

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, APRIL 1, 1996  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Stallings at 2:06 p.m. Deputy Mayor Stallings adjourned the meeting at 6:29 p.m. into Closed Session for meet and confer, and to discuss pending litigation, on Tuesday, April 2, 1996, at 9:00 a.m., the twelfth floor conference room.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-excused by R-287222  
(Out-of-town City business)
  - (1) Council Member Mathis-present
  - (2) Council Member Wear-present
  - (3) Council Member Kehoe-present
  - (4) Council Member Stevens-present
  - (5) Council Member Warden-excused by  
R-287269 (City business in Sacramento)
  - (6) Council Member Stallings-present
  - (7) Council Member McCarty-present
  - (8) Council Member Vargas-present
- Clerk-Abdelnour (ms)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Frank Wooden of the  
Sweetwater Assembly of God Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vargas.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding eternity.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-060.)

ITEM-PC-2: REFERRED TO CITY MANAGER

Comment by Mike Backe regarding accessibility for  
wheelchairs and intersection improvement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A062-087.)

ITEM-PC-3:

Comment by Kathy Mahdi regarding CDBG funding process.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A107-129.)

ITEM-PC-4: REFERRED TO CITY MANAGER

Comment by Michelle Buchanan regarding CDBG funding process and the City's vision for the future.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A130-138.)

ITEM-PC-5: REFERRED TO CITY MANAGER

Comment by Stuart Hirsch regarding San Diego Municipal Code Section 54.0201 ambiguity and inequity. Chollas Creek is very dirty and smells, reducing the property values of the nearby residents. In addition, people are being charged fines for such things as dropping one drop of paint in the water.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A149-173.)

ITEM-PC-6: REFERRED TO CITY MANAGER

Comment by Billy Paul regarding safety issue of the sludge line.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A201-235.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Wear said we hosted the San Diego Crew Classic at Mission Bay over the weekend, held in memory of Joe Jessop, Sr., and it was a great event with over 2,400 athletes and 20,000 spectators. He also said he held a press conference today regarding establishing a Regional Public Safety Institute at Camp Nimitz.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A247-261.)

ITEM-CC-2:

Deputy Mayor Stallings said this was the opening day for baseball and she urged everyone in San Diego to support the team. She hopes everyone will get out next Monday for the Padres first game of the season and show their support and faith in our team.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A261-275.)

ITEM-CC-3:

Council Member McCarty thanked Mr. John Moores who will contribute \$3,000,000 to San Diego State University to create a new baseball field that can be used by everyone. It will be called Tony Gwynn Stadium.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A275-283.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:  
2/19/96 Adjourned

2/20/96  
3/4/96  
3/5/96  
3/5/96 Special Joint Meeting  
3/11/96 Adjourned  
3/12/96 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A330-337.)

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

ITEM-31:

SUBJECT: Commending San Diego County Taxpayers Association.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1053) ADOPTED AS RESOLUTION R-287080

Commending the San Diego County Taxpayers Association, and applauding the organization for the vital services it has and continues to provide for the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A293-330.)

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

ITEM-50: CONTINUED TO APRIL 15, 1996

SUBJECT: Proposed Ordinance Barring Contracts With Persons Who  
Have Violated Campaign Money Laundering Laws.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as  
amended on 3/18/96. (Council voted 9-0):  
(O-96-33 Rev.)

Amending Chapter II, Article 2, Division 8 of the San  
Diego Municipal Code by repealing title, reentitling  
Division 8, renumbering Section 22.0801, adding new  
Sections 22.0801, 22.0802, 22.0803, 22.0804, 22.0805,  
22.0806, 22.0807, 22.0808 and 22.0809; by amending  
Chapter II, Article 2, Division 5, by renumbering  
Section 22.0514, relating to Debarment.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A370-B084; B027-042.)

MOTION BY KEHOE TO CONTINUE TO APRIL 15, 1996 TO BRING BACK  
FOR ADOPTION WITH ITEM 51. Second by Mathis. Passed by the  
following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-not present.

ITEM-51:

SUBJECT: Proposed Ordinance Barring Issuance of Land Use Permits  
to Persons who have Violated Campaign Money Laundering  
Laws.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced as  
amended on 3/18/96. (Council voted 9-0):

(O-96-34 Rev.) REINTRODUCED, TO BE ADOPTED APRIL 15,  
1996

Amending Chapter XI, Article 1, Division 1, of the San  
Diego Municipal Code by amending Section 111.0107, by  
adding Sections 111.0110, 111.0111, 111.0112, 111.0113,

and 111.0114 all relating to Denial of Landuse Permits  
for Violation of Campaign Laws.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A370-B084; B027-042.)  
MOTION BY KEHOE TO REINTRODUCE THE ORDINANCE DUE TO  
SUBSTANTIVE CHANGES. Second by Mathis. Passed by the  
following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-not present, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-52:

SUBJECT: Amendment to the San Diego Maintenance District  
Ordinance of 1975.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
3/18/96.

(Council voted 9-0):

(O-96-111) ADOPTED AS ORDINANCE O-18273 (New Series)

Amending Chapter VI, Article 5, Division 2, of the San  
Diego Municipal Code by adding a new Section 65.0234,  
relating to Refunding Surpluses in the San Diego  
Maintenance District Procedural Ordinance of 1975.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-53:

SUBJECT: Removing the Two-Hour Meter Parking Zone on the North  
Side of G Street.  
(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-130) INTRODUCED, TO BE ADOPTED APRIL 15, 1996

Introduction of an Ordinance removing the two-hour  
meter parking on the north side of G Street between  
12th Avenue and 13th Street.

CITY MANAGER SUPPORTING INFORMATION:

This action removes a two-hour meter zone on the north side of G  
Street between 12th Avenue and 13th Street. The proposed removal  
of the meter zone was petitioned by the property owner  
representing 100 percent of the affected frontage. Accordingly,  
removal of the meters on 1200 G Street is recommended.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-54:

SUBJECT: Master Lease Program.  
(See City Manager Report CMR-96-65.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-145) INTRODUCED, TO BE ADOPTED APRIL 15, 1996

Introduction of an Ordinance authorizing a 3 and 4-year  
lease terms master lease agreement with Associates

Commercial Corporation, for the purpose of financing the acquisition of equipment through lease-purchase; Authorizing a 5-year lease term master lease agreement with Koch Financial Corporation for the purpose of financing the acquisition of equipment through lease-purchase as a back-up to GE Capital Public Finance for the 7-year lease term agreement; Authorizing a 7-year lease term master lease agreement with GE Capital Public Finance and as a back-up to Associates Commercial Corporation for the 4-year lease term agreement and to Koch Financial Corporation for the 5-year lease term agreement; Ratifying and approving an extension to the 1995 master lease agreement with GE Capital Public Finance to increase the limit from the aggregate leasing of \$10,000,000 of equipment to the aggregate leasing of \$13,000,000 of equipment for the purpose of acquiring additional equipment in an amount not to exceed \$3,000,000.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-100:

SUBJECT: Canceling the City Council Meeting of Monday, April 8, 1996.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1137) ADOPTED AS RESOLUTION R-287081

Canceling the regularly scheduled Council meeting of April 8, 1996, pursuant to Rule 1 of the Permanent Rules of Council (San Diego Municipal Code Section

22.0101), since it is anticipated that a majority of the Council will be unable to attend.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-101:

SUBJECT: Amending the Legislative Calendar to Move Legislative Weeks of May 6-10 to May 20-24 and June 24-28 to June 17-21.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1148Rev.) ADOPTED AS AMENDED AS RESOLUTION R-287082

Amending the Legislative Calendar for February through December 1996, as follows:

1. Move the legislative week of May 6 through 10 to May 20 through 24, 1996;
2. Move the legislative week of June 24 through 28 to June 17 through 21, 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

CONSENT MOTION BY MATHIS TO ADOPT AS AMENDED TO RESTORE THE NRC&A COMMITTEE MEETING TO THE LEGISLATIVE CALENDAR FOR MAY 22, 1996, AS REQUESTED BY COUNCIL MEMBER WARDEN. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-102:

SUBJECT: Extension of time for the vacation of excess portions  
of Beech Street, Eighth Avenue and Ninth Avenue.  
(Centre City Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1027 Cor. Copy) ADOPTED AS RESOLUTION R-287083

Amending Condition No. 4 of Resolution R-283484,  
(Resolution of Vacation), adopted March 7, 1994, to  
read as follows:

That this resolution shall not become effective unless  
and until the required public improvements, which  
include the relocation of street improvements, are  
constructed and a 10-foot curb-to-property line  
distance maintained in a manner satisfactory to the  
City Engineer. In the event that this condition is not  
complied with by March 7, 1998, this resolution shall  
become void and be of no further force or effect.

CITY MANAGER SUPPORTING INFORMATION:

On March 7, 1994, the City Council adopted Resolution R-283484  
which conditionally vacated the northerly excess portion of Beech  
Street between Seventh Avenue and Ninth Avenue, excess portions  
of Eighth Avenue between Beech Street and Cedar Street, and the  
westerly excess portion of Ninth Avenue between Beech Street and  
Cedar Street. Condition No. 4 of the Resolution of Vacation  
required specific public improvements to be reconstructed and  
installed within 2 years of the adoption date. The developer is  
requesting a 2 year extension to accommodate revisions to the  
complex design components of the redevelopment project, which  
lengthened the processing and construction schedule. The  
extension of time would allow sufficient time to complete the  
design components and obtain permits for work to be performed  
within the public right-of-way. Staff review of the request for  
extension of the above mentioned vacation has indicated that the  
findings as required under Council Policy 600-15 and State Law  
can still be made and that the time extension may be granted.  
Staff recommends that Resolution R-283484 be amended as  
requested.

FILE LOCATION: DEED F-6245; STRT J-2802 DEED FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-103:

SUBJECT: Demolition of 4078 51st Street.

(Mid-City Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1015) ADOPTED AS RESOLUTION R-287084

Authorizing the expenditure of an amount not to exceed \$150,000 from the Public Liability TransNet Fund (Dept/Fund 81144) for the Property Damage Claim at 4078 51st Street;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer funds to the appropriate reserve 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.

CITY MANAGER SUPPORTING INFORMATION:

On September 11, 1995, the City Council settled a property damage claim located at 4078 51st Street. As part of that settlement, the City acquired the property and agreed to demolish the existing structure. This action provides the funds to accomplish the demolition of the building at the site.

Aud. Cert. 9600909.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed

by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-not present.

\* ITEM-104:

SUBJECT: Local Flood Hazard Mitigation Plan, dated March 1996.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1056) ADOPTED AS RESOLUTION R-287085

Adopting the Local Flood Hazard Mitigation Plan, dated  
March 1996.

CITY MANAGER SUPPORTING INFORMATION:

The adoption of a Local Flood Hazard Mitigation Plan is a mandated requirement to apply for the State Office of Emergency Services, Hazard Mitigation Grant Program. The plan acts as a guide for the implementation and construction of identified drainage facilities that will prevent, alleviate or minimize the possibility of flood damage.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-105:

SUBJECT: Community Mobilization Days.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1138) ADOPTED AS RESOLUTION R-287086

Commending Nu-Way Youth and Social Services and Project EMOM and the 1996 Conference Steering Committee; Proclaiming April 4 and 5, 1996 to be "Community Mobilization Days" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-106:

SUBJECT: Construction of a Barrier Rail on the Pacific Highway Bridge over Witherby Street.  
(Midway/Pacific Highway Corridor Community Area.  
District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1110) ADOPTED AS RESOLUTION R-287087

Accepting Program Supplement No. 11-5004/(096) to Local Agency-State Agreement for Federal Aid Project No. 11-5004(17), for an amount of \$63,943 for Construction of a Barrier Rail on the Pacific Highway Bridge over Witherby Street;  
Authorizing the expenditure of not to exceed \$79,310 from CIP-52-519.0, Annual Allocation - Bridge Rail, of which \$63,943 is from Program Supplement No. 11-5004(096) and \$15,367 is from TransNet Fund 30300;  
Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer funds to the appropriate reserves, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for such expenditures are, or will

be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The existing timber railing on the Pacific Highway Bridge Over Witherby Street is substandard. This project provides for the construction of a standard concrete barrier rail on the bridge and installation of guardrail where required.

Aud. Cert. 9600976.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-107:

SUBJECT: University City Subsystem - Reclaimed Water  
Distribution System.  
(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1040) ADOPTED AS RESOLUTION R-287088

Authorizing the Auditor and Comptroller to transfer not to exceed \$6,100 from Water Fund 41500, Unallocated Reserve, Program Element 70679, to CIP-70-927.0, University City Subsystem;  
Authorizing the expenditure of not to exceed \$6,100 from CIP-70-927.0, University City Subsystem, for the acquisition of property rights and related costs.

CITY MANAGER SUPPORTING INFORMATION:

The University City Subsystem CIP-70-927.0, provides for the construction of a pipeline system to deliver reclaimed water from the North City Water Reclamation Plant to identified users in the University City area.

Authorization and funding of this action provides for the acquisition of an easement from the Pennant Village Homeowners Association necessary to complete the right-of-way required to construct the reclaimed water distribution system.  
Aud. Cert. 9600938.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-108:

SUBJECT: UCSD Reclaimed Water Retrofit - Genesee Avenue  
Subsystem.  
(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1049) ADOPTED AS RESOLUTION R-287089

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$137,015 within Fund No. 41500 from CIP-70-917.0, Miramar Storage Tank and Raw Water Connection, to CIP-70-911.0, Genesee Avenue Subsystem;  
Authorizing the expenditure of an amount not to exceed \$137,015 from Fund No. 41500, CIP-70-911.0, Genesee Avenue Subsystem, for the purpose of funding additional work for the first reclaimed water connection to the University of California at San Diego.

CITY MANAGER SUPPORTING INFORMATION:

Per Council Resolution R-285867, dated May 30, 1995, a portion of the Genesee Avenue Subsystem (CIP-70-911.0) was to be constructed along with the North Torrey Pines Road/Genesee Avenue Reconstruction Project (CIP-52-471.0). Within that portion,

additional work is necessary to provide UC San Diego with a reclaimed water service and all related appurtenances. The construction of the reclaimed water service will be accomplished via change order to the North Torrey Pines Road/Genesee Avenue Reconstruction project, which requires the transfer of additional funds into the Genesee Avenue Subsystem CIP (the funding source). Aud. Cert. 9600992.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-109:

SUBJECT: Vehicle Registration Funding for Bicycle Safety Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1111) ADOPTED AS RESOLUTION R-287090

Authorizing the City Manager to accept and expend \$38,000 in vehicle registration funds (AB 2766) from the County of San Diego's Air Pollution Control District to fund 24 bicycle safety and commuting workshops;

Authorizing the City Manager to obtain the services of Safe Moves, a non-profit organization, as consultant to perform the workshops.

CITY MANAGER SUPPORTING INFORMATION:

To provide districts and other local implementing agencies the funding needed to implement motor vehicle emission reduction programs, the Legislature enacted AB2766 authorizing the Air Pollution Control Board to establish a motor vehicle registration fee surcharge of up to \$4. On November 19, 1990, the Air Pollution Control Board established a \$2 fee, generating \$3.6

million annually. On September 26, 1995, the Air Pollution Control District approved allocating \$38,000 of Vehicle Registration Funds to the City of San Diego under the "Public Information" category. These funds are to be used to reimburse the City for a series of bicycle safety programs. This action authorizes the City Manager to submit claims to accept and expend \$38,000 of Vehicle Registration Funds for a series of 24 bicycle safety and community workshops to encourage the safe use of bicycling. This action also authorizes the City Manager to obtain the services of Safe Moves, a non-profit organization, as the consultant to perform the workshops.

Aud. Cert. 9600986.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-110:

SUBJECT: Hazardous Materials Equipment Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1117) ADOPTED AS RESOLUTION R-287091

Authorizing the City Manager to accept and expend additional funds from the State of California Department of Toxic Substances Control for the acquisition of materials and supplies to be used by the San Diego Fire Department Hazardous Materials Response Team;  
Authorizing the expenditure of not to exceed \$104,500 from Fund No. 19311, Account No. 9544.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Fire Department has applied for and been awarded

grant funding from the State of California Department of Toxic Substances Control for the purchase of materials and supplies to be used in the training of the Hazardous Materials Response Team and in the mitigation of incidents involving hazardous materials. This is the first amendment to the original agreement dated May 31, 1995 which will provide additional grant funding for the purchase of tools and miscellaneous supplies. These items become the property of the San Diego Fire Department and will be used by the Hazardous Materials Response Team.

Aud. Cert. 9600965.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-111:

SUBJECT: Five actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-947) ADOPTED AS RESOLUTION R-287092

Federico Lucero - Fire Department - \$160.  
Robert Tobias - MWWD - \$160.

Subitem-B: (R-96-948) ADOPTED AS RESOLUTION R-287093

Allan Morrow, Meril Rangel & Kevin Jiampa - Park & Recreation - \$172.

Subitem-C: (R-96-949) ADOPTED AS RESOLUTION R-287094

Jake Orbin - Park & Recreation - \$2,500.

Subitem-D: (R-96-950) ADOPTED AS RESOLUTION R-287095

Edwin Heidig - Water Utilities - \$500.  
Randy Lowenstein - Fire Department - \$250.

Subitem-E: (R-96-951) ADOPTED AS RESOLUTION R-287096

Julie Salinas & Gerardo Quintana-Roo - Treasurer's  
Department - \$826.20.

FILE LOCATION: SUBITEMS A, B, C, D, AND E: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-112:

SUBJECT: Excusing Deputy Mayor Valerie Stallings from the City  
Council Meeting of Tuesday, March 5, 1996 and the NRC&A  
Committee Meeting of Wednesday, March 6, 1996.

DEPUTY MAYOR STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1033) ADOPTED AS RESOLUTION R-287097

Excusing Deputy Mayor Valerie Stallings from attending  
the regularly scheduled Council meeting on March 5,  
1996, and the regularly scheduled Natural Resources,  
Culture and the Arts Committee meeting on Wednesday,  
March 6, 1996, to be in Washington, D.C., to testify  
before the House of Representatives Appropriations  
Subcommittee on Energy and Water Development.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed

by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-not present.

\* ITEM-113:

SUBJECT: Access Inc. - Fire Safety and ADA Rehabilitation.  
(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1009) ADOPTED AS RESOLUTION R-287098

Authorizing a first amendment to the agreement with  
Access, Inc., for the design and additional renovation  
of their buildings at 2612 Daniel Avenue;  
Authorizing the expenditure of not to exceed \$25,000  
from CDBG Fund 18531, Dept. 4082, Org. 8206, J.O.  
112455.

CITY MANAGER SUPPORTING INFORMATION:

Access, Inc. is a non-profit organization located at 2612 Daniel  
Avenue. The Agency provides a program for high school drop outs  
in partnership with San Diego City Schools. Access, Inc. is  
proposing additional renovation of its facility by adding more  
class rooms, improvements in safety, a heating ventilation and  
air conditioning system (HVAC), and to comply with Americans with  
Disabilities Act (ADA). On March 24, 1994, Council adopted  
Resolution R-283554 authorizing the expenditure of \$24,500 of FY  
1995 CDBG Funds for Phase I Renovation. On May 1, 1995, Council  
adopted Resolution R-285685 granting \$25,000 of Fiscal Year 1996  
CDBG Funds for this project. This action will allow the  
additional \$25,000 to be used for this project.

Aud. Cert. 9600921.

FILE LOCATION: MEET CONT FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

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

\* ITEM-114:

SUBJECT: Agreement with Ace Parking, Inc. for Operation of the  
Parking Facility at San Diego Jack Murphy Stadium.  
(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1023) ADOPTED AS RESOLUTION R-287099

Authorizing a three year agreement with one three year  
extension at the sole option of the City, with Ace  
Parking, Inc. (San Diego, CA), to operate the parking  
facility at San Diego Jack Murphy Stadium.

CITY MANAGER SUPPORTING INFORMATION:

In 1990, the City entered into an agreement with Ace Parking  
Management, Inc. to operate the parking lot at San Diego Jack  
Murphy Stadium for three years. The City exercised its option in  
1993 to extend that agreement for an additional three year term.  
The current agreement expires in March. In May, 1995 the City  
Council authorized the City Manager to enter into negotiations  
with Ace Parking for a new contract. It was recommended at that  
time that this contract not be bid competitively due to the  
nature of the bids received previously. In 1990, Ace was one of  
only three bidders and was the only local bidder. Ace Parking's  
bid was about five percent above the next lowest bidder. It is  
estimated that over the six-year term of the present contract,  
Ace has paid the City over \$1,000,000 more rent than the next  
closest bidder would have paid. As a result of the present  
negotiations, a new 3-year agreement with a 3-year option has  
been prepared.

Most of the terms, such as those regarding service and staffing  
requirements, payment due dates, and reporting requirements are  
unchanged.

Following are the primary changes in the contract:

|              | Old Agreement         | New Agreement   |
|--------------|-----------------------|---|
| RENT         | 94.1% of Gross        | 94.1% of Gross to \$5.0 Mill<br>96.75% of Gross to \$5.0 Mill |
| CASH         | \$135,000 for Stadium | \$100,000 in 30 days  |
| CONTRIBUTION | Improvements          | \$100,000 if option is taken<br>for additional 3-year term    |

OTHER RECOMMENDATIONS:

The San Diego Padres and the San Diego Chargers support the City Manager's recommendation for approval of the agreement. The Stadium Authority Board of Governors unanimously recommended approval of the agreement at their regular meeting of March 7, 1996.

FILE LOCATION: MEET (61 Stadium) CONT FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-115:

SUBJECT: Agreement with Brown & Caldwell Corporation for the East Mission Gorge Trunk Sewer Rehabilitation Project. (Navajo, Mission Trails Regional Park, East Elliott and Tierrasanta Community Areas. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1050) ADOPTED AS RESOLUTION R-287100

Authorizing an agreement with Brown & Caldwell Corporation (San Diego, CA), for construction management services in connection with the East Mission Gorge Trunk Sewer Rehabilitation Project;  
Authorizing the Auditor and Comptroller to transfer not to exceed \$417,515 within Sewer Revenue Fund 41506, from CIP-44-001.0, Annual Allocation for Sewer Replacement, to CIP-40-920.4, East Mission Gorge Trunk Sewer Rehabilitation;

Authorizing the expenditure of not to exceed \$793,980 from Sewer Revenue Fund 41506, CIP-40-920.4, East Mission Gorge Trunk Sewer Rehabilitation, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

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

CITY MANAGER SUPPORTING INFORMATION:

The East Mission Gorge Trunk Sewer transports wastewater flows from users in Santee, El Cajon, Lakeside, and Wintergardens Sanitation Districts to the San Diego Metropolitan system. The sewer alignment follows the San Diego River from Fairmount Avenue to the Santee City limits. Due to the age and deteriorating condition of the pipeline, the City proposes to rehabilitate the pipe using trenchless technology. The project includes approximately 37,000 feet of pipeline cleaning, pipeline and manhole rehabilitation, and 760 feet of pipeline protection. The Environmental Impact Report for the project was finalized in December 1995, and the City's design consultant is in the process of obtaining the necessary permits and finalizing the construction contract documents. A constructibility review is planned by the construction manager prior to project advertisement in Spring 1996. Consultant construction management services are desirable due to the specialized expertise required for the rehabilitation and the environmental restrictions within Mission Trails Regional Park. Construction is scheduled to begin September, 1996 and last through March, 1998. Accordingly, on August 4, 1995, an advertisement was placed in the San Diego Daily Transcript for construction management services for this project. The City's Consultant Nominating Committee reviewed the letters of interest from 13 qualified consultants and selected 5 firms to participate in the final selection process. Five firms were interviewed in conformance with Council Policy 300-7. Brown & Caldwell was selected as the best qualified consultant to provide the construction management services for this project. Brown & Caldwell's Scope of Work will include Construction Management Services, an Independent Constructibility Review, specialized field inspection and environmental monitoring (noise, biological and archaeological). Environmental permits require specialized monitoring services that are outside the scope of normal construction management. Subconsultants include Affinis (WBE), Biological and Cultural Analysis - \$106,173; Cash

Management (WBE, on-site clerical), Administration - \$44,037;  
Kurtz, Noise Analysis - \$7,415.

Aud. Cert. 9600947.

WWF-96-226.

FILE LOCATION: MEET CONT FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-116:

SUBJECT: Agreement with Urban Corps of San Diego for Graffiti  
Abatement Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1061) ADOPTED AS RESOLUTION R-287101

Authorizing an agreement with Urban Corps of San Diego  
to provide graffiti abatement services;  
Authorizing the expenditure of not to exceed \$305,000  
from Fund 100, Dept. 536, Object Account No. 4227, Job  
Order No. 536180.

CITY MANAGER SUPPORTING INFORMATION:

In 1991, the City Council established the Graffiti Control  
Program as part of the Neighborhood Pride and Protection Master  
Plan. To better address the growing issue of graffiti vandalism,  
City-wide efforts were centralized under the Program. The  
Program focuses on three primary components: education, code  
enforcement (private property), and abatement (City property and  
private property). In 1992, the City Manager was requested to  
consider the economics and efficiencies of contracted services  
for graffiti abatement which would include private property. In  
1993, the City awarded a graffiti abatement contract to Urban

Corps of San Diego, a not-for-profit agency. In March 1994, the contractor began providing City-wide graffiti abatement services on private property. The contractor has proven to be an able performer. This action would renew the City's contract with the Urban Corps of San Diego for the period of one year.

Aud. Cert. 9600934.

FILE LOCATION: MEET CONT FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-117:

SUBJECT: Amendment No. 2 to the agreement with Lee and Ro Consulting Engineers in connection with the North City Raw Sludge and Water Pipelines.  
(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1046) ADOPTED AS RESOLUTION R-287102

Authorizing Amendment No. 2 to the Agreement of March 15, 1993, with Lee and Ro Consulting Engineers for design services for the additional scope of work in connection with the North City Raw Sludge and Water Pipelines;  
Authorizing the expenditure of not to exceed \$154,736 from Sewer Fund 41509, CIP-42-911.3, North City Raw Sludge and Water Pipelines.

CITY MANAGER SUPPORTING INFORMATION:

Council Resolution R-281607 authorized the Agreement between the City and Lee and Ro Consulting Engineers, Inc. (Lee and Ro) for providing design services for the North City Raw Sludge and Water Pipelines (NCRS&SP). This request is for approval of Amendment

No. 2 to the Agreement with Lee and Ro to modify and provide additional engineering design services necessary to complete the final design documents and to provide additional services during construction. These modifications are the result of the following changes:

1. On December 5, 1994, City Council directed the MWWD to reroute a centrate pipeline from the Northern Sludge Processing Facility (NSPF), along the NCRS&WP easement, to the North City Water Reclamation Plant (NCWRP). Lee and Ro completed the design of the centrate pipeline for a total fee of \$51,320.
2. An additional pipeline was added to the NCRS&WP easement, to convey landfill gas from the Miramar Landfill to a cogeneration facility at the NCWRP. The electricity generated will be provided at a substantially lower rate than through SDG&E, and will save the City considerable utility costs. Lee and Ro completed the design of this landfill gas pipeline for a total cost of \$54,035.
3. Lee and Ro's scope of work for services during construction was increased by: a lengthening of the route resulting in a longer construction duration; the addition of the centrate pipeline to the alignment; and the division of this project into three separate construction packages. The negotiated increase is \$49,381.

Aud. Cert. 9600936.

FILE LOCATION: MEET CCONT FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-118:

SUBJECT: Youth for Progress - Building Renovation.  
(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1025) ADOPTED AS RESOLUTION R-287103

Authorizing an agreement with Youth for Progress, for the design and construction of their office building at 1816 Logan Avenue;

Authorizing the expenditure of not to exceed \$20,000 from CDBG Fund 18530, Dept. 4062, Org. 6128, Job Order 112549.

CITY MANAGER SUPPORTING INFORMATION:

Youth for Progress, Inc. located at 1816 Logan Avenue, San Diego, is a non-profit agency providing support and counseling for youth of San Diego community. Youth for Progress, Inc., provides academic and occupational skills development to the youth and family counseling. Youth for Progress, Inc. is proposing to renovate its existing facilities. The renovation will include roof repair and minor interior remodel. Interior remodel includes electrical and mechanical repairs and painting. On May 5, 1995, Council adopted Resolution R-285685 granting \$20,000 of Fiscal Year 1996 CDBG Funds for this project. This action will allow the \$20,000 to be used for this project.

Aud. Cert. 9600927.

FILE LOCATION: MEET CONT FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

\* ITEM-119:

SUBJECT: Approving recommendations to the SANCoGER Report Contained in Mayor Golding's 2/27/96 Memorandum. (See Mayor Golding's 2/27/96 Memorandum; see SANCoGER Report dated 10/30/95.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-1147) ADOPTED AS RESOLUTION R-287104

Approving the recommendations to the San Diego Region  
Citizens' Commission on Local Government Efficiency and  
Restructuring (SANCoGER) Report contained in Mayor  
Golding's memorandum dated February 27, 1996.

RULES COMMITTEE'S RECOMMENDATION:

On 3/18/96, RULES voted 5-0 to approve recommendations to the  
SANCoGER Report contained in Mayor Golding's 2/27/96 memo.  
(Councilmembers Mathis, Kehoe, Warden, Stallings and Mayor  
Golding voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

ITEM-200:

SUBJECT: Actions related to Regulatory Relief Day - Spring 1996.  
(See City Manager Report CMR-96-048.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 3/18/96:  
Item 1-Amended Maps

Subitem-A: (O-96-118) ADOPTED AS ORDINANCE O-18274 (New  
Series)

Amending Chapter XI, Article 1, Division 1, of the San  
Diego Municipal Code, by amending Section 111.1040  
relating to Correction and Amendment of Maps, to expand  
uses of amending Subdivision Maps.  
(Introduced on 3/18/96. Council voted 8-1. Mayor  
Golding voted nay.)

Item 3-Special Permits

Subitem-C: (O-96-119) ADOPTED AS ORDINANCE O-18275 (New Series)

Amending Chapter X, Article 2, Division 3 of the San Diego Municipal Code, by amending Section 102.0318, relating to Special Permits Required to Do Work Prior to Filing Final Map, allowing the City Engineer to issue advanced grading permits in the Hillside Review Zone under limited conditions.  
(Introduced on 3/18/96. Council voted 9-0.)

Item 5-Legal Lots

Subitem-E: (O-96-121) ADOPTED AS ORDINANCE O-18276 (New Series)

Amending Chapter X, Article 1, Division 1, of the San Diego Municipal Code by amending Section 101.0101.34, relating to the Definition of a Lot, legalizing lots held as separate parcels prior to March 4, 1972.  
(Introduced on 3/18/96. Council voted 9-0.)

Item 6-Nonconforming Uses

Subitem-F: (O-96-122) ADOPTED AS ORDINANCE O-18277 (New Series)

Amending Chapter X, Article 1, Division 3, of the San Diego Municipal Code by amending Section 101.0303, relating to Continuance of Nonconforming Uses and Structures, allowing 2 years for discontinuance of nonconforming use without loss of rights.  
(Introduced on 3/18/96. Council voted 9-0.)

Item 8-Hearing Date Consolidation

Subitem-H-1: (O-96-124) ADOPTED AS ORDINANCE O-18278 (New Series)

Amending Chapter XI, Article 1, Division 7, of the San Diego Municipal Code by repealing Section 111.0704 and renumbering Section 111.0705, relating to Consolidation of Hearing Dates, eliminating the requirement to consolidate hearing dates for amendments to a Land Use

Plan or the Local Coastal Program.  
(Introduced on 3/18/96. Council voted 9-0.)

Item 9-Public Improvement Exactions

Subitem-I: (O-96-125) ADOPTED AS ORDINANCE O-18279 (New Series)

Amending Chapter VI, Article 2, Division 2, of the San Diego Municipal Code by amending Section 62.0206, relating to Public Improvements Incidental to a Building Permit or Structure, eliminating the requirement for applicants to construct public improvements for any residential addition of living space valued at \$50,000 or more.  
(Introduced on 3/18/96. Council voted 9-0.)

Item 10-Churches in Commercial Zones

Subitem-J-1: (O-96-126) ADOPTED AS ORDINANCE O-18280 (New Series)

Amending Chapter X, Article 1, Division 4, of the San Diego Municipal Code, by amending Sections 101.0427.1, 101.0428 and 101.0430, relating to Area Shopping Centers, allowing churches by right in certain commercial zones if located in an existing structure.  
(Introduced on 3/18/96. Council voted 9-0.)

Item 11-Elimination of Noise Board

Subitem-K: (O-96-127) ADOPTED AS ORDINANCE O-18281 (New Series)

Amending Chapter V, Article 9, Division 2, of the San Diego Municipal Code by amending Sections 59.5.0202 and 59.5.0204 and repealing Section 59.0207, relating to Elimination of the Board for Abatement and Control of Noise.  
(Introduced on 3/18/96. Council voted 9-0.)

Item 12-Penalty Fee Free Days

Subitem-L: (O-96-128) ADOPTED AS ORDINANCE O-18282 (New Series)

Amending Chapter IX, Article 1, Division 3, and Chapter IX, Article 2, Division 3, and Chapter IX, Article 3, Division 4 of the San Diego Municipal Code by amending Sections 91.0304, 92.0303 and 93.0402, relating to Permit Fees and Penalties, suspending penalty fees for six months beginning May 6, 1996 and ending November 8, 1996, for construction work performed without the required permits/approvals.

(Introduced on 3/18/96. Council voted 9-0.)

FILE LOCATION: SUBITEMS A, C, E, F, H-1, I, J-1, K, L: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

Hearing began at 2:31 p.m. and halted at 2:55 p.m.

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

ITEM-201:

SUBJECT: Three actions related to Balboa Park and Mission Bay Park Capital Improvements Program Certificates of Participation Issuance - Phase IC.  
(See City Manager Report CMR-96-61. Mission Bay and Balboa Park Community Areas. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinances in Subitems A and B; adopt the resolution in Subitem C:

Subitem-A: (O-96-142) INTRODUCED, TO BE ADOPTED  
APRIL 15, 1996

Introduction of an Ordinance authorizing and approving the execution and delivery of Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program) Series 1996A in an aggregate principal amount not to exceed \$35,000,000, to provide funds to finance the acquisition, construction and

installation of various capital improvements in the Balboa Park and Mission Bay Park Capital Improvements Program, including a Site Lease, and a Site and Facilities Lease with the San Diego Facilities and Equipment Leasing Corporation, and a Trust Agreement for a term not to exceed 15 years as required for the issuance of the Certificates of Participation.

Subitem-B: (O-96-143) INTRODUCED, TO BE ADOPTED APRIL 15, 1996

Introduction of an Ordinance authorizing and approving the execution and delivery of Refunding Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program, Series 1991) Series 1996B, in an aggregate principal amount not to exceed \$13,500,000, to provide funds to refinance the acquisition, construction and installation of various capital improvements in the Balboa Park and Mission Bay Park Capital Improvements Program, including a Site Lease, and a Site and Facilities Lease with the San Diego Facilities and Equipment Leasing Corporation, and a Trust Agreement for a term not to exceed 25 years as required for the issuance of the Refunding Certificates of Participation.

Subitem-C: (R-96-1041) ADOPTED AS RESOLUTION R-287105

Declaring the City's official intent to reimburse project expenditures from proceeds of Certificates of Participation to be issued by the City for the purposes of funding Phase IC of the Balboa Park and Mission Bay Park Capital Improvements Program.

FILE LOCATION: SUBITEMS A AND B: NONE; SUBITEM C: MEET

COUNCIL ACTION: (Tape location: B092-579.)

MOTION BY KEHOE TO INTRODUCE SUBITEMS A AND B AND ADOPT THE RESOLUTION FOR SUBITEM C. MOVE TO APPROVE THE PHASE 1C PROJECT LIST OF THE MANAGER'S REPORT AND MOVE THAT ALL THE ITEMS ON ATTACHMENT B, WHICH ARE THE UNDER-FUNDED OR UNFUNDED PRIORITY PROJECTS, GO TO THE NRC&A COMMITTEE FOR FURTHER DISCUSSION. ALSO MOVE TO THE NRC&A COMMITTEE FOR DISCUSSION THE REQUEST BY COUNCIL MEMBER STALLINGS THAT THE \$1,200,000 DESIGNATED FOR THE FRIENDSHIP GARDENS BE REMOVED

AND REPLACED WITH \$1,000,000 FOR MOPA AND \$200,000 FOR THE DE ANZA RESTROOM FACILITIES. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-not present.

ITEM-202: RETURNED TO CITY MANAGER

SUBJECT: Alternate Ordinances Amending the Rental Unit Business Tax Code.  
(See City Manager Report CMR-96-52.)

TODAY'S ACTION IS:

Introduction of either Subitem A or Subitem B:

ALTERNATIVE 1:

Subitem-A: (O-96-116)

Introduction of an Ordinance amending Chapter III, Article 1, Division 3, of the San Diego Municipal Code by amending Section 31.0305 relating to the Rental Unit Business Tax - Consolidating Eight or More Parcels of Property for Taxation.

ALTERNATIVE 2:

Subitem-B: (O-96-117)

Introduction of an Ordinance amending Chapter III, Article 1, Division 3, of the San Diego Municipal Code by amending Section 31.0305 relating to the Rental Unit Business Tax - Consolidating Two or More Parcels of Property for Taxation.

CITY MANAGER'S RECOMMENDATION:

Consider the alternatives listed in the City Manager's Report.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B583-C507.)

Motion by McCarty for Alternative 2 and that Alternative 2

be referred to the budget process.

Substitute motion by McCarty to make this retroactive for fiscal year 1996 based on Alternative 2, and refer to the City Manager for a better way for fiscal year 1997. Second by Wear.

SUBSTITUTE MOTION BY STEVENS TO RETURN THE ENTIRE THING TO THE CITY MANAGER TO REFER TO THE BUDGET PROCESS. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-203: RETURNED TO INTERGOVERNMENTAL RELATIONS DEPARTMENT

SUBJECT: Opposing Senate Joint Resolution 35 which Advocates Sending Marine Helicopter Units to March Air Force Base.  
(See Memorandum from Councilmember Mathis dated 3/15/96.)

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1149)

Actively opposing Senate Joint Resolution No. 35 (Kelley), which advocates sending Marine helicopter units to March AFB;  
Directing the Department of Legislative Services to make the City's opposition known to the author and to the appropriate legislative committees.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A338-369; C507-F040.)

MOTION BY MATHIS TO TAKE NO FURTHER ACTION TODAY BUT RATHER WORK WITH THE COMMUNITIES TO BRING THEM TOGETHER WITH THE MARINE CORPS AND WORK OUT SOME OF THE PROBLEMS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,

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

ITEM-204:

SUBJECT: Basic Tier Cable Television Services Provided by Cox  
Communications in the City of San Diego.  
(See City Manager Report CMR-96-62.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-972) ADOPTED AS RESOLUTION R-287106

Approving the maximum permitted Basic Service Tier rates as calculated by Cox Communications contained in the November 1995 Rate Filing Form 1210, pursuant to Sections 76.933, 76.936, 76.937, 76.940, 76.941 and 76.942 of the Rules and Regulations of the Federal Communications Commission.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

ITEM-205:

SUBJECT: Two actions related to Carmel Valley Facilities Benefit Assessment.  
(Carmel Valley Community Area. District-1.)  
(Continued from the meeting of November 6, 1995, Item 200, at the City Manager's request, for discussion with Councilmember Mathis and the Community.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-929) ADOPTED AS RESOLUTION R-287107

Approving the document entitled "Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 1996, October 1995."

Subitem-B: (R-96-930) ADOPTED AS RESOLUTION R-287108

Resolution of Intention to designate an area of benefit in Carmel Valley and setting the time and place for holding a public hearing.

FILE LOCATION: SUBITEMS A AND B: STRT - FB-8

COUNCIL ACTION: (Tape location: A370-B084.)

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

ITEM-206:

SUBJECT: Awarding a Contract to Familian Commercial for FIRP Phase II Digested Sludge & Centrate Pipelines. (District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-128) ADOPTED AS RESOLUTION R-287109

Awarding a contract to Familian Commercial (San Diego, CA), for the purchase of valves and operators for a total estimated cost of \$1,409,755.76, including tax and contingency;

Authorizing the phase funded expenditure of \$1,409,755.76 from Sewer Fund No. 41509, CIP-40-921.0, FIRP Phase II Digested Sludge & Centrate Pipelines, for the purpose of providing funds for the valve procurement, contingency, and related costs, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure

under established contract funding phases, are or will be, on deposit in the City Treasury;  
Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;  
Authorizing the City Manager to establish contract funding phases, based on the actual low bid submitted, and execute a contract with Familian Commercial, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

This material purchase phase funding will consist of:

|  |                                       |                        |                         |
|--|---------------------------------------|------------------------|-------------------------|
| Phase I (FY 96)  |                                       |                        |                         |
| Material Procurement<br>(incl. 7.75% tax)  | Pkg "A"<br>\$ 94,891.70               | Pkg "B"<br>\$97,743.37 | Pkg "C"<br>\$ 45,418.15 |
|  | (incl. allow for partnering and insp) |                        |                         |
| TOTAL:   | \$238,053.22                          |                        |                         |
| 5% Contingency<br>of Material Bid  | \$ 3,871.55                           | \$ 3,876.38            | \$ 1,694.80             |
| TOTAL:   | \$ 9,442.73                           | (w/o 7.75% tax)        |                         |
| SUBTOTAL   |                                       |                        |                         |
| PHASE I - (FY 96)  | \$ 98,763.25                          | \$101,619.75           | \$ 47,112.95            |
| TOTAL:   | \$247,495.95                          |                        |                         |
| Phase 2 (FY 96) -<br>Contingent upon Council<br>appropriating funds for<br>this purpose in FY 97 |                                       |                        |                         |
| Material Procurement<br>(incl. 7.75% tax)  | \$463,294.77                          | \$477,217.62           | \$221,747.42            |
|  | (incl. allow for partnering and insp) |                        |                         |
| TOTAL:   | \$1,162,259.81                        |                        |                         |
| SUBTOTAL   |                                       |                        |                         |
| PHASE 2 - (FY 97)  | \$463,294.77                          | \$477,217.62           | \$221,747.42            |
| TOTAL:   | \$1,162,259.81                        |                        |                         |
| GRAND TOTAL  | \$562,058.02                          | \$578,837.37           | \$268,860.37            |
| TOTAL:   | \$1,409,755.76                        |                        |                         |

Authorizing the contingency from future phases,

commencing in FY 97, to be funded from the new Annual Allocation for Pooled Contingency in an amount not to exceed 5 percent of the material procurement amount in each phase. The appropriate amount will then be reflected on the PA-700 initiating subsequent phases; Authorizing the expenditure from Fund No. 40012, Department No. 700, Organization No. 7002, Object Account No. 4220, and Job Order No. 195580 for providing funds for the contract; Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-B4980/96) (One bid received. Requested by the Metropolitan Wastewater Department for use in the Fiesta Island Replacement Project, Digested Sludge Pipeline, Phase II.)

CITY MANAGER SUPPORTING INFORMATION:

Metropolitan Wastewater Department (MWW) is procuring this material in order to meet the current construction schedule. Metropolitan Wastewater determined that it could obtain the valve faster if the department ordered the material rather than waiting to award all the individual construction contractors first. This lead time is needed in order to assure availability of the valve material for the contractor, as manufacturing requires 12 weeks and five-and-a-half months for controllers, and construction will progress faster than manufacturing. The 5 percent contingency set-aside is to cover the additional cost of fittings, etc. in FY 96 based on field conditions.

Aud. Cert. 9601001.

FILE LOCATION:                   CONT - Familian Commercial (San Diego,  
CA)    CONFY96-1

COUNCIL ACTION:               (Tape location:  A370-B084.)

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

\* ITEM-207:

SUBJECT: Awarding a Contract to T & J Garage, Inc. for  
Lease/Purchase of Eighteen Automated Refuse Packers.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-126) ADOPTED AS RESOLUTION R-287110

Awarding a contract to T & J Garage, Inc. (Gardena, CA), for lease/purchase of eighteen automated refuse packers, at a cost of \$107,750 each, for a total estimated cost of \$2,420,312, including tax and terms; Authorizing the City Manager to finance the total acquisition under the Master Lease Program; Authorizing the expenditure of not to exceed \$400,000 from Fund No. 500311, Organization No. 512, Department No. 500311, Object Account No. 6019, Job Order No. 000512; Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-C4947/96)

Aud. Cert. 9700001 Rev.

FILE LOCATION: CONT - Purchase, T & J Garage, Inc.  
CONT FY96-1

COUNCIL ACTION: (Tape location: F045-593.)

Motion by Stevens to reject the low bid and go with the M11 System, which is the most responsive bid to our proposal, and would be the E & W bid. Second by Vargas.

SUBSTITUTE MOTION BY MATHIS TO ADOPT THE RESOLUTION AND AWARD TO THE LOW BIDDER. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-not present, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-not present.

ITEM-208:

SUBJECT: Inviting Bids for Reclaimed Water Distribution System -

Genesee Avenue Subsystem (Package "G").  
(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1074) ADOPTED AS RESOLUTION R-287111

Inviting bids for the Reclaimed Water Distribution System - Genesee Avenue Subsystem (Package "G"), on Work Order No. 197331;  
Authorizing the City Manager to establish contract funding phases based on the actual low bid submitted;  
Authorizing a contract with the lowest responsible bidder, 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 expenditure of \$5,998,600 from Water Fund No. 41500, CIP-70-911.0 for Genesee Avenue Subsystem, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;  
Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID-K96119)

CITY MANAGER SUPPORTING INFORMATION:

The Northern Reclaimed Water Distribution system will convey reclaimed water produced at the North City Water Reclamation Plant (NCWRP) to approximately 300 customers. This distribution system has been divided into nine construction packages in order to maximize the participation of the local contractors. The Genesee Avenue Subsystem is one of the nine packages. This package consists of approximately 37,000 feet of pipeline. The work comprises the construction of 36-inch, 24-inch, 16-inch, and 12-inch reclaimed water transmission pipelines, and 8-inch, 6-inch and 4-inch reclaimed water distribution pipelines. Turnouts to users, identified in the Reclaimed Water Distribution Market Assessment dated November 1994, will be provided. A 4-inch fiber optic conduit will also be installed parallel to the reclaimed water lines. The work is located in Executive Drive,

Regents Road, Towne Centre Drive, Executive Way, Campus Point Drive, Campus Point Court, John Jay Hopkins Drive, John Hopkins Court, General Atomics Court, Genesee Avenue, Torrey Pines Road, Science Park Road, Torreyana Road and Callan Road. This project is included in the Interim Order issued by the Federal Court, with a completion date of August 1997. The Environmental Impact Report and the adoption of the Mitigation Monitoring and Reporting Program was approved by City Council Resolution No. R-286603 on November 20, 1995. At this time only approval of the plans and specifications, and authorization for advertisement and award for construction of Genesee Avenue Subsystem are being requested.

FILE LOCATION: W.O. 197331 CONT - Ortiz Corporation  
CONT FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

ITEM-209:

SUBJECT: Two actions related to Point Loma - North Shoreline Protection Improvements.  
(See City Manager Report CMR-96-67. Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-1075) ADOPTED AS RESOLUTION R-287112

Inviting bids for Point Loma - North Shoreline Protection Improvements on Work Order No. 194880; Establishing contract funding phases with the lowest responsible bidder based on the actual low bid submitted; Authorizing a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating

that the funds necessary for expenditure are, or will be, on deposit in the City Treasury; Authorizing the expenditure of \$1,573,000 from Sewer Fund No. 41508, CIP-46-185.0 provided that the City Auditor and Comptroller first furnishes a certificate(s) demonstrating that the 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-K96117)

Subitem-B: (R-96-1076 Corr.4/4/96) ADOPTED AS RESOLUTION  
R-287113

Certifying that the information contained in Final Environmental Impact Report DEP-94-0510, dated 2/23/96 and Addendum DEP-96-0164, dated 2/23/96, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the Declaration reflects the independent judgement of the City as Lead Agency, and that the Declaration together with any comments received during the public review process, has been reviewed and considered by the Council prior to approval of the Point Loma - North Shoreline Protection Improvements;

Declaring that the project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Final Environmental Impact Report and Addendum;  
Adopting the Mitigation, Monitoring, and Reporting Program or alterations to implement the changes to the project, as required by the Council in order to mitigate or avoid significant effects on the environment.

FILE LOCATION: W.O. 194880 CONT - Nielsen-Dillingham  
Builders CONT FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

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

ITEM-210:

SUBJECT: Two actions related to Inviting Bids for Construction  
of Water and Sewer Group 617.  
(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-519) ADOPTED AS RESOLUTION R-287114

Inviting bids for the Construction of Water and Sewer  
Group 671 on Work Order Nos. 172251/181881;  
Authorizing the City Manager to establish contract  
funding phases with the lowest responsible bidder,  
based on the actual low bid submitted, provided that  
the bid does not exceed \$2,098,627;  
Authorizing a contract with the lowest responsible  
bidder, provided that the City Auditor first furnishes  
a certificate demonstrating that funds necessary for  
expenditure under the contract are, or will be, on  
deposit in the City Treasury;  
Authorizing the Auditor and Comptroller to transfer  
\$67,200 from Sewer Revenue Fund 41506 and \$22,400 from  
Water Revenue Fund 41500 to Special Curb Fund 10521 for  
the installation of curb ramps. This contract includes  
\$89,600 for the construction of 64 curb ramps;  
Authorizing the expenditure of not to exceed  
\$2,873,910 for the project and related costs in the  
following manner: Phase I - \$700,000 from Sewer  
Revenue Fund 41506, CIP-44-001.0, Annual Allocation for  
Sewer Main Replacement, from FY 1996 appropriations;  
Phase 2 - \$1,580,761 from Sewer Revenue Fund 41506,  
CIP-44-001.0, Annual Allocation for Sewer Main  
Replacement, from FY 1997 appropriations, and \$593,149  
from Water Revenue Fund 41500, CIP-73-083.0, Annual  
Allocation for Water Main Replacement, from FY 1997  
appropriations, contingent upon Council appropriating  
funds for this purpose in FY 1997, provided that the  
City Auditor first furnishes a certificate

demonstrating that funds necessary for expenditure under the established contract funding phases are, or will be, on deposit in the City Treasury;  
Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID-K96070C)

Subitem-B: (R-96-520) ADOPTED AS RESOLUTION R-287115

Authorizing the use of City Forces to make connections and perform operational checks;  
Declaring that the cost of the work shall not exceed \$192,118 from Water Revenue Fund 41500.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Main Replacement Group 617 is located in the Uptown Community Area. This project is a portion of the continuing annual capital improvement program to replace old and deteriorated concrete sewer and cast iron water mains within the City of San Diego. The sewer and water mains proposed to be replaced or rehabilitated were installed in the early 1920's. This project will construct 10,875 feet of new 8-inch sewer main, 2,800 feet of 8 and 12-inch water mains and rehabilitate 3,050 feet of 6 and 8-inch sewer mains. The following streets will be affected in the Mission Hills area by construction activities: Falcon Place, Goldfinch, Falcon and Hawk Streets, from Bush to Lewis Street, Ibis Street from Washington to Arbor Drive, Jackdaw Street from Washington to Hunter Street, Montecito Way from Ingalls Street, to Hawk Street, Lewis Street from Jackdaw Street to Hawk Street, Fort Stockton from Ingalls Street to Ibis Street, Alleys between Ingalls Street and Jackdaw Street, Alleys between Ibis Street and Jackdaws, Bush Street from Pioneer Place to Hawk Street, Alberta Place and Arbor Street from Jackdaw Street to Ibis Street. Residents will be notified by mail at least one month before construction and ten days before construction by the contractor. As a result of community input night work will be done on Goldfinch Street from Washington to Fort Stockton to mitigate potential impacts to local business. No work will be permitted during the Christmas holiday season.

Aud. Cert. 9600823.

WWF-P-96-214.

FILE LOCATION: SUBITEMS A AND B: W.O. 172251/181881  
CONT - Dietrich Corp CONT FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

ITEM-211:  
SUBJECT: Two actions related to Miramar Cogeneration and Landfill Gas Project Privatization Agreements. (NAS Miramar. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-952) ADOPTED AS RESOLUTION R-287116

Authorizing the City Manager to proceed with Phase II of the Miramar Cogeneration and Landfill Gas Project privatization agreements and to execute Phase II with: a) Minnesota Methane, LLC, to proceed to design and build, finance and operate a cogeneration facility to beneficially use Miramar Landfill Gas and Metro Biosolids Center Digester Gas, and to provide electricity and thermal energy at reduced rates; and b) NEO Corporation, to build and finance the West Miramar Phase II Landfill Gas Collection System and the Landfill Gas Conveyance System, and to operate all of the Miramar Landfill Gas Collection Systems, as defined in City Manager's Report CMR-95-265.

Subitem-B: (R-96-953) ADOPTED AS RESOLUTION R-287117

Certifying that Negative Declarations DEP-96-0071 and DEP-96-0072 have been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declarations reflect the independent judgment of the City as Lead Agency; that the information contained in the declarations, together with any comments received

during the public review process, have been reviewed and considered by Council prior to approval of the Miramar Cogeneration and Landfill Gas Privatization Project;

Finding, based upon the Initial Study and any comments received, that there is no substantial evidence that the Project will have a significant effect on the environment and approving the Negative Declarations.

CITY MANAGER SUPPORTING INFORMATION:

In October 1993, the City Council directed the Metropolitan Wastewater Department (MWW) to locate the Metro Biosolids Center (MBC, formerly the Northern Sludge Processing Facility, NSPF), on its current site adjacent to the Miramar landfills. A cogeneration system was proposed to generate electricity at the MBC site and to capture waste heat from the process to provide thermal energy for processing sludge into biosolids products. In March 1995, MWW and the Environmental Services Department (ESD) released a Request for Proposals to privatize a cogeneration system at MBC to utilize the Miramar Landfill Gas (LFG) and the MBC digester gas. The City has negotiated a two-phased agreement to comply with the City's requirement that the site-specific environmental documents be prepared and certified by the City Council prior to approval of construction. On December 4, 1995, the City Council authorized Phase I and authorized the City Manager to enter into privatization agreements with: a) Minnesota Methane to design, build, finance, and operate a Cogeneration Facility to beneficially use the Miramar LFG and the MBC digester gas and to provide MBC electricity and thermal energy at reduced rates, with b) Minnesota Methane to sublease the MBC cogeneration site from the City and c) with Neo Corp. for the gas rights to the Miramar landfill and the MBC digesters and to design, build and finance the North, West Phase I and II Miramar LFG Collection Systems, and the LFG conveyance system and operate all of the Miramar LFG collections systems. The Phase I Design and Environmental Documents have now been completed and the City Council is being asked to approve Phase II of the project and certify the environmental documents.

FILE LOCATION: SUBITEMS A AND B: MEET CONT FY96-2

COUNCIL ACTION: (Tape location: A370-B084.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea,

Vargas-yea, Mayor Golding-not present.

ITEM-212:

SUBJECT: Metro Biosolids Center, Digester Complex, Phase 3  
Funding.  
(NAS Miramar. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1107) ADOPTED AS RESOLUTION R-287118

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$2,663,154 within Sewer Fund 41509, from CIP-40-921.0, FIRP Phase II Digested Sludge and Centrate Pipeline, to CIP-42-911.4, NSPF Phase II (Metro Biosolids Center);  
Authorizing the expenditure of an amount not to exceed \$4,061,676 from Sewer Fund 41509, CIP-42-911.4, NSPF Phase II (Metro Biosolids Center) for providing funds for Phase 3 of the City's contract with APC - T&K for the digester complex at the Metro Biosolids Center.

CITY MANAGER SUPPORTING INFORMATION:

The Metro Biosolids Center (MBC), formally known as the Fiesta Island Replacement Project/Northern Sludge Processing Facility (FIRP/NSPF) project, located at NAS Miramar replaces the sludge drying facilities located on Fiesta Island. APC-T&K was awarded the Digester Complex construction package by Resolution R-285825 and Manager's Action C-06452. This request is for the transfer of funds and the issuance of an Auditor's Certificate for the purpose of funding phase 3 of this contract.  
Aud. Cert. 9600995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

ITEM-213:

SUBJECT: Two actions related to Inviting Bids and Award of  
Contract for the North Metro Interceptor - Phase II.  
(Midway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-1072 Cor.3/18/96) ADOPTED AS RESOLUTION  
R-287119

Inviting bids for the North Metro Interceptor - Phase  
II on Work Order No. 171711;  
Authorizing a contract with the lowest responsible  
bidder, provided that the City Auditor first furnishes  
a certificate demonstrating that funds necessary for  
expenditure under the contract are, or will be, on  
deposit in the City Treasury;  
Authorizing the expenditure of not to exceed  
\$20,020,000 from Sewer Fund 41508, CIP-46-104.0, for  
the purpose of providing funds for this project  
construction, contingency, and related costs, provided  
that the City Auditor first furnishes a certificate  
demonstrating that funds necessary for expenditure  
under the contract 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-K96118)

Subitem-B: (R-96-1073) ADOPTED AS RESOLUTION  
R-287120

Certifying that the Final Mitigated Negative  
Declaration/Environmental Assessment, DEP-95-0336 has  
been completed in compliance with the California  
Environmental Quality Act of 1970, as amended, and  
State guidelines, and the National Environmental Policy  
Act (NEPA); that the declaration reflects the

independent judgment of the City as Lead Agency; that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council prior to approval of the North Metro Interceptor - Phase II Project; Finding that the project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

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

CITY MANAGER SUPPORTING INFORMATION:

The existing North Metro Interceptor Sewer (NMIS) is a 96-inch diameter pipe which was built in the early 1960s. This pipe has experienced some corrosion and is quickly reaching its capacity. The NMIS is located between the Interstate 5 and 8 interchange and Pump Station No. 2 located on North Harbor Drive. NMIS is a major link in the sewer collection system which carries flows from the northern and northeastern portions of the City and County to Pump Station No. 2 for ultimate treatment and disposal at the Point Loma Wastewater Treatment Plant. The proposed NMIS, designed to carry the projected flow through the year 2050, is divided into two phases: NMIS - Phase I which is currently under construction and scheduled to be completed in November 1996, and NMIS - Phase II which is a 114-inch diameter tunnel that runs through Naval Training Center and Marine Corps Recruit Depot property. The entire Phase II, except the first 100 and last 400 feet, will be tunnel construction. The tunnel will parallel the existing 96-inch sewer on the east side. The existing NMIS will be rehabilitated after the construction of the new NMIS - Phase II. The northerly portion of the existing NMIS (north of Barnett Avenue) will be put back to service and the southerly portion (south of Barnett Avenue, through MCRD/NTC) will serve as an emergency back-up. City staff are in the process of acquiring a tunnel easement from the U.S. Marine Corps and the Navy. A Mitigated Negative Declaration has been prepared to cover activities for this project.

FILE LOCATION:           SUBITEMS A AND B: W.O. 171711 CONT -  
                                  Elmore-Woods, A Joint Venture  
                                  CONT FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

ITEM-214:

SUBJECT: Additional Contingency for Pump Station 65 Relocation and Force Main Project.  
(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1048) ADOPTED AS RESOLUTION R-287121

Authorizing the Auditor and Comptroller to transfer not to exceed \$1,400,000 within Fund 41506, from CIP-46-106.0, Annual Allocation for Pump Station Restorations, to CIP-46-117.0, Pump Station 65 Relocation and Force Main Project;  
Authorizing the expenditure of not to exceed \$1,400,000 from Fund 41506, CIP-46-117.0, Pump Station 65 Relocation and Force Main Project, 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.

CITY MANAGER SUPPORTING INFORMATION:

Council Resolution Nos. R-283209 and R-283210 authorized the City Manager to execute a contract with the lowest responsible bidder for the Pump Station 65 Relocation Project. This request is for the issuance of an Auditor's Certificate for the purpose of funding additional contingency of \$1,400,000 for the construction contract with Mingus Construction Inc. Additional contingency and related costs in the amount of \$1,400,000 for Pump Station 65 Relocation and Force Main Project are necessary for changes in the project including, for example: additional asphalt thickness and slurry seal on Sorrento Valley Road & Roselle Street, relocation of 18" sewer tie-in, force main realignment on Sorrento Valley Road, imported back-fill for Roselle Street and

Sorrento Valley Road along force main due to unsuitable/wet soils and force main modifications near Pump Station 64 connection. These changes, including contingency, are estimated at \$1,400,000.

Aud. Cert. 9600951.

FILE LOCATION:                   CONT - Mingus Construction Inc.    CONT  
FY96-1

COUNCIL ACTION:               (Tape location:   A370-B084.)

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

ITEM-215:

SUBJECT: Wastewater Operations Management Network (COMNET) Phase 5 Funding.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1106)    ADOPTED AS RESOLUTION R-287122

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,236,418 from CIP-40-921.0, FIRP Phase II Digested Sludge and Centrate Pipeline, and an amount not to exceed \$1,600,000 from CIP-46-170.0, Point Loma Digester Facility Upgrade and Expansion, both to CIP-45-920.0, Wastewater Operations Management Network (COMNET); Authorizing the expenditure of not to exceed \$2,836,418 from Clean Water Program Fund 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET), and an amount not to exceed \$874,030 from Clean Water Program Fund 41509, CIP-46-055.0, FIRP Pump Station for providing funds for Phase 5 of this contract and related costs.

CITY MANAGER SUPPORTING INFORMATION:

Council Resolution R-284490, adopted on August 8, 1994, authorized the City Manager to execute a contract with Westinghouse Electric Corporation, the lowest responsible bidder for CIP-45-920.0. Council Resolutions R-286786 and R-286787 authorized the City Manager to amend Westinghouse's contract and phase funding in Amendments 2 and 3. It is requested that the City Council approve the transfer of \$1,236,418 from CIP-40-921.0 FIRP Phase II Digested Sludge and Centrate Pipeline and \$1,600,000 from CIP-46-170.0 Point Loma Facility Upgrade and Expansion to CIP-45-920.0 Wastewater Operations Management Network (COMNET) for the purpose of funding the Fifth Phase of this contract and related costs.  
Aud. Cert. 9600966.

FILE LOCATION: WATER - Westinghouse Electric Corporation

COUNCIL ACTION: (Tape location: A370-B084.)

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

ITEM-216:

SUBJECT: Two actions related to Fund Transfer Agreement for Proposition 116 Funds.  
(Ocean Beach and Midway Community Areas. Districts-2 & 6.)  
(Trailed from the adjourned meeting of March 25, 1996; continued from the meeting of February 20, 1996, Item 103, at Councilmember Wear's request, to get input from the local Community Planning Groups and Town Councils.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-866) ADOPTED AS RESOLUTION R-287123

Authorizing a Fund Transfer Agreement with the State of California, for \$350,000 from Proposition 116 Funds;  
Authorizing the Auditor and Comptroller to deposit the funds received in Proposition 116 Fund 38540, Account

No. 76410 to CIP-58-098.0, Ocean Beach Bikeway  
Extension.

Subitem-B: (R-96-867) ADOPTED AS RESOLUTION R-287124

Certifying that the information contained in Mitigated  
Negative Declaration DEP-95-0103, has been completed in  
compliance with the California Environmental Quality  
Act of 1970 and State guidelines, and that the  
Declaration reflects the independent judgment of the  
City of San Diego as Lead Agency, and that the  
information contained in the report, together with any  
comments received during the public review process, has  
been reviewed and considered by Council in connection  
with the approval of Fund Transfer Agreement for  
Proposition 116 Funds.

CITY MANAGER SUPPORTING INFORMATION:

This Agreement will transfer Proposition 116 funds from the State  
to the City for the construction of the Ocean Beach Bikeway  
Extension. This project will construct a bicycle facility along  
the San Diego River Floodway Channel from Sunset Cliffs Boulevard  
to Pacific Highway. This project is funded 93 percent (\$350,000)  
by Proposition 116 funds and 7 percent (\$25,000) by Local  
Transportation Funds, which has already been allocated.

FILE LOCATION: SUBITEMS A AND B: MEET CONT FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

ITEM-217:

SUBJECT: Implementation of Job Order Contracting System.  
(See City Manager Report CMR-96-66.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1020) ADOPTED AS RESOLUTION R-287125

Approving Change Order No. 1, dated March 5, 1996, with F.H. Pachen/S.N. Nielsen, increasing the contract price by \$2,000,000;  
Authorizing the as-needed expenditure of an amount not to exceed \$2,000,000 from the Sewer Revenue Fund No. 41508.

Aud. Cert. 9600862.

FILE LOCATION: CONT - F.H. Pachen/S.N. Nielsen  
CONT FY96-1

COUNCIL ACTION: (Tape location: A370-B084.)

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

ITEM-218:

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-96-1058) ADOPTED AS RESOLUTION R-287126

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 - March 1997.  
As of January 31, 1996, construction was 39 percent complete.  
Construction completion is on target for the December 1996 goal, with startup testing projected for January 1997. Overall, rebar placement, electrical conduit installation, and concrete placement are ongoing for all major structures. Most of the below ground structures are near completion and backfilling of foundations is ongoing. Foundations have been constructed for the unstabilized sludge storage tanks, unstabilized sludge mixing station, unstabilized sludge odor reduction station, sludge feed pump station, grit chamber, and main switchgear building. Lower and mid-walls have been constructed for the solids processing building, headworks, and primary sedimentation gallery and tanks. The center columns have been constructed in the truck loading facility. The roof and vertical steel supports for the personnel building have been installed. The majority of the 96-inch influent line from Mexico has been installed from near Stewart's Drain to the headworks.
- C. Construction Contract 3 (CC-3) - Secondary Treatment Facilities.  
Design: December 1993 - March 1996  
Construction: On-hold  
The design is scheduled to be completed March 1996. Construction is on hold pending the completion of a Supplemental Environmental Impact Statement (SEIS) and a decision on the best alternative method for secondary treatment. A draft SEIS is expected to be released for public review in August/September 1996.
- 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.

- E. Funding for the International Treatment Facilities.  
Overall, Congress has appropriated \$239 million for the construction of the International Treatment Facilities. Based upon current construction estimates, the federal government has enough funds to complete the construction of the advanced primary plant, their share of the ocean outfall and the canyon collectors. There is a \$39 million deficit in funding for the completion of the secondary portion of the treatment plant, which is estimated at \$69 million. The State Department has reprogrammed construction funds in FFY 1996 to allow the International Boundary and Water Commission (IBWC) to award a small O&M contract by July 1996, that will bring aboard the private contractor who will begin planning to operate the plant. Funds in the amount of \$14 million have been requested in FFY 1997 for full operation of the plant. The IBWC has also reprogrammed funds to cover payments to the City for treatment of Tijuana sewage at Point Loma through September 30, 1996. Funding for FFY 1997 has been requested through the budget process.

#### 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. On March 18, 1996 the State Superior Court found in favor of the City.

- A. Package 1 - Special Structures.  
Bid Solicitation: November 2, 1995 - January 9, 1996  
Construction: April 1996 - July 1997  
A notice of intent to award is expected to be issued to Colich and Sons by the end of March, with a notice to proceed by the end of April.
- B. Package 2 - Tunnel.  
Construction Contractor: Traylor Brothers/Obayashi  
Bid: \$88,285,000  
Construction: September 1995 - May 1998  
Startup: June 1998  
The ground freezing operation for the drop shaft began on March 8, 1996. The ground freezing operation will take approximately four to six weeks. The drop shaft is scheduled to be completed by June 1996.  
The tunnel boring machine is scheduled to be delivered by May 1996.
- C. Package 3 - Marine Works.

Construction Contractor: Fletcher General, Inc.  
Bid: \$36,442,000  
Construction: November 1995 - October 1997  
The mobilization schedule is currently under review. The contractor is scheduled to be on-site by May 1996 and the marine work is scheduled to begin in June.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A370-B084.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Stallings at 6:29 p.m. in honor of the memory of:

Dave Odell as requested by Council Member Mathis; and Joseph Jessop, Sr. as requested by Council Member Wear.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F593-619).