

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 30, 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 2:14 p.m. Mayor Golding adjourned the meeting at 4:22 p.m. to meet in Closed Session on Tuesday, October 31, 1995, at 9:00 a.m., in the 12th floor Conference Room to discuss pending litigation matters.

ATTENDANCE DURING THE MEETING:

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

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-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 Pastor Rod Kaya of Horizon Christian Fellowship.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding the subject "Reveal the Truth."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A044-070.)

ITEM-PC-2:

Comment by Bob Scheidt regarding Fraud.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A071-096.)

ITEM-PC-3:

Comment by Dr. Art Salzberg regarding the proclamation of the month of October as being Mitzvah month.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A097-123.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Deputy Mayor Vargas introducing and welcoming the

Vice Principal, Tony Addison, parents, student leaders, and the students of Logan Elementary School.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A124-140.)

ITEM-CC-2:

Comments by Mayor Golding and Council Member Kehoe regarding the dedication of the North Fountain in Balboa Park by Ms. Mary Elizabeth North.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A141-155; A170-188.)

ITEM-CC-3:

Comment by Council Member Stevens regarding the article "Keep Talking" published in today's newspaper which deals with the subject of racism.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A156-169.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:
10/02/95
10/03/95
10/09/95
10/10/95

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A121-123.)

MOTION BY STALLINGS 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-31:

SUBJECT: Gregg Motsenbocker Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-447) ADOPTED AS RESOLUTION R-286455

Proclaiming October 30, 1995 to be "Gregg Motsenbocker Day" in San Diego, and encouraging all citizens to work together to ensure a successful and sustained eradication of graffiti.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A189-320; A470-478.)

MOTION BY STEVENS TO ADOPT ITEMS -31, -32, -33, AND -34. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: San Diego State University Women's Studies Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-458) ADOPTED AS RESOLUTION R-286456

Proclaiming Saturday, November 4, 1995 to be "San Diego State University Women's Studies Day" in San Diego and commending the University for 25 years of academic excellence in Women's Studies.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A321-392; A470-478.)

MOTION BY STEVENS TO ADOPT ITEMS -31, -32, -33, AND -34.

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

ITEM-33:

SUBJECT: Harold C. Miller Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-372) ADOPTED AS RESOLUTION R-286457

Commending Harold C. Miller for his 44 years of commitment and devotion to the City in the Water Utilities Department; Proclaiming October 30, 1995 to be "Harold C. Miller Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A393-404; A470-478.)

MOTION BY STEVENS TO ADOPT ITEMS -31, -32, -33, AND -34. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34:

SUBJECT: Dr. Kurt Benirschke Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-96-379) ADOPTED AS RESOLUTION R-286458

Recognizing Dr. Kurt Benirschke on the Twentieth Anniversary of the Center for Reproduction of Endangered Species for his forty years of professional contributions, insight and dedication to reproductive and conservation research; Congratulating Dr. Kurt Benirschke upon receiving the 1995 Conservation Medal by proclaiming November 3, 1995 to be "Dr. Kurt Benirschke Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A405-478.)

MOTION BY STEVENS TO ADOPT ITEMS -31, -32, -33, AND -34.
Second by Mathis. Passed by the following vote: Mathis-
yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50:

SUBJECT: Amendment to the Municipal Code Vesting Requirements of
Legislative Officers' Retirement Plan to Reflect the Changes to
City Council Terms for 1993 and 1995 Elections.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
10/9/95. (Council voted 9-0):

(O-96-38) ADOPTED AS ORDINANCE O-18225 (New Series)

Amending Chapter II, Article 4, Division 5-C, of the San
Diego Municipal Code by amending Section 24.0545, relating
to Legislative Officer Age and Service Requirements for
Retirement.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Kehoe. Passed by the
following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-
yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea,
Mayor Golding-yea.

* ITEM-51:

SUBJECT: Incorporation of the Annual Limit on Compensation for
Contribution and Benefit Purposes Required by the Internal
Revenue Code.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/9/95.

(Council voted 9-0):

(O-96-45) ADOPTED AS ORDINANCE O-18226 (New Series)

Amending Chapter II, Article 4, Division 10, of the San Diego Municipal Code by amending Section 24.1010, relating to compliance with Internal Revenue Code Provisions.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-52: CONTINUED TO NOVEMBER 20, 1995

SUBJECT: Revise San Diego Municipal Code to Reflect Changes to Retiree Health Insurance Benefit.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-58)

Introduction of an Ordinance amending Chapter II, Article 4, Division 12, of the San Diego Municipal Code by amending Section 24.1201; amending and renumbering Section 24.1204 to Section 24.1202; amending and renumbering Section 24.1202 to Section 24.1203; amending and renumbering Section 24.1203 to Section 24.1204, relating to the City-Sponsored Group Health Insurance for Eligible Retirees.

CITY MANAGER SUPPORTING INFORMATION:

As a result of the Meet and Confer process last year (FY95 with

the Police Officers Association (POA), and with Local 145, Association of Fire Fighters, limitations were established on the amount the City would pay toward or reimburse for retirees' health insurance for newly hired employees. Specifically, for employees hired on or after July 1, 1994, the amount the City would pay or reimburse for would be capped at the lowest premium being charged for standard health insurance coverage available to a retiree in the CERS system up to a maximum of \$2,000 per year. Further, employees would earn a 5 percent vested share of this benefit for each year of creditable service.

As a result of the recently completed Meet and Confer, effective July 1, 1995, all safety employees who were not covered by the caps described above, and general members who were not previously covered by a similar \$2,000 per year cap for retiree health, will be subject to a cap on the amount the City will pay or reimburse for health insurance premiums of \$4,500 per year. It is recommended that this same \$4,500 cap be applied to all current retirees who have been eligible for the retiree health insurance benefit (excludes Pre-1980 retirees) and have not previously been capped. It is recommended that Municipal Code Sections 24.1201 through 24.1204 be amended to reflect these changes.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A479-B094.)

CONSENT MOTION BY McCARTY TO CONTINUE TO NOVEMBER 20, 1995 AT THE CITY MANAGER'S REQUEST FOR FURTHER INFORMATION.
Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Awarding a Contract to Parkson Corporation for Eight Sludge Screening Units. (District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-124) ADOPTED AS RESOLUTION R-286459

Awarding a contract to Parkson Corporation (Fort Lauderdale,

FL) for furnishing eight sludge screening units, for a total estimated cost of \$1,296,748, including tax, terms and a 5 percent contingency set aside;

Authorizing the expenditure of \$802,000 from Sewer Fund No. 41509, CIP-46-055.0, Fiesta Island Replacement Project Pump Station and \$494,748 from Sewer Fund No. 41509, CIP-42-911.4, Northern Sludge Processing Facility, Phase II, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

(BID-B4800/96)

CITY MANAGER SUPPORTING INFORMATION:

Metropolitan Wastewater Department staff researched and recommended to the City Manager sole source procurement of Parkson Corporation Sludge Screens as a proven technology that will meet the space limitation at the sites. The Metropolitan Wastewater Department has requested installation of five sludge screening units at the Fiesta Island Replacement Project Pump Station at the Point Loma Wastewater Treatment Plant and three sludge screening units at the Centrifuge Building at the Northern Sludge Processing Facility. These sludge screens will remove solid objects from the sludge stream to protect process equipment and improve the marketability of the final biosolids product. The 5 percent contingency set aside is for any additional technical services which may be needed during startup.

Aud. Cert. 9600415.

FILE LOCATION: CONT - Purchase - Parkson Corporation
(Fort Lauderdale, FL) CONFY96-1

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-101:

SUBJECT: Approving the Plans and Specifications for the Earl and Birdie Taylor Library. (Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-238) ADOPTED AS RESOLUTION R-286460

Approving the Plans and Specifications for the Earl and Birdie Taylor Library, Work Order No. 119418. (BID-K96028C)

CITY MANAGER SUPPORTING INFORMATION:

Council has approved the advertising and the award of this project on August 14, 1995 with Resolution R-286222. The approval of the Plans and Specifications will enable the City to solicit bids from different contractors.

FILE LOCATION: W.O. 119418 CONT - Del Mar Pacific

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-102:

SUBJECT: 6th Avenue (Robinson Avenue to University Avenue) Underground Utility District.

(Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-392) ADOPTED AS RESOLUTION R-286461

Calling a public hearing to determine whether the public

health, safety or general welfare requires the formation of the 6th Avenue (Robinson Avenue to University Avenue) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on 6th Avenue between Robinson Avenue and University Avenue. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of their overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 to \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

Aud. Cert. 9600392.

FILE LOCATION: STRT - K-232

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-103:

SUBJECT: 43rd Street (Delta Street to Logan Avenue) Underground Utility District. (Southcrest Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-410) ADOPTED AS RESOLUTION R-286462

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the 43rd Street (Delta Street to Logan Avenue) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation -Undergrounding of City Utilities, and will underground the overhead utility facilities on 43rd Street between Delta Street and Logan Avenue. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FILE LOCATION: STRT - K-234

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-104:

SUBJECT: Broadway (12th Avenue to I-5) Underground Utility District. (Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-414) ADOPTED AS RESOLUTION R-286463

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the Broadway (12th Avenue to I-5) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on Broadway between 12th Avenue and I-5. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 to \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion. Included in that resolution will be a request for authorization to fund, with budgeted CIP funds, the replacement of existing wood pole mounted street lights with new street lights having underground electrical service at an estimated cost of \$30,000.

FILE LOCATION: STRT - K-237

COUNCIL ACTION: (Tape location: A479-B094.)

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

Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: 40th Street (Landis Street to Adams Avenue) Underground Utility District. (City Heights, Corridor, Normal Heights, and Kensington Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-444) ADOPTED AS RESOLUTION R-286464

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the 40th Street (Landis Street to Adams Avenue) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on 40th Street (Landis Street to Adams Avenue). This is a scheduled project in the calendar year 1996 Capital Improvements Program. The design is proposed to be complete by calendar year 1997, and construction is expected to be complete by calendar year 1998. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the

undergrounding work approaches completion.

FILE LOCATION: STRT - K-240

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-106:

SUBJECT: "F" Street (12th Avenue to Highway 94) Underground Utility District. (Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-418) ADOPTED AS RESOLUTION R-286465

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the "F" Street (12th Avenue to Highway 94) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on "F" Street between 12th Avenue and Highway 94. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box.

This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion. Included in that resolution will be a request for authorization to fund, with budgeted CIP funds, the replacement of existing wood pole mounted street lights with new street lights having underground electrical service at an estimated cost of \$7,000.

FILE LOCATION: STRT - K-235

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-107:

SUBJECT: "G" Street (7th Avenue to Highway 94) Underground
Utility District. (Centre City Community Area. Districts-2 and
3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-421) ADOPTED AS RESOLUTION R-286466

Calling a public hearing to determine whether the public
health, safety or general welfare requires the formation of
the "G" Street (7th Avenue to Highway 94) Underground
Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual
Allocation - Undergrounding of City Utilities, and will
underground the overhead utility facilities on "G" Street
between 7th Avenue and Highway 94. The formation of this
district will require the affected property owners to underground
the utilities which provide service to their property prior to
removal of the overhead utilities in the street. Council Policy
800-2 provides for the use of San Diego Gas and Electric

Company's Annual Allocation Funds (Case-8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 to \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion. Included in that resolution will be a request for authorization to fund, with budgeted CIP funds, the replacement of existing wood pole mounted street lights with new street lights having underground electrical service at an estimated cost of \$12,000.

FILE LOCATION: STRT - K-238

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-108:

SUBJECT: West Morena Boulevard (Southerly Intersection of Morena Boulevard to Northerly Intersection with Morena Boulevard) Underground Utility District.

(Clairemont Mesa and Linda Vista Community Areas. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-426) ADOPTED AS RESOLUTION R-286467

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the West Morena Boulevard (southerly intersection of Morena

Boulevard to northerly intersection with Morena Boulevard)
Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on West Morena Boulevard (southerly intersection of Morena Boulevard to northerly intersection.) The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion. Included in that resolution will be a request for authorization to fund, with budgeted CIP funds, the replacement of existing wood pole mounted street lights with new street lights having underground electrical service at an estimated cost of \$10,000.

FILE LOCATION: STRT - K-236

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-109:

SUBJECT: Mt. Abernathy Avenue (Balboa Avenue to Clairemont Mesa
Boulevard) Underground Utility District.
 (Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-459) ADOPTED AS RESOLUTION R-286468

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the Mt. Abernathy Avenue (Balboa Avenue to Clairemont Mesa Boulevard) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on Mt. Abernathy Avenue (Balboa Avenue to Clairemont Mesa Boulevard). This is a scheduled project in the calendar year 1996 Capital Improvements Program. The design is proposed to be complete by calendar year 1997, and construction is expected to be complete by calendar year 1998. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FILE LOCATION: STRT - K-239

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-110:

SUBJECT: Saturn Boulevard (Elder Avenue to Palm Avenue)
Underground Utility District.

(Otay Mesa/Nestor Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-429) ADOPTED AS RESOLUTION R-286469

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the Saturn Boulevard (Elder Avenue to Palm Avenue) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on Saturn Boulevard between Elder Avenue and Palm Avenue. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion. Included in that resolution will be a request for authorization to fund, with budgeted CIP funds, the replacement of existing wood pole mounted street lights with new street lights having underground electrical service at an estimated cost

of \$12,000.

Aud. Cert. 9600430.

FILE LOCATION: STRT - K-233

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-111:

SUBJECT: Donation of Property located at Langley Street.
(Grant Hill Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-406) ADOPTED AS RESOLUTION R-286470

Approving the acceptance of the grant deed of Eva Leopold, Trustee of the Leopold Family Trust, granting to the City Lots 5 and 6, Block 51 of Olmstead and Low's Addition, Map-178; Declaring that the acceptance of the grant deed is with the understanding and agreement by the City that the City will maintain ownership of the property for a minimum of two years from the date of acceptance and that the net proceeds of any future sale of the property will be deposited in equal amounts into the Balboa Park Endowment Fund and the San Diego Library Endowment Fund; Thanking Eva Leopold for the generous gift of property to the citizens of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The property owner, Eva Leopold, Trustee of the Leopold Family Trust, proposes a donation of two vacant lots, totalling approximately 6,250 square feet, with the following conditions: 1) The City maintain ownership of the parcels for two years from the date of acceptance; and 2) The net proceeds of the sale be deposited equally in the Balboa Park Endowment Fund, and the San Diego Library Endowment Fund. Acceptance of the donation will

allow transfer of title of the property, with the potential benefit to the above described City endowment funds.

FILE LOCATION: DEED F-6594 DEEDFY96-1

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-112:

SUBJECT: Grant of Utility and Access Easements to San Diego Gas & Electric Company. (Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-435) ADOPTED AS RESOLUTION R-286471

Authorizing the execution of five deeds conveying to San Diego Gas & Electric Company easements to replace access and utility easements eliminated as a result of the Route 56/Carmel Valley Restoration Enhancement Project.

CITY MANAGER SUPPORTING INFORMATION:

As a result of the construction of the State Route 56/Carmel Valley Restoration Enhancement Project several of the SDG&E's utility and access easements were eliminated. As identified in the Cooperative Agreement between the State of California and the City, approved July 9, 1991 by Resolution No. R-278296, the City is responsible for performing all right-of-way activities pertinent to this project, which includes the replacement of utility easements. This action will replace five former utility and access easements and will conclude the utility relocations for this project.

FILE LOCATION: DEED F-6595 DEEDFY96-5

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-113:

SUBJECT: Updating the City's Approved List of Real Estate Appraisers.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-351) ADOPTED AS RESOLUTION R-286472

Approving the new revised list of real estate appraisers and/or appraisers of personalty and intangibles, in compliance with Council Policy 300-7, and authorizing the City Manager to employ the expert appraisers when necessary;

Rescinding Resolution No. R-275754, adopted on May 22, 1990.

CITY MANAGER SUPPORTING INFORMATION:

The City has need of the services of qualified appraisers for the purpose of appraising real property, fixtures, equipment and/or intangible assets in connection with the acquisition, sale, exchange or lease of real property. A two tiered list was developed in an effort to encourage Real Estate Appraisers with no condemnation or minimum litigation experience so they could be considered for certain non-litigation assignments. Tier 1 consists of appraisers with a minimum of a State Certified General License, 5 years creditable experience and no condemnation or little court experience. Tier II are the most experienced appraisers, particularly in Condemnation Litigation. They will possess the State Certified General License in addition to creditable experience in preparing appraisals for Condemnation and court purposes. These appraisers normally have at least 10 years experience and some as much as 35 years. In compliance with Council Policy 300-7, Hiring of Consultants, ads for professional appraisers with experience in appraising for public acquisition and, particularly, litigation were placed in local newspapers including minority publications. In addition an ad was placed in

the Appraisal Institute professional appraisal organization newsletter. As a result of these ads and of staff inquiries, 57 appraisers have qualified to be included on the City's approved list. These appraisers have submitted resumes indicating education, background, qualifications and experience in the appraisal of real property and/or personalty and intangible assets. These materials have been reviewed, and those listed have been deemed to meet the City's requirements. In addition, all appraisers have submitted work force analysis forms to the Equal Opportunity Contracting Program for their review and approval. The new list will contain 45 real estate appraisers (22 within Tier 1 and 23 are on Tier II) and 12 appraisers of personalty and intangibles. A total of 3 MBE's and 2 WBE's are qualified on the list. Tier 1 has one MBE and one WBE. Tier II has two MBE's and one WBE. Three of the appraisers, all in Tier 1, indicate that they intend to apply for Minority or Women Owned Business Enterprise status. If these 3 are approved (one MBE and two WBE's) a combined total of eight (four MBE's and four WBE's) will be on the list. The attached list of 57 appraisers is presented for Council approval.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-114:

SUBJECT: Developer Fees.
(See City Manager Report CMR-95-237.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-356) ADOPTED AS RESOLUTION R-286473

Approving City Manager Report CMR-95-237, dated October 9, 1995, and declaring that the information in the report is the City's publicly available information on the City's Development Impact Fee Program, pursuant to Government Code

Section 66006.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-115:

SUBJECT: Habitat Conservation Fund (HCF) Grant Application.
(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-405) ADOPTED AS RESOLUTION R-286474

Approving the application for grant funds for the Local Agency Grant Program-Fiscal Year 1996, under the Habitat Conservation Program of the California Wildlife Program, California Wildlife Protection Act of 1990 for the Wetland Restoration Project at the Northern Wildlife Preserve Expansion - Crown Point Site.

CITY MANAGER SUPPORTING INFORMATION:

The Habitat Conservation Fund Program was created under the California Wildlife Protection Act of 1990. The program provides for \$2 million annually for competitive grants to local public agencies. Projects selected by State Parks for funding will be presented to the State Legislature and included in the FY 1997 State Budget. Funding should be available to local agencies by August 1996. The grant requires a 50 percent non-state match and preference is given to project sites where rare and endangered species are present. In reviewing the program criteria for FY 1997, Park and Recreation Department staff identified a project under the category of "wetland restoration/enhancement." The project will be to extend the Northern Wildlife Preserve south by

seven acres to incorporate the Crown Point site. Currently, the site is a vacant sand pile. The City's match to the grant will be with Sludge Mitigation Funds.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-116:

SUBJECT: Accepting Congestion Mitigation/Air Quality Grant Funds.

(Centre City, Normal Heights, College Area, Greater North Park, Kearny Mesa, Pacific Beach, Mission Bay Park, Mission Beach, Otay Mesa-Nestor, Mid-City, Linda Vista, Midway/Pacific Highway Corridor and Mission Valley Community Areas. Districts-2, 3, 5, 6, 7 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-354) ADOPTED AS RESOLUTION R-286475

Authorizing the City Manager to accept and expend Congestion Mitigation/Air Quality grant funds for traffic signal systems at various locations; Amending the Fiscal Year 1996 Capital Improvements Program by adding the following projects:

1. Clairemont Mesa Boulevard Signal Retiming
(CIP-63-032.0);
2. College Avenue Multi-Agency Interconnect
(CIP-63-029.0);
3. Downtown Signal Retiming/Special Events Timing
(CIP-63-030.0);

4. Harbor Drive/North Harbor Drive Interconnect (CIP-63-028.0);
5. Jack Murphy Stadium Information and Monitoring System (CIP-63-033.0);
6. Otay-Mesa Interconnect (CIP-63-025.0);
7. Pacific Beach Detection Improvements (CIP-63-027.0);
8. Taylor Street/Morena Boulevard Interconnect (CIP-63-026.0); and
9. Washington Street/El Cajon Boulevard Signal Retiming (CIP-63-031.0).

CITY MANAGER SUPPORTING INFORMATION:

In Fiscal Year 1995-96, approximately four million dollars were available in the San Diego region for traffic signal system improvement projects through the Congestion Mitigation/Air Quality (CMAQ) grant program. Traffic signal system improvements have been identified as one of the most cost effective ways of reducing traffic congestion and vehicle emissions. CMAQ is funded by the Federal Government's Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. SANDAG received applications and determined the regional distribution of the funds. The City of San Diego was awarded \$2,140,000 for nine traffic signal system projects in the following areas: Downtown, El Cajon Boulevard, Clairemont Mesa Boulevard, Pacific Beach, Palm Avenue/Coronado Avenue, College Avenue, Taylor Street/Morena Boulevard, North Harbor Drive, and Jack Murphy Stadium. These projects have been adopted by SANDAG into the 1994-01 Regional TIP. This action authorizes the City Manager to accept and expend the Congestion Mitigation/Air Quality funds for traffic signal systems. This action also amends the Fiscal Year 1996 Capital Improvements Program to include the following new projects: 1) Clairemont Mesa Boulevard Signal Retiming; 2) College Avenue Multi-Agency Interconnect; 3) Downtown Signal Retiming/Special Events Timing; 4) Harbor Drive/North Harbor Drive Interconnect; 5) Jack Murphy Stadium Information and Monitoring System; 6) Otay-Mesa Interconnect; 7) Pacific Beach Detection Improvements; 8) Taylor Street/Morena Boulevard Interconnect; 9) Washington Street/El Cajon Boulevard Signal Retiming.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-117:

SUBJECT: Transfer of Funds for Reconstruction of Parkside Avenue
Drain. (Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-409) ADOPTED AS RESOLUTION R-286476

Authorizing the Auditor and Comptroller to transfer not to
exceed \$33,000 from CIP-17-001.0, Annual Allocation - Minor
Drain and Seepage Problems, TransNet Fund 30300, to CIP-12-
094.0, Reconstruction of Parkside Avenue Drain; Authorizing
the expenditure of not to exceed \$33,000 from CIP-12-094.0,
Reconstruction of Parkside Avenue Drain, TransNet Fund
30300, for providing funds for replacing the drain system.

CITY MANAGER SUPPORTING INFORMATION:

The existing storm drain located in the vicinity of 6685 Parkside
Avenue collapsed due to deterioration of an old corrugated metal
pipe (CMP) drain. This project will replace the drain system on
Parkside Avenue.

Aud. Cert. 9600434.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-118:

SUBJECT: Transfer of Funds for RUIS Storm Drain Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-350) ADOPTED AS RESOLUTION R-286477

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$30,000 from CIP-12-068.0, Highland Valley Road Storm Drain, Fund 30300, to CIP-12-070.0, RUIS Storm Drain Project, Fund 30300.

CITY MANAGER SUPPORTING INFORMATION:

The RUIS Storm Drain Project, CIP-12-070.0, is providing for the computerization of the City's 100 foot scale storm drain maps. The original cost estimate for this project was \$690,000. \$600,000 was allocated in FY 94. An additional \$30,000 is needed to complete the computerization of the storm drain maps. The scope of work for CIP-12-068.0, Highland Valley Road Storm Drain, has changed due to the construction of the San Pasqual Treatment Plant pipe lines in Highland Valley Road and the asphalt overlay of Highland Valley Road with the Treatment Plant construction. The \$30,000 is available for transfer from CIP-12-068.0 Highland Valley Road, to CIP-12-070.0, RUIS Storm Drain Project.

Aud. Cert. 9600349.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-119:

SUBJECT: Request for Additional Funds for Golfcrest Drive and Ruane Street Drain.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-363) ADOPTED AS RESOLUTION R-286478

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$10,840 from CIP-11-300.0, Miramar Storm Drain, TransNet Fund 30300, and an amount not to exceed \$2,160 from CIP-17-001.0, Annual Allocation - Minor Drain and Seepage Problems, TransNet Fund 30300, to CIP-12-069.0, Golfcrest Drive and Ruane Street Drain;

Authorizing the expenditure of an amount not to exceed \$13,000 from CIP-12-069.0, Golfcrest Drive and Ruane Street Drain TransNet Fund 30300;

Authorizing the City Auditor and Comptroller, upon advice of the administering department, to transfer excess funds, if any, to the appropriate reserve.

CITY MANAGER SUPPORTING INFORMATION:

This project repaired approximately 900 feet of an existing 54-inch metal storm drain. The bottom of the storm drain, damaged by corrosion, was paved with concrete from the inside, thus causing minimal disturbance to the street and properties. To complete this project, an additional \$13,000 is required to cover the costs of the closing Change Order and other related engineering charges.

Aud. Cert. 9600372.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-120:

SUBJECT: Transfer of Funds for Construction of Highland Avenue Storm Drain.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-362) ADOPTED AS RESOLUTION R-286479

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$25,000 from CIP-17-002.0, Annual Allocation - Storm Drain Projects Not Yet Identified, TransNet Fund 30300, to CIP-12-088.0, Construction of Highland Avenue Storm Drain;

Authorizing the expenditure of an amount not to exceed \$25,000 from CIP-12-088.0, for providing funds to supplement Resolution R-284740, to fund Change Order No. 1, professional services and related engineering costs;

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

CITY MANAGER SUPPORTING INFORMATION:

A contract for storm drain construction, slope restoration, and associated repairs has been completed at 4559 and 4565 Highland Avenue. Construction difficulties and coordination with private construction at this location resulted in extra work and design. The City of San Diego's contract and the private construction is related to a settlement agreement between the City and affected property owners.

Aud. Cert. 9600375.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.

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

* ITEM-121:

SUBJECT: Request for Additional Funding Digesters N1/N2 Roofs and Heating System.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-399) ADOPTED AS RESOLUTION R-286480

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$400,000 within Sewer Fund 41508, from CIP-45-911.0, South Metro Rehabilitation Project, to CIP-46-129.0, Point Loma - Digesters N1/N2 Roofs and Heating System; and to transfer an amount not to exceed \$250,000 within Fund 41508, CIP-46-129.0, Point Loma - Digesters N1/N2 Roofs and Heating System, from Object Account No. 4151, Unclassified Professional Services, to Object Account No. 4905, Contingency Reserve;

Authorizing the expenditure of not to exceed \$489,799 from Sewer Fund 41508, CIP-46-129.0, Point Loma - Digesters N1/N2 Roofs and Heating System, for additional construction contingency for the contract with Western Summit Constructors, Inc., and related costs.

CITY MANAGER SUPPORTING INFORMATION:

The additional funding is needed to fund unforeseen and unanticipated conditions in this rehabilitation project. Since the construction bid and award for the Digesters N1/N2 Roofs and Heating System Project, master planning as part of the Digester Upgrade and Expansion Project has recommended additional piping modifications to be installed now with the N1/N2 Project. These modifications are necessary to avoid later changes in the N1/N2 digesters to allow them to operate as part of the ultimate gas collection, feed/withdrawal, mixing and heating systems that will be developed in the Digester Upgrade and Expansion Project. The

construction cost for these piping modifications is approximately \$300,000. Other miscellaneous change orders are also being processed or anticipated. With this authorization for additional funds the construction contingencies will amount to 10 percent of the original bid amount.

Aud. Certs. 9600446, 9600447.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-122:

SUBJECT: San Ysidro Recreation and Health Center - Claims
Settlement between American Bonding Company vs. City of San
Diego, et al. (San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-382) ADOPTED AS RESOLUTION R-286481

A Resolution approved by the City Council in Closed Session
on Tuesday, October 10, 1995 by the following vote: Mathis-
yea; Harvey-yea; Kehoe-yea; Stevens-yea; Warden-yea;
Stallings-yea; McCarty-not present; Vargas-not present;
Mayor-not present.

Authorizing the City Manager to pay the sum of \$47,172.07 in
the settlement of each and every claim against the City, its
agents and employees, resulting from a breach of contract as
it relates to the San Ysidro Recreation Center (United
States District Court Case No. 95-0585-T, American Bonding
Company, Inc. v. City of San Diego, et al.);

Authorizing the City Manager to pay the sum of \$25,956.22 in
the settlement of each and every claim against the City, its
agents and employees, resulting from a breach of contract as
it relates to the San Ysidro Health Center project (United

States District Court Case No. 95-0585-T, American Bonding Company, Inc. v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue two checks in the amounts of \$47,172.07 and \$25,956.22, made payable to American Bonding Company, Inc. and its attorney, David L. Hughes, in full settlement of all claims (\$47,172.07 from Fund No. 30244; \$25,956.22 from Fund No. 18527);

Authorizing the City Manager via the City Auditor and Comptroller to issue a check to the following persons in reimbursement for Labor Code violations against them on behalf of the San Ysidro Recreation Center: 1) James Whittington (\$2,791.74); 2) Andres Jaramillo (\$3,888.78); 3) Juan Jaramillo (\$8,640.42) and 4) Guadalupe Serrano (\$3,900.60);

Authorizing the City Manager via the City Auditor and Comptroller to issue a check to the following persons in reimbursement for Labor Code violations against them on behalf of the San Ysidro Health Center: 1) James Whittington (\$3,708.26); 2) Antonio Jaramillo (\$62.56) 3) Andres Jaramillo (\$6,099.12); 4) Guadalupe Serrano (\$3,628.74); and 5) Juan Jaramillo (\$5,064.87).

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego managed two Capital Improvements Projects named San Ysidro Recreation Center and San Ysidro Health Center. The Contractor, Baldan Construction Company, formally defaulted upon substantially completing the projects in 1994. At this time, a Notice of Completion has been filed on each project. American Bonding Company, the Surety Company for both projects, was asked to complete punchlist and warranty items. Subsequent to Baldan's default, American Bonding Company filed for receivership and failed to complete the projects as requested by City staff. Labor violations and uncompleted project items caused staff to withhold retention funds. Upon repeated efforts to have American Bonding Company fulfill their obligations to no avail, staff did so utilizing retention funds withheld. American Bonding Company filed a complaint against the City for the full retention being withheld on both projects. The City filed a cross-complaint with regard to unresolved labor violations, project repairs, and to address staff management costs to finally complete the projects. Negotiations were held with American Bonding Company on September 15, 1995, and a lump sum was agreed

to be paid to American Bonding Company as follows:

NO BREAK

San Ysidro Recreation Center San Ysidro Health Center Full
retention \$96,665.09 Full retention \$44,519.77

Minus labor code violations \$19,221.54 Minus labor code Minus
floor repairs \$12,888.00 violations \$18,563.55

Minus City staff costs \$17,383.48 Amount released to

Amount released to American Bonding American Bonding Company
47,172.07 Company \$25,956.22

END NO BREAK

It is now recommended that the City release the amounts for a total of \$73,128.20 to American Bonding Company of the available retention withholdings.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-123:

SUBJECT: Request by Century Club of San Diego to Host the 1998
USGA Amateur Public Links Golf Championship.

(See City Manager Report CMR-95-247. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-403) ADOPTED AS RESOLUTION R-286482

Authorizing the City Manager to accept, for and on behalf of

the City, a proposal from the United States Golf Association in cooperation with the Century Club of San Diego to host the 1998 Public Links Golf Championship at Torrey Pines Golf Course.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-124:

SUBJECT: Emergency Contract for Repair of Collapsed Sewer and Water Mains in Carmel Valley Road, West of I-5. (Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-280) ADOPTED AS RESOLUTION R-286483

Ratifying the emergency contract authorized by the City Manager with Christeve Corporation for the construction of collapsed sewer and water mains in Carmel Valley Road west of Interstate 5 in an amount not to exceed \$694,929;

Authorizing the expenditure of not to exceed \$706,929 consisting of \$669,634 from Sewer Revenue Fund 41506, Program Element 70440, and \$37,295 from Water Operating Fund 41500, Program Element 70540 for construction operation, inspection, and administration of this contract;

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 Monday, August 7, 1995, two sections of a 33-inch diameter Techite sewer main in Carmel Valley Road, west of I-5 collapsed,

damaging the roadway and existing 16-inch water main at the intersection of the Carmel Valley and Sorrento Valley Roads. This incident created four large sinkholes in Carmel Valley Road, damaging the road extensively resulting in unsafe driving conditions. City forces set up a temporary by-pass pumping system around the collapsed sewer and opened one lane of traffic in each direction. As referenced in City Manager's Information Memorandums dated August 9 and 14, 1995, the City solicited bids from ten General Contractors to reconstruct the damaged sewer and water mains and to restore the street. Only two contractors responded. Christeve Corporation provided the lowest bid for the amount of \$609,217. The work included construction of 140 feet of 33-inch diameter sewer main, pressure grouting approximately 1,100 feet of collapsed sewer, repairing and replacing 140 feet of 16-inch water main, repairing four sinkholes, traffic control, pavement restoration and other ancillary work. Christeve Corporation completed all required work by September 15, 1995. An additional \$90,000 in new work was also authorized to relocate and operate the temporary by-pass, perform additional paving work, and grouting. Meanwhile, construction work is currently underway for the sewer's complete replacement. This project is in conjunction with the relocation of the City's Sewer Pump Station No. 65 from the Penasquitos Lagoon to a site on Sorrento Valley Road. These projects are scheduled for completion prior to June of 1996. Both projects will significantly improve the reliability of the City's major sewage transmission facilities in the Sorrento Valley/Penasquitos Lagoon area.

Aud. Cert. 9600301.

WU-U-96-194.

FILE LOCATION: CONT - Christeve Corporation CONFY96-1

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-125:

SUBJECT: First Responder Hazardous Materials Business Plans.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-377) ADOPTED AS RESOLUTION R-286484

Authorizing a fourth amendment to the agreement with the County of San Diego for providing plan check services under the First Responder Hazardous Materials Business Plan Project; Declaring that the County of San Diego will reimburse the City for the costs of this project, upon receipt of quarterly invoices;

Authorizing the expenditure of not to exceed \$87,904 which is 100 percent reimbursable; approximately \$65,928 to be received in FY 1996 and the remainder received in the first quarter of FY 1997, from the County of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

On October 19, 1992, the City of San Diego entered into an agreement with the County of San Diego, allowing the Fire Department Hazardous Materials Response Team to Format First Responder Hazardous Materials Business Plans, with the costs to be reimbursed to the City. The Fire Department began the conversion of multi-paged County Health Department Hazardous Materials business plans to a single page format. This format is used by first responders at emergency incidents which involve hazardous materials. The existing agreement was amended to extend this conversion process to the end of June, 1995. The proposed amendment will extend the project to the end of June, 1996. The County of San Diego will reimburse the City for the costs of this project, upon receipt of quarterly invoices.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-126:

SUBJECT: Second Amendment to the Agreement with Manuel Oncina for the Malcolm X Library and Performing Arts Center.

(Emerald Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-398) ADOPTED AS RESOLUTION R-286485

Authorizing a second amendment to the agreement with Manuel Oncina, Architect, to provide additional professional services for the Malcolm X Library & Performing Arts Center, CIP-35-079.0;

Authorizing the expenditure of not to exceed \$15,000 from CIP-35-079.0, CDBG Fund No. 18531, Dept. 4082, Org. 8232.

CITY MANAGER SUPPORTING INFORMATION:

Capital Improvements Project CIP-35-079 provides for design and construction of a 26,000 foot library at 51st and Market Streets. A first amendment to the architect's agreement provided for Artistic Services to design, fabricate, and install art work for this project in line with the City's policy to include art in public facilities. This action provides for additional funding to upgrade the art work from a painted mural to a mosaic. The funding source is CBG. The City's Commission of Arts and Culture has been involved in upgrading this art project.

Aud. Cert. 9600389.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-127:

SUBJECT: Agreement with RBF/Sholders and Sanford for the Sorrento Valley/Carroll Canyon Subsystem.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-400) ADOPTED AS RESOLUTION R-286486

Authorizing a phase funded contract with RBF/Sholders and Sanford for design engineering services in connection with the Sorrento Valley Subsystem - Reclaimed Water Distribution System, anticipated to be phased as follows: Phase I - \$643,050 to begin in Fiscal Year 1996;

Authorizing the transfer of an amount not to exceed \$693,000 within Water Fund 41500, from CIP-70-917.0, Miramar Storage Tank, to CIP-70-934.0, Sorrento Valley/Carroll Canyon Subsystem - Reclaimed Water Distribution System;
Authorizing the expenditure of an amount not to exceed \$643,050 from Water Fund 41500, CIP-70-934.0, Sorrento Valley/Carroll Canyon Subsystem for project design, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

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

CITY MANAGER SUPPORTING INFORMATION:

The Sorrento Valley/Carroll Canyon Subsystem is an integral part of the Reclaimed Water Distribution System. This project is included in the interim order issued by the federal court for construction of the distribution system for the North City Water Reclamation Plant. This agreement is for design engineering services. These services provide the design for pipelines to bring reclaimed water to the customers identified in the Update of Reclaimed Water Market Assessment Report dated November 1994.

The Sorrento Valley/Carroll Canyon Subsystem consists of approximately 13,800 feet of pipeline (10-inch to 18-inch diameter) and 22,000 feet of off-backbone pipe (4-inch to 8-inch in diameter) which will convey Title 22 tertiary treated water for the North City Water Reclamation Plant.

Aud. Certs. 9600435 and 9600436.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-128:

SUBJECT: Excusing Councilmember George Stevens from the Council Meetings of 10/16/95 and 10/17/95.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-395) ADOPTED AS RESOLUTION R-286487

Excusing Councilmember George Stevens from attending the Council Meetings of October 16 and 17, 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-129:

SUBJECT: Excusing Deputy Mayor Juan Vargas from the Council

Meeting of 10/10/95.

DEPUTY MAYOR VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-386) ADOPTED AS RESOLUTION R-286488

Excusing Deputy Mayor Juan Vargas from attending the Council Meeting of October 10, 1995, due to a Coastal Commission meeting.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-130:

SUBJECT: Amendment No. 8 to the Conflict of Interest Code for the Water Utilities Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-385) ADOPTED AS RESOLUTION R-286489

Adopting the Revised Conflict of Interest Code for the Water Utilities Department.

CITY MANAGER SUPPORTING INFORMATION:

The Political Reform Act of 1974 (Government Code Section 87300, et seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. On April 27, 1977, Council approved the Conflict of Interest Code for the Water Utilities Department. The Conflict of Interest Code has been amended eight times to reflect organization changes. This

amendment again updates Exhibit A of the Code. This exhibit lists the duties and categories of those designated positions, the incumbents of which are required to submit Conflict of Interest Statements. Several organizational changes render Exhibit A obsolete. This amendment changes Exhibit A of the Code. This amendment also updates the Code itself and Exhibit B to conform to overall City policy. The City Attorney's office has reviewed the proposed revisions to the Water Utilities Department's designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC). Employees filling new positions designated as having potential conflicts of interest were afforded the opportunity to review and comment on this amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-131:

SUBJECT: Conflict of Interest Code - Salary Setting Commission.

PERSONNEL DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-96-307) ADOPTED AS RESOLUTION R-286490

Adopting the Conflict of Interest Code for the City's Salary Setting Commission, including the appendix in which Commission members are designated and in which disclosure categories are set forth, to comply with Government Code Section 81000, et seq.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

* ITEM-132:

SUBJECT: City Manager's Interim Equal Opportunity Contract
Program Bi-Annual Status Report.

(See City Manager Report CMR-95-199.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-168) ADOPTED AS RESOLUTION R-286491

Accepting the City Manager's Biannual Equal Opportunity
Report on the status of the City's Interim Equal Opportunity
Contracting Program.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 9/20/95, PS&NS voted 3-0 to accept the Biannual Status Report
from the Equal Opportunity Contracting Program. (Councilmembers
Kehoe, Stallings and McCarty voted yea. Councilmembers Stevens
and Vargas not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B094.)

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

ITEM-200:

SUBJECT: Appeals of George Fleming and Marty Bohl (the
appellants) from the decision of the Planning Commission in
approving the request for Coastal Development Permit CDP-95-0215
(Purcell Residence) and the rescission of the July 24, 1995 City

Council approved sewer easement exchange (Resolution No. R-286139.)

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-682) DENIED APPEAL ADOPTED AS RESOLUTION R-286492

Deny the appeal and approve the Coastal Development Permit and rescind the sewer easement exchange (Resolution No. R-286139).

ADDITIONAL BUSINESS; (R-96-683) ADOPTED AS RESOLUTION R-286821

The July 24, 1995, action of the City Council and Resolution Number R-286139 approving the exchange of sewer easements between the City of San Diego and David A. and Jean R. Purcell, and the San Diego Unified Port District, is hereby rescinded.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to approve the permit.

Ayes: McElliott, Anderson, Neils, Quinn, Skorepa, White.

Abstentions: Bernet.

On May 8, 1995, the Peninsula Community Planning Board commented that the Board took no exception to the proposed project.

SUPPORTING INFORMATION:

The appeal is being requested for a Coastal Development Permit to demolish an existing single family residence and construct a new 5,162 sq. ft. property located at 741 Rosecrans Street in the R1-5,000 Zone in the Peninsula Community Plan Area.

NOTE: On October 3, 1995 Council voted 7-1 to hear the appeal. Mayor not present.

LEGAL DESCRIPTION:

A portion of the North half of Pueblo Lot 175, and a portion of Pueblo Lot 176, of the Pueblo Lands of San Diego.

FILE LOCATION: PERM - CDP-95-0215

COUNCIL ACTION: (Tape location: B095-C445.)

Hearing began at 3:06 p.m. and halted at 4:13 p.m.

Testimony in opposition by Marty Bohl, Scott Bernet, and Jacqueline Watson.

Testimony in favor Lynne Heidel, Dave Purcell, Robert Bichowsky, and Dianne Reichardt.

MOTION BY HARVEY TO DENY THE APPEAL AND APPROVE THE PROPOSED PROJECT AS REVISED TO ISSUE THE COASTAL DEVELOPMENT PERMIT AND RESCIND THE PREVIOUSLY APPROVED SEWER EASEMENT. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Awarding a Contract to Nielsen-Dillingham Builders (San Diego) for the Northern Sludge Processing Facility - Energy Building and Wastewater Pump Station.

(NAS Miramar. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-23) ADOPTED AS RESOLUTION R-286493

Awarding a contract to Nielsen-Dillingham Builders (San Diego), in the amount of \$9,190,700 for the Northern Sludge Processing Facility - Energy Building and Wastewater Pump Station, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the City Manager to establish contract funding phases with Nielsen-Dillingham, the lowest responsible bidder;

Authorizing the transfer of \$9,525,000 from Sewer Fund 41509, CIP-40-921.0, FIRP Digested Sludge Pipeline Phase II; \$2,200,000 from Sewer Fund 41509, CIP-42-911.3, North City

Raw Sludge & Water Pipeline; \$4,000,000 from Sewer Fund 41509, CIP-42-910.1,

North City Water Reclamation Plant; \$2,400,000 from Sewer Fund 41509, CIP-46-055.0, FIRP Pump Station; and \$175,000 from Sewer Fund 41509, CIP-42-910.8, North City Tunnel Connector to Sewer Fund 41509, CIP-42-911.4, Northern Sludge Processing Facilities, Phase II;

Authorizing the expenditure of an additional \$906,585 from Sewer Fund 41509, CIP-42-911.4, Northern Sludge Processing Facilities, Phase II, for the purpose of providing funds for this project for construction, contingency, and related costs, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure under the established contract funding phases are, or will be on deposit in the City Treasury;

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

Authorizing the funding phase with Nielsen-Dillingham based on the actual low bid submitted, in the following manner, provided the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure under the contract, are, or will be on deposit in the City Treasury: (BID-K94111)

FY Phase	Construction	Contingency	Other Related	Subtotal
FY96 - 1	\$5,055,500	\$252,775	\$50,000	\$5,358,275
FY96 - 2	\$2,254,900	\$112,745	\$ -0-	\$2,367,645
FY97 - 3	\$1,880,300	\$ 94,015	\$25,000	\$1,999,315
Total	\$9,190,700	\$459,535	\$75,000	\$9,725,235

CITY MANAGER SUPPORTING INFORMATION:

The Fiesta Island Replacement Project/Northern Sludge Processing Facility(FIRP/NSPF) project to be located at NAS Miramar will replace the sludge drying facilities currently located at Fiesta Island. The Energy Building & Wastewater Pump Station (EB/PS) Facilities is the eighth of nine construction contracts for FIRP/NSPF. This contract features the Energy Building which supplies steam and chilled water for the project, the Wastewater Pump Station which sends the centrate to the North City Water Reclamation Plant, and the Pump Station's Odor Control

Facility.

Mitigation measures related to this action have been incorporated into each package. The EIR was certified by City Council on Decemer 5, 1994. The Council approved the award of the construction contract for the EB/PS Facilities on July 17, 1995, R-286106. On August 1, 1995, the City opened bids for the Energy Building and Wastewater Pump Station. Five bids were received. The bids are currently being reviewed for responsiveness. The apparent low bidder is Nielsen-Dillingham, Joint Venture. The bid is for \$9,190,700. This is approximately 13 percent greater than the original contract estimate of \$8,113,000, which was approved by Council on July 17, 1995 (R-286106). The increase in cost is due to revised final design conditions that took place after the routing of the original Council Action. These scope changes which resulted in increased cost include larger adsorption chillers and a separate construction sewage pumping system. This request is to provide the additional funding necessary to award the construction contract to the lowest responsible bidder.

Aud. Certs. 9600449, 9600450.

FILE LOCATION: CONT - Nielsen-Dillingham Builders (San Diego) CONFY96-1

COUNCIL ACTION: (Tape location: A479-B094.)

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

ITEM-202:

SUBJECT: Inviting Bids for Construction of West Miramar Landfill
- Phase II - Module A.

(Miramar Naval Air Station. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-237) ADOPTED AS RESOLUTION R-286494

Inviting bids for Construction of West Miramar Landfill -
Phase II - Module A on Work Order No. 370563;

Authorizing the City Auditor and Comptroller to transfer
\$2,100,000 from CIP-32-013.0, South Chollas Landfill
Closure, Environmental Services Fund 41201 and \$929,999 from
CIP-37-250.0, Landfill Closure and Environmental Projects,
Environmental Services Fund 41201 to CIP-37-056.0, West
Miramar Refuse Disposal Facility - Phase II, Sublet No. 37-
056.3, West Miramar Landfill Liner Module A. (BID-K96030C)

CITY MANAGER SUPPORTING INFORMATION:

The 807-acre West Miramar Landfill Refuse Disposal Facility is located east of I-805, south of the U.S. Navy's Naval Air Station and north of State Route 52. The Environmental Services Department operates the Miramar Landfill under a grant of easement from the United States of America which is administered by the U.S. Navy. Landfilling operations began in 1982 in the Phase I area and are scheduled to continue in the Phase II area through 2010 or later. In 1991, Congress passed the Resource Conservation and Recovery Act (RCRA). A portion of the act (Part 257-258, 40 CFR) referred to as "Subtitle D" affects all landfills accepting municipal solid waste after October 9, 1993. The purpose of this action is to approve the plans and specifications and provide the funding necessary to construct the improvements designed for the Module A area to meet the regulatory requirements mandated under "Subtitle D." The improvements to be constructed include a composite liner system, leachate collection network and monitoring facilities. This will be the second of six modules to be constructed with a composite liner system.

Aud. Cert. 9600381.

FILE LOCATION: W.O. 370563 CONT - C. A. Rasmussen, Inc.
CONFY96-1

COUNCIL ACTION: (Tape location: A479-B094.)

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

ITEM-203:

SUBJECT: Inviting Bids for Construction of Shelter Island Sewer Improvements.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-19 Cor. Copy) ADOPTED AS RESOLUTION R-286495

Inviting bids for Construction of Shelter Island Sewer Improvements on Work Order No. 170261;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer from Sewer Fund 41506, CIP-44-001.0, Annual Allocation Sewer Main Replacement, an amount not to exceed \$1,235,811 to CIP-46-106.0,

Annual Allocation - Sewer Pump Station Restoration;

Authorizing the expenditure of not to exceed \$1,594,665 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation Sewer Pump Station Restorations, to supplement Resolution R-277479, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury.

(BID-K96014C)

CITY MANAGER SUPPORTING INFORMATION:

Shelter Island Sewer Improvement was advertised on March 21, 1991. On May 4, 1991, it was decided to indefinitely postpone the construction of this project until: 1) the America's Cup Race activities were completed, and 2) the limits of groundwater containing hydrocarbon could be clearly identified on Shelter Island. This project will upgrade the sewage collection system on Shelter Island. The project includes the construction of a

new Pump Station 38, the installation of approximately 3,700 feet of 15-inch and 12-inch sewer lines, and the abandonment of existing Pump Stations 37 and 38. The project will bring the sewage collection system up to current design standards and it will provide the additional capacity needed for future development of Shelter Island. Existing Pump Stations 37 and 38 were originally constructed in 1951; each station was equipped with one sewage pump. In 1961 each station was provided with a second sewage injector pump to serve as a backup.

Currently, the pump stations are using both pumps during peak flow conditions and are not equipped to prevent a sewage spill if one or both pumps should fail. As part of this project, the existing Pump Station 37 will be abandoned and Pump Station 38 will be abandoned and relocated.

The new Pump Station 38 will have two sewage pumps, each size to handle the future peak flow conditions. In addition, the new Pump Station will have a standby power generator to provide electrical power in case of a power outage. This project is being coordinated with the Port District in order to minimize the disruption to businesses on Shelter Island. In order to minimize pumping and treatment of groundwater containing hydrocarbon, the plans and specifications proposed using a trenchless technology, Microtunneling.

WU-P-95-105.

FILE LOCATION: W.O. 170261 CONT - HPS Plumbing Services, Inc. CONFY96-1

COUNCIL ACTION: (Tape location: A479-B094.)

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

ITEM-204:

SUBJECT: House of Hospitality Exterior Ornamentation.

(See City Manager Report CMR-95-246. Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-384) ADOPTED AS RESOLUTION R-286496

Approving Change Order No. 1, issued in connection with the contract with Soltek of San Diego to substitute glass fiber reinforced concrete as the external ornamentation material for the Balboa Park House of Hospitality reconstruction project, amounting to a net increase in the contract price of \$1,360,000, which will be funded by the Committee of 100, and by potential cost savings from the project, and selective elimination of project elements.

FILE LOCATION: CONT - Soltek of San Diego CONFY96-1

COUNCIL ACTION: (Tape location: A479-B094.)

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

ITEM-205:

SUBJECT: Annual Allocation - Undergrounding of City Utilities,
1996 Capital Improvement Program.

(Districts-1,2,3,4,5,6,7 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-378) ADOPTED AS RESOLUTION R-286497

Approving the Annual Allocation - Undergrounding of City
Utilities, 1996 Capital Improvement Projects, listed below:

1. Broadway (12th Avenue to I-5)
2. Convention Center Expansion
3. "F" Street (12th Avenue to Highway 94)
4. "G" Street (7th Avenue to Highway 94)
5. La Jolla Shores Drive (Calle Frescota to

Ruette Monte Carlo)

6. Mt. Abernathy (Balboa Avenue to Clairemont Mesa Blvd.)
7. Ocean View Blvd. (29th Street to SR-15)
8. Saturn Blvd. (Elder Avenue to Palm Avenue)
9. West Morena Blvd. (southerly intersection of Morena to northerly intersection)
10. 40th Street (Landis Street to Adams Avenue)
11. 43rd Street (Delta Street to Logan Avenue)

CITY MANAGER SUPPORTING INFORMATION:

The list of Utility Undergrounding projects for Calendar Year 1996 is in conformance with the terms of the franchise agreement reached with SDG&E in April 1995. The agreement requires that projects to be initiated in Calendar Year 1996 must be identified by the City Council and the accompanying Underground Utility Districts formed by October 31, 1995. An upcoming Land Use and Housing Committee meeting will include discussion of issues involving the agreement with SDG&E and other utility undergrounding concerns raised at the Committee meeting of September 20, 1995.

FILE LOCATION: STRT - K-237, K-235, K-238, K-218, K-179, K-239, K-224, K-233, K-236, K-240, K-234

COUNCIL ACTION: (Tape location: A479-B094.)

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

ITEM-206: RETURNED TO CITY MANAGER

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

(Continued from the meeting of September 11, 1995, Item 118, at Councilmember Harvey's request, to review the Permit and 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: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A479-B094.)

CONSENT MOTION BY McCARTY TO RETURN TO THE CITY MANAGER AT HIS REQUEST. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207:

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-96-401) ADOPTED AS RESOLUTION R-286498

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.

The construction is proceeding on schedule. The contractor has completed a majority of the excavation and grading of the below ground structures, including the headworks, primary sedimentation tanks, grit chamber, nonpotable water and primary skimming pump stations, lime stabilization silos, and sludge truck scales. Slabs on grade have been poured for the nonpotable water pump station. Potable and fire water lines have been installed around the perimeter of the site.

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 - March 1996
Bid Solicitation: April 1996 - July 1996
Construction: August 1996 - August 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 to request a dismissal. A trial is set for January 11, 1996.

A. Package 1 - Special Structures.

Design: Completed May 12, 1995
Revised Design: Completed October 15, 1995
Bid Solicitation: November 2, 1995 - January 3, 1996
Construction: April 1996 - July 1997
This project is scheduled to be advertised for bid on November 2, 1995.

B. Package 2 - Tunnel.

Construction Contractor: Traylor Brothers/Obayashi
Bid: \$88,285,000
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.

Construction Contractor: Fletcher General, Inc.

Bid: \$36,442,000
Construction: November 1995 - October 1997.

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: A479-B094.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:22 p.m. in honor of the memories of Elizabeth Ann Martinet as requested by Council Member Harvey and Attorney John Witt; Jesus "Chuey" Garcia as requested by Deputy Mayor Vargas; Helen Ellis Robards as requested by Council Member Stallings; Anne B. Gonzalez, James Focht, and Bonnie Nelson Reading as requested by Attorney John Witt.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C445-596).