Upgrade;

Authorizing the Auditor and Comptroller to transfer not to exceed \$142,320 within Sewer Fund No. 41508, from CIP-46-104.0, North Metro Interceptor, to CIP-46-182.0, Point Loma - Chemical Feed Systems Upgrade;

Authorizing the expenditure of not to exceed \$373,890 from Sewer Fund No. 41508, CIP-46-182.0, Point Loma -Chemical Feed Systems Upgrade.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for upgrading the ferric chloride and polymer chemical feed systems at the Point Loma Wastewater Treatment Plant (PLWTP). Proposed improvements include replacing two ferric chloride tanks, installing a third ferric chloride tank, upgrading chemical unloading facilities, adding automatic flow-pacing of ferric chloride and polymer, and upgrading of the existing polymer feed building. Currently chemical storage facilities are inadequate. Ferric chloride storage tanks are rapidly deteriorating and need to be replaced. Additional storage is necessary to assure uninterrupted chemical addition into the wastewater to achieve the required treatment levels. Automatic flow pacing and multiple discharge points will be constructed to allow for operating flexibility and fine tuning of chemical addition to maximize the plant's performance. In order to coordinate the construction schedules of proposed projects that chemical feed systems interact with, specifically Headworks, Odor Control and Grit Processing Facilities (HOG) (CIP-46-175.0), design must commence as soon as possible. The project staff has received City Manager approval to hire the design consultant Malcolm Pirnie, Inc. (MPI), as a sole source. MPI completed a preliminary design of the Chemical Feed Systems Upgrade in June 1994 under the As-Needed Engineering Services Agreement. The approval of MPI as a sole source was determined by their extensive knowledge of the interfacing projects, and more importantly, their ability to support the project schedule. If a new consultant had to be hired, the design will be delayed for six months to a year, and subsequently the construction will be delayed by more than two years.

Aud. Cert. 9600127.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Vargas. 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. 1 to the Agreement with John Powell & Associates, Inc. for the Design of the Mid-City Pipeline.

(Mid-City Community Area. Districts-3 & 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-213) ADOPTED AS RESOLUTION R-286299

Authorizing an amendment to the agreement with John Powell & Associates, Inc., to perform engineering consultant services in connection with the design of the Mid-City Pipeline;

Authorizing the Auditor and Comptroller to transfer not to exceed \$505,795 within Water Fund 41500, from CIP-73-083.0, Annual Allocation for Water Mains, to CIP-73-246.0, Mid-City Pipeline;

Authorizing the expenditure of not to exceed \$505,795 from Water Fund 41500, CIP-73-246.0, Mid-City Pipeline.

CITY MANAGER SUPPORTING INFORMATION:

The City Council authorized an agreement with John Powell and Associates on May 31, 1994, (R-283984), to provide predesign engineering services for the Mid-City Pipeline. During the design phase of the project, it was determined through further engineering analysis and community input that the Mid-City Pipeline alignment be placed predominately on El Cajon Boulevard. This request for additional funds is required for additional utility research, additional geotechnical reconnaissance, contaminated soil investigation, resurfacing and stripping plans, and additional work needed to prepare traffic control plans for construction of the pipeline on El Cajon Boulevard at night. Included in this request is funding to continue the community

outreach program throughout the design of this project. The WBE participation has increased from the original May 31, 1994 agreement from a total of 4.53 percent to 10.48 percent. In addition, the MBE participation has also increased from a total of 4.84 percent to 7.73 percent.

Aud. Cert. 9600183.

WU-U-95-183.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Vargas. 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-118: CONTINUED TO OCTOBER 30, 1995

SUBJECT: National Pollutant Discharge Elimination System Co-Permittees Memorandum of Understanding.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:(R-96-180)

Authorizing a Memorandum of Understanding with the County of San Diego, San Diego Unified Port District, the incorporated cities of Carlsbad, Chula Vista, Coronado, Escondido, Imperial Beach, La Mesa, San Marcos, Del Mar, El Cajon, Encinitas, Lemon Grove, National City, Oceanside, Poway, Santee, Solana Beach and Vista, establishing the responsibilities of each party with respect to compliance with the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Regulations administered by the United States Environmental Protection Agency (EPA).

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego, the San Diego Unified Port District, the County of San Diego, and the other incorporated cities in San Diego County are co-permittees on a Municipal Stormwater Pollution Control Permit (NPDES No. CA0108758). The Memorandum of Understanding (MOU) between the co-permittees establishes the responsibilities of each municipality, in order to comply with the permit. The City of San Diego, as the principal permittee,

is responsible for overall coordination of activities with the Regional Water Quality Control Board, administration of all co-permittee joint activities, and advising the other co-permittees on current and proposed State and Federal Policies, regulations, and programs that may impact our Municipal Stormwater Pollution Control Permit.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B118-C041; B126-224.)

CONSENT MOTION BY KEHOE TO CONTINUE TO OCTOBER 30, 1995 WITH THE CAVEAT AS REQUESTED BY MAYOR GOLDING TO COOPERATE ON THE MOU INTERJURISDICTIONALLY, AND TO COME BACK TO COUNCIL WITH THE CONTENT. 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-119:

SUBJECT: Sublicense Agreement with the World Trade Center Association of San Diego.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1650) ADOPTED AS RESOLUTION R-286300

Authorizing a Sublicense Agreement transferring the obligations under the original World Trade Center Association license from the City of San Diego and the Port District to the World Trade Center Association of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The World Trade Center Association, a Delaware Corporation, controls and licenses the trade name, registrations, and networking arrangements for the World Trade Centers located around the world. In fall 1993, the City of San Diego secured \$150,000 in financial backing from the San Diego Unified Port District, and applied to the World Trade Center Association for a license to establish a World Trade Center in San Diego. The

license was granted jointly in the name of the City and the Port. In January, 1994, the City received \$5,780,000 in defense adjustment funds from the U.S. Department of Commerce, Economic Development Administration. Of that amount, \$850,000 was allocated to the World Trade Center Association of San Diego (WTCASD), a local nonprofit organization, to start up and operate the San Diego World Trade Center. The proposed Sublicense Agreement transfers the obligations under the original World Trade Center license from the City and the Port to the WTCASD. Key points in the Sublicense Agreement are:

- All the obligations under the original World Trade Center license are transferred to WTCASD.
- The location at which the World Trade Center will be operated by WTCASD is subject to the approval of the City and the Port.
- In the event that the City and Port decide to sell the World Trade Center license, WTCASD will have the right of first refusal to purchase it.
- The Sublicense Agreement will continue indefinitely; it can be terminated by any of the three parties without cause by giving six months notice.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-120:

SUBJECT: Third Amendment to the Consultant Agreement for the Miramar Ranch North Cost Reimbursement District.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-172) ADOPTED AS RESOLUTION R-286301

Authorizing a third amendment to the agreement for Cost



Reimbursement Engineering with Willdan Associates, in the amount of \$10,000, for additional cost reimbursement engineering services for the proposed Miramar Ranch North Cost Reimbursement District;

Accepting a cash advance of \$10,000 from the developer to pay for additional consultant services associated with the cost reimbursement district.

CITY MANAGER SUPPORTING INFORMATION:

In April 1994, the Council accepted McMillin-BCED's application and initiated proceedings for the proposed Miramar Ranch North Cost Reimbursement District. The proceedings, which concluded with a noticed public hearing, provide McMillin-BCED with a means to seek partial reimbursement of the cost of constructing public improvements that benefit other property owners in the Miramar Ranch North Community. Reimbursement is authorized upon Council formation of the district, at the end of the public hearing. An Engineer's Report for the proposed cost reimbursement district has been prepared as part of the district proceedings. The report identifies each individual public improvement project being constructed by McMillin-BCED, determines the fair share of the public improvement costs for each project to be allocated to benefitting properties, and establishes reimbursement charges to be placed on benefitting properties. The improvement costs to be partially reimbursed include: construction of new streets, parks, storm drains, sewers, traffic signals, recreation building, and fire station. The estimated total cost of constructing the public improvements is approximately \$53 million, of which \$13,576,136 is subject to reimbursement. On May 2, 1995, a public hearing was held, and the Miramar Ranch North Cost Reimbursement District was formed. Immediately prior to the formation of the district, property owners requested additional details regarding several issues that were not included in the scope of services in the original consultant agreement nor in subsequent amendments to the consultant agreement. This third amendment to the consultant agreement was necessary to adequately respond to property owner issues regarding grading and earthwork, reapportionment of the revised cost estimates for the recreation building and fire station, and clarification of revised project descriptions.

Aud. Cert. 9600135.

FILE LOCATION:                   STRT-CR-24       CCONTFY96-1

COUNCIL ACTION:               (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-121:

SUBJECT: Appointment and Reappointments to the Human Relations Commission.

(See memorandums from Mayor Golding dated 8/23/95 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-219) ADOPTED AS RESOLUTION R-286302

Council confirmation of the following appointment and reappointments by the Mayor to serve as members of the Human Relations Commission for terms expiring July 22, 1999:

Appointment  
M. E. Stephens  
Reappointments  
Betty Byrnes  
Henry Hodge  
Brian Bennett  
Anthony V. Zampella

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-122:

SUBJECT: Appointments and Reappointment to the Citizens Advisory Board on Police/Community Relations.

(See memorandums from Mayor Golding dated August 23, 1995 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-249) ADOPTED AS RESOLUTION R-286303

Council confirmation of the following appointments and reappointment by the Mayor to serve as members of the Citizens Advisory Board on Police/Community Relations, representing categories as indicated:

Terms ending January 1, 1997:

Lori Shands - Social Services, Corrections  
(To replace David Weiss, who has resigned)

Sam Duran - Youth Representative

(To replace Andrea Skorepa, whose term has expired)

Term ending March 1, 1997:

Frank L. White - Council District 4  
(Reappointment)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-123:

SUBJECT: Thunderboat Regatta 5 Year Agreement.

(See City Manager Report CMR-95-189. Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-156) ADOPTED AS RESOLUTION R-286304

Authorizing an agreement with Thunderboats Unlimited of San Diego, Inc., which may be extended for four additional one-year periods through June 30, 1999 upon mutual consent of the City Manager and the Sponsor.

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

On 8/9/95, NRC&A voted 4-0 to approve the City Manager's recommendation.  
(Councilmembers Mathis, Harvey, Warden and McCarty voted yea. Councilmember Stallings not present.)

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-124:

SUBJECT: National Missionary Baptist Convention of America  
Women's Auxiliary Week.

COUNCILMEMBER STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-96-248) ADOPTED AS RESOLUTION R-286305

Proclaiming September 4 through 8, 1995 to be "National Missionary Baptist Convention of America Women's Auxiliary Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B118-C041.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-200:

SUBJECT: Miramar Landfill General Development Plan/Fiesta Island Replacement Project.

(District-5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-37) INTRODUCED, TO BE ADOPTED ON OCTOBER 2, 1995

Introduction of an Ordinance repealing Ordinance No. O-18130 (New Series);

Authorizing the City Manager to execute a lease agreement with the United States of America, Department of the Navy, for the lease of land at NAS Miramar for the location of the Miramar Landfill General Development Plan/Fiesta Island Plan/Fiesta Island Replacement Project.

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

CITY MANAGER SUPPORTING INFORMATION:

On December 5, 1994 the City Council approved Ordinance No. O-18130 authorizing a lease agreement with the Department of the Navy in connection with the Miramar Landfill General Development Plan/Fiesta Island Replacement Project. The lease agreement provided for the siting of the Fiesta Island Replacement Project (FIRP), as well as solid waste facilities needed for the West Miramar Landfill Project, and access to completed portions of closed and inactive landfills on Miramar for monitoring and maintenance for a period of 50 years. Various changes have been made, by the Department of the Navy, to the lease document since its approval on December 5. These changes included expanded language for property restoration, methane gas extraction and payment, and the handling and disposition of hazardous substances. The proposed facilities will help the City comply

with the Coastal Commission mandate to cease sludge treatment at Fiesta Island and vacate the site.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B118-C041; B449-C040.)

CONSENT MOTION BY KEHOE TO INTRODUCE THE ORDINANCE. 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-201:

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.)

(Continued from the meeting of August 14, 1995, Item 102, at Deputy Mayor Vargas' request, for more opportunity to work with the residents and planning group in this area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-112) ADOPTED AS RESOLUTION R-286306

Approving the final map.

Subitem-B: (R-96-113) ADOPTED AS RESOLUTION R-286307

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

Subitem-C: (R-96-114) ADOPTED AS RESOLUTION R-286308

Waiving the requirement of undergrounding 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 undergrounding 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: SUBD-Rory Heights CONTFY96-1

COUNCIL ACTION: (Tape location: B118-C041; B660-665.)

CONSENT MOTION BY KEHOE TO ADOPT. 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-202:

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-96-215) ADOPTED AS RESOLUTION R-286309

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

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





