

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 16, 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. City Manager Jack McGrory announced that San Diego was one of eleven cities to receive a National Achievement Award from the Public Technology Institute for the Geographic Information System and its use in plotting and planning efficient residential refuse collection routes. Mayor Golding recessed the regular meeting at 2:37 p.m. to convene the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 3:57 p.m. with Council Member Stevens not present. Mayor Golding adjourned the regular meeting at 3:58 p.m.

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-excused by
R-286487 (no reason given)
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Harvey-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-not present
- (5) Council Member Warden-present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor James D. Smith, III of the
Clairemont Emmanuel General Conference of America Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member McCarty.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding the issue of whether
Bosnia should be considered a national emergency. He asked
Council to docket this item for discussion.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A091-119.)

ITEM-PC-2:

Comment by Ed Peterson regarding the time allotted to each speaker during the public comment portion of City Council meetings as referenced in San Diego Municipal Code Section 22.0101.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A121-134.)

ITEM-PC-3:

Comment by Les Pierres Streater regarding the support of quality education for people of color.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A141-168.)

ITEM-PC-4:

Comment by Reverend David Thompson regarding a receiver he found on University Avenue in Hillcrest which he gave to Council; violence and vandalism at his Sober Teen Club; and he suggested that Council form a Department of Public Health and consider placing it on the ballot.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A171-201.)

ITEM-PC-5:

Comment by Susan Mish regarding tenants voicing their rights to privacy. She suggested that statutes be rewritten, for Council consideration, to provide that all property management, maintenance workers, maids, and all those entrusted with tenant keys be fingerprinted, licensed, and bonded.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A203-226.)

ITEM-PC-6:

Comment by Warren A. Nielsen regarding Juan Vargas as Council Member.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A229-245.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Kehoe regarding a letter she received from Dana Troutman to the Mayor and Council commending all persons involved for their professionalism and speed when they restored her house after it flooded from a severe leak in the drain line.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A246-272.)

ITEM-30:

SUBJECT: Retirement of Jim Spotts.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-96-370) ADOPTED AS RESOLUTION R-286434

Proclaiming Monday, October 16, 1995 to be "James L. Spotts Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-080.)

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

* ITEM-50:

SUBJECT: Two actions related to Mission Valley Family Fitness Center rezoning and amendments to the Mission Valley Planned District. (RZ-94-0329. Mission Valley Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 10/3/95. (Council voted 7-1. District 6 voted nay. Mayor Golding not present):

Subitem-A: (O-96-12) ADOPTED AS ORDINANCE O-18222 (New Series)

Rezoning 1.43 acres located at 5885 Rancho Mission Road from the MVR-2 Zone into the MV-CV Zone.

Subitem-B: (O-96-13 Cor.Copy) ADOPTED AS ORDINANCE O-18223 (New Series)

Amending Chapter X, Article 3, Division 21, of the San Diego Municipal Code, by amending Section 103.2102 relating to the Mission Valley Planned District.

FILE LOCATION: Subitem A: Zone - Ord.; Subitem B: LAND -Mission Valley Planned District

COUNCIL ACTION: (Tape location: A284-330.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT ORDINANCES. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Lease Agreement with Richard L. Gleason and Debra L. Gleason. (Mission Bay Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/2/95. (Council voted 7-1. District 4 voted nay. Mayor Golding not present):

(O-96-39) ADOPTED AS ORDINANCE O-18224 (New Series)

Authorizing the execution of a 10-year Lease Agreement with Richard L. Gleason and Debra L. Gleason for the operation of Mission Bay Sailing Center located at 1010 Santa Clara Place.

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

FILE LOCATION: LEAS - Richard L. Gleason and Debra L. Gleason LEASFY96-1

COUNCIL ACTION: (Tape location: A284-330.)

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

* ITEM-100:

SUBJECT: Three actions related to the Federal Boulevard Landscape Maintenance District. (Webster Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-346) ADOPTED AS RESOLUTION R-286435

Initiating proceedings for the formation of the Federal Boulevard Landscape Maintenance District; accepting the petition of the property owners.

Subitem-B: (R-96-347) ADOPTED AS RESOLUTION R-286436

Resolution of Intention to establish the Federal Boulevard Landscape Maintenance District; setting the time and place for two public hearings.

Subitem-C: (R-96-348) ADOPTED AS RESOLUTION R-286437

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Landscape Maintenance District consists of landscaped medians in Federal Boulevard from Euclid Avenue to 47th Street. If the district is formed, construction of the landscaping improvements will be financed by the City as part of a street improvement project for Federal Boulevard (CIP-52-520.8). Property owners within the proposed district would pay for the annual maintenance of the landscaping on the basis of benefit. The Webster Community Council circulated a petition among the 560 property owners and also sent a letter on May 4, 1995 to all property owners asking whether or not they favored the proposed Landscape Maintenance District. In response to the Webster Community Council's efforts, property owners representing 38 percent of the assessable property have indicated their support for the district. Property owners representing 4 percent of the assessable property have indicated their opposition. The remaining property owners have not responded to the Community Council's requests for input. The Federal Boulevard Street Improvement Project will begin upon the approval of the maintenance district. After construction in the Spring of 1996, the landscaping improvements will be maintained by the contractor for approximately 90 days. No assessments will be levied for FY '96. The FY 1997 annual maintenance cost for the proposed landscaping improvements is estimated at approximately \$18,700. The estimated annual assessment is approximately \$19 per single family dwelling unit. The estimated annual assessment for multi-family units and condominiums is approximately \$13.30 per dwelling unit.

FILE LOCATION: STRT - M-375

COUNCIL ACTION: (Tape location: A284-330.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,

Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: General Utility and Abutters' Rights of Access Easement
Exchange - La Jolla Alta P.R.D. Unit No. 12. (Located west of
Cardeno Drive. La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-358) ADOPTED AS RESOLUTION R-286438

Approving the acceptance by the City Manager of the deed of
GTL, Inc., conveying to the City a general utility easement
and access easement in portions of Lots 21, 22 and 23 of La
Jolla Alta P.R.D. Unit No. 12; Authorizing a quitclaim
deed, quitclaiming to GTL, Inc., all of the City's right,
title and interest in the general utility easement and
access rights in a portion of Lot 52 of La Jolla Alta P.R.D.
Unit No. 12, Map-11333.

FILE LOCATION: DEED F-6589 DEEDFY96-1

COUNCIL ACTION: (Tape location: A284-330.)

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

* ITEM-102:

SUBJECT: Bernardo Center Drive Landslide Repair.
(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-333) ADOPTED AS RESOLUTION R-286439

Modifying the Fiscal Year 1996 Capital Improvements Program Budget by moving the year of construction of CIP-52-591.0, Bernardo Center Drive Landslide Repair, from Fiscal Year 2001 to Fiscal Year 1996;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$330,000 from CIP-12-068.0, Highland Valley Road Storm Drain, Fund 30300 to CIP-52-591.0, Bernardo Center Drive Landslide Repair;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$152,000 from CIP-52-421.0, Carroll Canyon Road - Interstate 15 to Maya Linda Road, Fund 30300 to CIP-52-591.0, Bernardo Center Drive Landslide Repair.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for the stabilization of a landslide adjacent to Bernardo Center Drive approximately 1,500 feet west of Interstate 15. The project construction is being moved ahead from FY 2001 to FY 1996 in order to reduce continuing City street maintenance costs (soil removal and roadway repair) and potential liability. If construction occurs in FY 2001, a portion of the adjacent private property, being used for construction of the project, may be unavailable due to a building project, thereby increasing the construction costs.

Aud. Cert. 9600355.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-330.)

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

* ITEM-103:

SUBJECT: American Savings Bank Chollas View Lending Office Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-270) ADOPTED AS RESOLUTION R-286440

Proclaiming October 26, 1995 to be "American Savings Bank Chollas View Lending Office Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A284-330.)

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

* ITEM-104:

SUBJECT: Third Amendment to the Agreement with Dudek &
Associates, Inc. for Engineering Services for Sewer Pump Station
No. 5. (Barrio Logan/Harbor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-335) ADOPTED AS RESOLUTION R-286441

Authorizing a third amendment to the agreement with Dudek &
Associates, Inc., for professional services in connection
with the design of Pump Station No. 5; Authorizing the
expenditure of not to exceed \$67,820 from Sewer Revenue Fund
41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station
Restorations;

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

CITY MANAGER SUPPORTING INFORMATION:

On May 30, 1989, an agreement was entered into with Dudek &

Associates, Inc., Document No. RR-273590, for a total fee of \$116,500 to provide professional engineering services for the design of the replacement of Sewer Pump Station No. 5. Two amendments to the agreement were approved, RR-279238 and RR-281735 on January 6, 1992 and April 12, 1993, respectively, for a total fee increase of \$27,492. This Amendment No. 3 to the Agreement is for \$67,820. The construction contract was awarded to Advanco Constructors on May 30, 1995, and construction started on August 7, 1995, and will last approximately 18 months. In the meantime, a "notice of violation" was issued for air pollution by the State of California's Air Pollution Control District (APCD). On June 15, 1995, APCD required the design and construction of an APCD approved odor control system at the new Pump Station. Services provided by Amendment No. 3 include comprehensive chemical analysis of the sewage for specific odor causing agents, design of an odor control system, preparation of all submittals to APCD, and for additional construction support services. The total cost of this amendment is \$67,820. Of this amount, \$37,820 shall be for Odor Control System Design, and \$30,000 shall be for unanticipated Additional Services. Sub consultants will provide structural engineering and electrical engineering services. Fees for structural design by Universal Structures are \$1,500, and fees for electrical design by Mark Balan and Associates are \$2,000.

Aud. Cert. 9600345.

WU-U-96-190.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A284-330.)

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

* ITEM-105:

SUBJECT: Agreement with the San Diego Historical Society -
Marston House Renovation.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-357) ADOPTED AS RESOLUTION R-286442

Authorizing an agreement with the San Diego Historical Society for improvement of the Marston House; Authorizing the expenditure of not to exceed \$290,000 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, Sublet Project 21-834.9, Marston House Renovation, San Diego Facilities & Equipment Leasing Corporation Fund No. 91101.

CITY MANAGER SUPPORTING INFORMATION:

The Marston House is located in the northwest corner of Balboa Park. The 8,500 sq.ft. house and approximately 5 acre site were presented to the City in 1974 by Mary G. Marston. The San Diego Historical Society operates the house through an agreement with the City and the City maintains the site. The house needs a wide variety of renovation work which must be done by skilled workers in many trades. The San Diego Historical Society has agreed to provide the required design, prepare the contract documents and award the many small contracts, if the City advances project funding as required to perform the work. This work can be done at less cost and in less time by the Society than by the usual CIP/City contract process. The proposed agreement makes the San Diego Historical Society responsible for accomplishing the work and provides for funding advances as required by the City.

Aud. Cert. 9600208.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A284-330.)

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

* ITEM-106:

SUBJECT: Logan Heights Family Health Center Master Plan - Phase IV. (Logan Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-256) ADOPTED AS RESOLUTION R-286443

Authorizing an agreement with Logan Heights Family Health Center for the rehabilitation of the Agency's building to comply with the existing codes and design of an additional floor to the existing building at 1809 National Avenue;

Authorizing the expenditure of not to exceed \$150,000 from CDBG Fund 18530, Dept. 4062, Org. 6213, JO 112548.

CITY MANAGER SUPPORTING INFORMATION:

Logan Heights Family Health Center is a non-profit organization established to provide health services to low and medium income communities. The Center has been providing such services since 1969 and established other satellite clinics in different areas of the City. The Center has been expanding and renovating its buildings by the help of CDBG funding since 1987 and this stage is the fourth phase of the master plan. This action will allow \$135,000 of CDBG Grant Funding to be used for a study to retrofit the existing building to bring it into compliance with the new code requirements. On May 9, 1994, City Council adopted Resolution No. R-283845 granting \$150,000 of CDBG funding for this project.

Aud. Cert. 9600141.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A284-330.)

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

* ITEM-107:

SUBJECT: Underwriting Services - Miramar Ranch North Community Facilities District No. 1.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-359) ADOPTED AS RESOLUTION R-286444

Authorizing an agreement with PaineWebber Incorporated and E.J. De La Rosa and Company, Inc., investment banking firms, to provide for the financing of public infrastructure facilities in connection with Miramar Ranch North.

CITY MANAGER SUPPORTING INFORMATION:

In January 1991, the City Council established Miramar Ranch North Community Facilities District No. 1 (CFD No. 1) and authorized up to \$73 million of land-secured bonds (in multiple issues) to finance the construction and acquisition of authorized public facilities in or serving the District, as specified in the Acquisition and Funding Agreement between the City and the developer, McMillin Communities, adopted by Council action on January 8, 1991. In July 1991, the City issued \$35.34 million of Series "A" Bonds on behalf of the District. In October of 1993, the maximum amount of bonded indebtedness was reduced from \$73 million to \$56.205 million, leaving \$20.865 million of unutilized bonding capacity. The developer (representing the majority of CFD No. 1 property owners) approached the City in July of 1995 to request that the City issue the remaining \$20.865 million of authorized bonds (Series "B") on behalf of the District. The City has retained independent financial advisors (Evensen Dodge/The Knight Group) and bond counsel (Brown, Diven & Hentschke) to assess financial feasibility and compliance with the 1991 Series "A" Bonds Indenture requirements. The Series "B" bonds will not be issued unless the financial advisors and bond counsel opine that the requested \$20.865 million issuance is both financially feasible and in compliance. A Request for Proposals for underwriting services was issued on August 31, 1995. Four underwriting teams responded by the September 14th deadline. All four of the respondents were asked to interview with the City. On September 27th, interviews were conducted and the evaluation committee selected the underwriting team of PaineWebber and E.J. De La Rosa & Co. PaineWebber successfully served as lead underwriter for the 1991 Series "A" Bonds. This underwriting team was judged to offer the best combination of experience with Mello-Roos financing, knowledge of the current Mello-Roos bond market, and insights concerning key elements of the due diligence and continuing disclosure processes. The evaluation committee

was comprised of representatives from the City Auditor and Comptroller, City Attorney, Engineering, and Financial Management Departments. The City's financial advisors and bond counsel for this project assisted with the interview process, but were not allowed to participate in the actual selection.

FILE LOCATION: STRT CF-1 CONFY96-1

COUNCIL ACTION: (Tape location: A284-330.)

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

* ITEM-108:

SUBJECT: Second Amendment to the Agreement with San Diego Association of Governments for the Multiple Species Conservation Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-361) ADOPTED AS RESOLUTION R-286445

Authorizing a second amendment to the agreement with San Diego Association of Governments (SANDAG), for pass-through funding for the Multiple Species Conservation Program;

Authorizing the acceptance of an amount not to exceed \$328,269 from the San Diego Association of Governments, from funds distributed by the U.S. Fish and Wildlife Service, to be placed in Metropolitan Wastewater Department Fund 41509, CIP-45-910.3, Program Planning and Studies, to be expended for purposes directly benefitting the Multiple Species Conservation Program; Amending the Fiscal Year 1996 Capital Improvement Program budget in Metropolitan Wastewater Department Fund 41509, CIP-45-910.3, Program Planning and Studies, from the amount of \$400,001 to \$728,270.

CITY MANAGER SUPPORTING INFORMATION:

During calendar year 1993, Metropolitan Wastewater Department

staff worked with the City's Department of Legislative Services, SANDAG (administering the North County Wildlife Forum's Multiple Habitat Conservation Program (MHCP)), the County (administering the County's Multiple Habitat Conservation and Open Space Program (MHCOSP)), and the City of Carlsbad (administering the Habitat Management Program (HMP)), in support of MSCP, MHCP, MHCOSP, and HMP planning activities. In November 1994, the Congress appropriated \$1,149,000 from the FY 1995 budget for use in support of habitat conservation planning in the San Diego Region. Up to \$1,149,000 in federal funds are to be allocated as follows:

- Up to \$328,269 (28.57 percent) to the City of San Diego for the MSCP- Up to \$328,269 (28.57 percent) to the North County Wildlife Forum for the MHCP
- Up to \$328,269 (28.57 percent) to the County of San Diego for the MHCOSP
- Up to \$70,434 (6.13 percent) to the City of Carlsbad for the HMP-Up to \$93,759 (8.16 percent) to SANDAG for regional Geographic Information System (GIS) data support and coordination of habitat conservation planning in San Diego County.

Authorization to use the FY 1994 federal funds received by the City will be requested through a separate Council action.

Aud. Cert. 9600378.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A284-330.)

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

* ITEM-109:

SUBJECT: Vacation of Streets within Four San Diego City Schools - New School Sites. (Mid-City Community Area, Grant Hill Neighborhood and Southcrest Neighborhood of Southeast San Diego Districts-3 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-365) ADOPTED AS RESOLUTION R-286446

Resolution of Intention to vacate segments of Highland Avenue, 45th Street, an alley in Block 8 of Map-1001 and alleys in Blocks 9 and 9 1/2 of Map-1027 specific to the Rosa Parks Elementary School Site; 29th Street and "J" Street specific to the Kimbrough Elementary School Site; 44th Street, Highland Avenue, and alleys in Blocks 9, 10, and 11 of Map-1028 specific to the Monroe Clark Middle School Site; 39th Street, Alpha Street and an alley in Block 2 of Map-1168 specific to the Chavez Elementary School Site; and fixing a time and place for a public hearing.

CITY MANAGER SUPPORTING INFORMATION:

The vacation of various street segments at four new school sites has been requested by the San Diego City Schools. The street segments proposed for vacation are fully improved with curbs, gutters, sidewalks and contain existing public utilities and franchise facilities which require easement reservations. On January 2, 1995, the City Heights Area Planning Committee voted unanimously to support the street vacations at the Rosa Parks Elementary School site and voted 6-2-1 to support the street vacations at Monroe Clark Middle School Site. On January 23, 1995 the Southeast San Diego Development Committee voted 9-0-2 to support the street vacations for both Kimbrough Elementary and Cesar Chavez Elementary School sites. The Planning Department has no objection to the proposed vacation.

FINDINGS:

Staff review has indicated that the rights-of-way can be vacated and that the four findings for vacation can be made.

FILE LOCATION: STRT - J-2827; DEED F-6590 DEEDFY96-1

COUNCIL ACTION: (Tape location: A284-330.)

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

ITEM-200: RETURNED TO CITY MANAGER

SUBJECT: Exclusive Negotiations with the Young Men's Christian Association (YMCA) of San Diego County. (City Heights Community Area. District-3.) (Continued from the meeting of August 14, 1995, Item 114, at Councilmember Kehoe's 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.)

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.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-330.)

CONSENT MOTION BY McCARTY TO RETURN TO THE CITY MANAGER AT HIS REQUEST. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Amendments to Council Policy 000-21 Pertaining to the Submission of Ballot Proposals.

(See City Clerk's Report CCR-95-04 Rev.)

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-96-340) ADOPTED AS RESOLUTION R-286447

Amending Council Policy No. 000-21 regarding Submission of Ballot Proposals.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-330.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-not present, 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-96-337) ADOPTED AS RESOLUTION R-286448

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 \$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 construction is proceeding on schedule. The EPA/IBWC is in the process of preparing 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. A public scoping meeting for the SEIS for interim discharge was held on August 31, 1995 at 6:00 p.m. at Southwest High School. The EPA has asked the City for assistance in the preparation of the SEIS for interim discharge. They have requested use of a City contractor to prepare the SEIS on a reimbursable basis. This issue was held at the City Council meeting of October 9, 1995.
- C. Construction Contract 3 (CC-3) - Secondary Treatment Facilities. Design: December 1993 - December 1995
Construction: On-hold Due to many concerns raised during the environmental review process regarding the best methodology for secondary treatment, construction of this portion of the project is on hold pending the completion, by the federal government, of a Supplemental Environmental Impact Statement and a decision on the best alternative method for secondary treatment.
- D. Construction Contract 4 (CC-4) - Collection System.
Design: December 1993 - January 1996
Bid Solicitation: February 1996 - April 1996
Construction: May 1996 - May 1997
Design is proceeding.

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. Our Attorneys will be filing briefs on October 27, 1995.

- A. Package 1 - Special Structures.
Design: Completed May 12, 1995
Revised Design: Complete October 15, 1995
Bid Solicitation: November 2, 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.
Construction: September 1995 - May 1998
Startup June 1998
A notice to proceed was issued to Traylor Brothers/Obayashi on September 28, 1995. A groundbreaking ceremony is scheduled for October 26, 1995 at 11:45 a.m.

- C. Package 3 - Marine Works.
Bid Solicitation: June 15, 1995 - August 15, 1995
Construction: November 1995 - October 1997
The bids were opened on August 29, 1995. The apparent low bidder is Fletcher General Construction from Seattle with a bid of \$36,442,000. A notice of intent to award is scheduled to be issued in November 1995 and a notice to proceed in December 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-330.)

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

NON-DOCKET ITEMS:
None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:58 p.m. in honor of the memory of Rudy Pernicano, as requested by Mayor Golding, and Lynn Bouvier, as requested by Council Member Stallings.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: C275-284.)