

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 16, 1996
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:05 p.m. Deputy Mayor Stallings adjourned the meeting at 4:54 p.m. into Closed Session on Tuesday, September 17, 1996, at 9:00 a.m. in the twelfth floor conference room to discuss pending and potential litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-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-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour (lh)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-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-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: NONE

ITEM-10: INVOCATION

Invocation was given by Pastor Roland Hughes of Covenant Presbyterian Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell commented on the connection between drugs and our government. He said officials at the local, state, and federal level are involved with organized crime. He passed out a video tape to the Councilmembers and asked them to use their influence and get the contents of this video tape to our Senators and Congressmen.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A078-106.)

ITEM-PC-2:

Candace Snell commented on the Safety Award that Peninsula Little League received. She said the league beat out 14 states in the western region. Peninsula Little League presented this award to Council to make the City of San Diego aware of how important safety is.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A109-158.)

ITEM-PC-3: REFERRED TO CITY MANAGER

Forest Curo commented on the Rescue Mission in San Diego. He said the facility was stopping their evening feeding and shelter to anyone not enrolled in one of their programs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A160-174.)

ITEM-PC-4:

Sky commented on teenagers addicted to drugs and how much easier it is for them to use drugs instead of working a program. He also commented on the lack of proper leadership.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A175-222.)

ITEM-PC-5:

Hameed stated his concerns regarding the Black community. He said it's a shame we have to talk about equal opportunity in this day and age. Hameed stated that there were no blacks working at 600 B Street. He said we have to make employment fair for everyone, not just Latino people.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A223-258.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Warden, Council Member Stallings and Mayor Golding commented on the settlement agreement with the Federal Government to end the EPA's lawsuit against the City of San Diego. This agreement saves us billions of dollars on unnecessary secondary sewage treatment. The staff assistants, the scientific community and Scripps Institute of Oceanography were commended for their work.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A260-339.)

ITEM-CC-2:

Council Member Stevens commented on equal opportunity employers who make promises when they get contracts from the City of San Diego and then don't follow through. He said without affirmative action, nothing will get done and hopes everyone will be more conscious of equal opportunity.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A340-385.)

ITEM-CC-3:

Council Member Stallings displayed the newest t-shirt for the San Diego Padres. She said we're going to win the division and wished them good luck.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A386-392.)

ITEM-CC-4:

Council Member Wear thanked the Park and Recreation staff for their tremendous effort in restoring Saratoga Park in Ocean Beach. The dedication ceremony was last Saturday. He also took this time to promote the California Coastal license plates. The money will go to the "Adopt a Beach" program, an education program to teach children about the importance of the coast.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A393-413.)

ITEM-CC-5:

Council Member Kehoe commented on the great turnout at the North Park Recreation Center for the Teen Unity Center. She said with a change in management at the Center and an outstanding new director, the Teen Center is off to a great start. She thanked all the people in the community and the Police Department for their help.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A414-419.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

08/19/96 Adjourned
08/20/96 Adjourned
08/26/96 Adjourned
08/27/96 Adjourned
09/02/96 Adjourned
09/03/96 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A423-437.)

MOTION BY KEHOE TO APPROVE. Second by Warden. Passed by

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

ITEM-31: PRESENTED

Presentation to the City Council by the Environmental Protection Agency on the Supplemental Environmental Impact Statement for Interim Discharge from the International Treatment Plant.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B018-308.)

ITEM-32:

SUBJECT: Cabrillo Festival Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-242) ADOPTED AS RESOLUTION R-287826

Urging all community members and businesses of San Diego to participate in local and regional celebratory and educational activities;

Proclaiming September 22-29, 1996 to be "Cabrillo Festival Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A514-B017.)

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

* ITEM-100:

SUBJECT: Award of Contract for Redwood Village Standpipe Rehabilitation.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-27) ADOPTED AS RESOLUTION R-287827

Accepting the low base bid of Americon Constructors, Inc. for the Construction of Redwood Village Standpipe Rehabilitation, for the sum of not to exceed \$836,221, and authorizing the City Manager to execute a contract with Americon Constructors, Inc.;

Authorizing the expenditure of not to exceed \$118,000 to supplement funds authorized by Resolution No. R-287622 for the rehabilitation of the Redwood Village Standpipe, from Water Revenue Fund 41500, CIP-73-277.0. (BID-K96208C)

CITY MANAGER SUPPORTING INFORMATION:

On August 16, 1996, three bids were received for the Redwood Village Standpipe Rehabilitation. Americon Constructors, Inc. submitted the low bid of \$836,221. The low bid is 12.2 percent above the engineer's estimate. It is unlikely that readvertisement would result in lower bids because of the specialized nature of the coating and lead abatement work. Construction is scheduled for this winter and is included in the Department of Health Services Compliance Agreement No. 04-14-94-C004.

Aud. Cert. 9700240.

WWF-CSD-97-263.

FILE LOCATION: W.O. 182651 / CONT - Americon Constructors, Inc. CONTFY97-1

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

* ITEM-101:

SUBJECT: Genoa Drive Slope Repair.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-26) ADOPTED AS RESOLUTION R-287828

Accepting the low base bid of J.C. Baldwin Construction Co. for the Genoa Drive Slope Repair, in the amount of \$1,214,172.11, which is 24 percent over the City's estimate of \$980,000 and authorizing the City Manager to execute a contract with J.C. Baldwin Construction Co.;

Authorizing a First Amendment to the Agreement with Group Delta Consultants for Genoa Drive Slope Repair, increasing the contract amount by \$68,200 for a total of \$171,200;

Authorizing the Auditor and Comptroller to transfer \$172,000 from CIP-52-544.0, Bermuda Avenue Seawall, TransNet Fund 30300, into CIP-12-097.0, Genoa Drive Slope Repair;

Authorizing the additional expenditure of \$172,000 from CIP-12-097.0, Genoa Drive Slope Repair, TransNet Fund 30300, to supplement funds previously authorized by Resolution No. R-286153 and R-287202 for Genoa Drive Slope Repair, adopted on July 24, 1995 and April 15, 1996;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K97007)

CITY MANAGER SUPPORTING INFORMATION:

The existing slope and storm drain behind 5680 and 5690 Genoa Drive, 5673 Mill Peak Road and 6082 Adobe Falls Road failed as a result of the 1995 winter storms. Because of the damage caused by the landslide, the City Council authorized the purchase of these four homes directly involved. On July 24, 1995, Council authorized the City Manager to enter into negotiations with Group Delta Consultants, Inc., to provide contract documents to repair the slope. During the design of the project, the consultant was directed to perform additional subsurface exploration and redesign that would result in a more aesthetically pleasing repair. This project will completely repair the area and provide the City with the option of selling the four homes to recover some costs. This action will provide the necessary funds required for the redesign, construction contract and related costs and the funds needed for construction observation and testing to be performed by the consultant. Three bid packages were issued and three bids were received. The low bid of \$1,214,172.11 (for the base bid and Additive Alternate No. 5 and Deductive Alternate No. 1) is 24 percent above the engineer's estimate of \$980,000. Discussions with actual bidders have indicated that because of the specialty nature of the construction, as well as the project site being very difficult to access, the bids received were higher than anticipated. It is the opinion of City staff that readvertising the project will not yield significantly lower bids and award of the contract should proceed now to prevent further movement of the slope.

Aud. Cert. 9700239.

FILE LOCATION: W.O. 120970 / CONT - J.C. Baldwin
Construction Co. CONTFY97-1/CCONTFY97-1

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

* ITEM-102:

SUBJECT: Inviting Bids for Construction of Sewer Replacement
Group 100.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-25) ADOPTED AS RESOLUTION R-287829

Inviting bids for the Construction of Sewer Replacement Group 100 on Work Order No. 171341;

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 Auditor and Comptroller to transfer \$23,800 from Sewer Fund 41506 to a Special Ramp Fund 10518 for the installation of curb ramps;

Authorizing the expenditure of \$1,541,990 from Sewer Revenue Fund 41506, CIP-44-001, Annual Allocation for Sewer Main Replacements, for the project and related costs, contingent upon approval of the FY 1997 CIP, and issuance of an Auditor's Certificate.

(BID-K97024C)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Main Replacement Group 100 Project is a part of the City of San Diego's continuing annual concrete sewer main replacement program. This program provides for the replacement of undersized and/or deteriorated concrete sewer mains located throughout the City. This project includes the installation of approximately 7,365 feet of 8-inch sewer main in the Normal Heights Community Area, located east of 32nd Street between Adams Avenue and El Cajon Boulevard. There have been over 50 stoppages in the existing mains. These mains have been in service for approximately 70 years. The project will alleviate these stoppages and provide more reliable and effective sewage collection service for the area well beyond the foreseeable future.

WWF-CSD-96-244.

FILE LOCATION: W.O. 171341 CONT - Southern California

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

ITEM-103:

SUBJECT: Conversion of Designated Street Lights to High Pressure Sodium (HPS) Vapor.

(All Planning Areas south of I-8. Districts-2,3,4,7 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-236) ADOPTED AS RESOLUTION R-287830

Authorizing the expenditure of not to exceed \$289,500 from FY 1997 - TransNet Fund 30300 - CIP-38-001.0, (Conversion of Designated Street Lights), for City Force work, for the purpose of providing funds for the conversion of designated street lights to High Pressure Sodium (HPS) Vapor.

CITY MANAGER SUPPORTING INFORMATION:

On September 28, 1993, Council directed the City Manager to convert 8,700 street lights from Low Pressure Sodium (LPS) to High Pressure Sodium (HPS) in the Central Business District, Gaslamp District, High Crime Areas south of I-8, Golden Hill Revitalization Area, Skyline Drive from 58th Street to East Skyline Drive, and Imperial Avenue from Euclid Avenue to 69th Street. Phase I of the conversion which was to convert approximately 5,800 of the 8,700 street lights involved, as a group was completed during FY 95. Phase II requires the remaining 2,900 street lights to be converted as they burn out starting in FY 96 and extending through FY 99. Annual cost of the Phase II portion of the conversion is \$121,500.

On January 9, 1995, Council approved the conversion of an additional 4,068 street lights to HPS. This conversion known as "Option B" expanded the conversion to include all streets classified as Two Lane Collector Streets (greater than 40 feet in width, with an ADT of 5,000 vehicles or more) or higher, south of I-8. Option B conversion coincides with Phase II of the original conversion and also converts street lights as they burn out beginning in FY 96 and extending through FY 99. The annual costs of Option B are \$168,000. During FY 96, a total of 1,687 street lights south of I-8 were converted to HPS bringing the total conversion to 7,487.

Aud. Cert. 9700211.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D425-576.)

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

* ITEM-104:

SUBJECT: Expenditure of Funds for Installing Street Lights in Council District 3.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-235) ADOPTED AS RESOLUTION R-287831

Authorizing the expenditure of not to exceed \$75,000 from Community Development Block Grant "Midblock Lights District 3," Fund 18532, for the purpose of installing street lights in Council District 3, and related costs;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to retain excess budgeted funds, if any, in the project until completion.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for the installation of street lights in Council District 3.

Aud. Cert. 9700199.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

* ITEM-105:

SUBJECT: Request for Additional Funds for the India Street Sidewalk Project.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-234) ADOPTED AS RESOLUTION R-287832

Authorizing the expenditure of not to exceed \$17,000 from CIP-73-083.0, Annual Allocation, for the purpose of supplementing Resolution No. R-286409 for a total of \$87,000, to provide funds for the change order for the water main being replaced by Fox Construction.

CITY MANAGER SUPPORTING INFORMATION:

During construction of this contract, the contractor unexpectedly hit an existing six-inch cast iron water main which he maintains was just below the surface of the slope. The flood resulting from the break caused extensive erosion of the slope. CalTrans had to clear the silt and sand at the on-ramp to I-5 and sent a

bill to the contractor. The contractor imported soil and restored the slope. Water Utilities cut and plugged the existing water main at India Street and at Columbia Street so that the water could be turned back on. Because the entire section of old cast-iron main was now isolated, it was decided to have the contractor replace all of it. This included pipe under the yet-to-be constructed retaining wall and up the full length of the slope.

The contractor proceeded with the water main replacement as disputed work. He submitted records of his costs for cleanup caused by the main break and for the installation of the new main, a total of approximately \$22,000, not including the CalTrans work. In the settlement of the disputed work, it was agreed that the City would pay for \$17,000 for the cost of the replacement of the old cast iron main. The main would have qualified for the Water Utilities replacement program, so the replacement is a benefit to the City. The contractor will pay for the cost of the clean up caused by the main break.

Aud. Cert. 9700180.

WWF-TDD-97-001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

* ITEM-106:

SUBJECT: Pollution Prevention Week.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-97-167) ADOPTED AS RESOLUTION R-287833

Urging all community members and businesses of San Diego to participate in local and regional celebratory

and educational activities;

Proclaiming September 16-22, 1996 to be "Pollution Prevention Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

* ITEM-107:

SUBJECT: Excusing Deputy Mayor Stallings from the Afternoon Session of the Council Meeting of 7/30/96.

DEPUTY MAYOR STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-255) ADOPTED AS RESOLUTION R-287834

Excusing Deputy Mayor Valerie Stallings from attending the afternoon portion of the Council meeting of Tuesday, July 30, 1996, due to a medical appointment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

* ITEM-108:

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-250) ADOPTED AS RESOLUTION R-287835

Authorizing a third amendment to the agreement of October 10, 1994, with Project Design Consultants (PDC), for design and construction services in connection with the University City Subsystem - Reclaimed Water Distribution;

Authorizing the expenditure of an amount not to exceed \$125,172 from Water Fund No. 41500, CIP-70-927.0, University City Subsystem.

CITY MANAGER SUPPORTING INFORMATION:

On October 10, 1994, the City Council approved the agreement between the City and Project Design Consultants (PDC) for providing design services for the University City Subsystem-Reclaimed Water Distribution System. Amendment No. 1 to the agreement was for the off-backbone pipeline and was approved by City Council on February 2, 1995 per Council Resolution R-285308.

Amendment No. 2 was a no-cost amendment approved by the City Manager. This amendment is requested to complete design engineering services for additional off-backbone pipelines, 4-inches to 6-inches in diameter, totaling approximately 5,200 feet in length. The additional pipeline will be located on Renaissance Avenue, Carrara Place, Calabria Court, Toscana Way, Toscana Drive, and Fiore Terrace. The funding requested also covers services during construction.

Aud. Cert. 9700253.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

* ITEM-109:

SUBJECT: Agreement with San Diego Travel Group, Inc. for Corporate/Official Travel Services for the City of San Diego.

(See City Manager Report CMR-96-177.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-233) ADOPTED AS RESOLUTION R-287836

Authorizing an agreement with San Diego Travel Group, Inc., to provide all corporate/official travel services for the City, as requested by authorized City personnel.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

* ITEM-110:

SUBJECT: Agreement with St. Vincent de Paul for Homeless Shelter Services.

(See U.S. Department of Housing and Urban Development's letter dated 5/6/96.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-256 COR. COPY) ADOPTED AS RESOLUTION R-287837

Authorizing an agreement with St. Vincent de Paul to provide shelter services for the homeless;

Authorizing the expenditure of \$50,000 from the
Emergency Shelter Grant Program Fund 185321, Account
9544 as part of a local match to federal funds.

CITY MANAGER SUPPORTING INFORMATION:

On April 9, 1996 the City Council approved funding for homeless programs for Fiscal Year 1996-97. Amounts approved for funding were based on an estimate of the City receiving approximately \$434,000 of McKinney ESG (Emergency Shelter Grant), homeless dollars from HUD (Housing and Urban Development). Subsequent to the Council's action, HUD informed the City that the actual allocation of HUD funds would be \$496,000. St. Vincent de Paul, as the lead agency on behalf of eight other homeless agencies, had submitted a request for funding in the amount of \$100,000 to be used as part of a local match for a \$3,000,000 three-year HUD supportive housing grant. We are recommending that the City Council approve funding to St. Vincent de Paul in the amount of \$50,000 to be used for sheltering purposes as part of a local match to federal homeless funds.

Aud. Cert. 9700236.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

* ITEM-111:

SUBJECT: Unlicensed Driver Vehicle Impound Fee and San Diego
Traffic Offenders Program (STOP) Grant.

(See City Manager Report CMR-96-176.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-252) ADOPTED AS RESOLUTION R-287838

Authorizing the City Manager to apply for, accept and expend grant funds from the California Office of Traffic Safety for the San Diego Traffic Offenders Program (STOP);

Adopting an Unlicensed Driver Vehicle Impound Fee in the amount of \$72 per impound for recovering costs of Police Department vehicle impound expenses, for vehicles impounded from unlicensed drivers and drivers whose licenses are suspended and/or revoked who are taken into custody for vehicle code or other law violations;

Declaring that the effective date of the Unlicensed Driver Vehicle Impound Fee shall be 30 days after the passage of this Resolution;

Authorizing the City Clerk to include the Unlicensed Driver Vehicle Impound Fee in the Ratebook of City Fees and Charges.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

* ITEM-112:

SUBJECT: Excusing Councilmember Warden from the Land Use and Housing Committee Meeting of 7/31/96.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-97-267) ADOPTED AS RESOLUTION R-287839

Excusing Councilmember Warden from attending the Land Use and Housing Committee meeting of July 31, 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

ITEM-150:

SUBJECT: Proposed Emergency Medical Services (EMS) System.

(See City Manager Report CMR-96-169; memorandum from
San Diego Medic Association dated 9/3/96.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-266 REV.) ADOPTED AS AMENDED AS RESOLUTION R-287840

Approving the City Manager's recommendations for the
proposed Emergency Medical Services System Design, as
set forth in City Manager Report CMR-96-169, as
approved by the Committee for Public Safety and
Neighborhood Services on September 4, 1996;

Directing staff to provide additional information on
the system as the Request for Proposal is finalized, as
follows:

- a. Ensure flexibility of the system for evaluation on
a community by community basis;
- b. Call out financial incentives and disincentives in
the Request for Proposal;
- c. Ensure flexibility to provide for dual paramedics
in critical situations where necessary, including
the six-month Field Training Program;
- d. Ensure that 911 calls have priority and that
ambulances are not depleted beyond critical levels
for non-911 transports;

- e. Spell out in the Request for Proposal how treatment of incumbent workforce by the provider will be weighted;
- f. Include ambulance transport, fire paramedics, and communications representatives on the Physicians Oversight Board;
- g. Investigate and report back on possible inclusion of lifeguards as first-responders in the system;
- h. Provide information on how the City can share in any potential revenue derived from the system;
- i. Determine the County-wide impact of the system;
- j. Include maximum response time limits in the evaluation of the performance; and
- k. Conduct a legislative analysis working with the Intergovernmental Relations Department and the City Attorney's Office to review any state and federal legislation that may affect the proposed EMS system design.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 9/4/96, PS&NS voted 5-0 to approve the City Manager's recommendation for the proposed EMS System Design and directed staff to follow through and provide additional information as outlined in A-K above. (Councilmembers Wear, Kehoe, Stevens, McCarty and Vargas voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C052-D380.)

MOTION BY KEHOE TO ADOPT THE RESOLUTION APPROVING THE RECOMMENDED ASSISTED DESIGN; DIRECT THE CITY MANAGER TO DEVELOP A REQUEST FOR PROPOSAL (RFP) FOR COUNCIL REVIEW; INVESTIGATE THE COST SAVINGS TIMING AND FEASIBILITY OF THE 30/30 PLAN; AND ACCEPT ADDITIONAL DIRECTION BY THE PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE AS FOLLOWS:

- A. ENSURE FLEXIBILITY OF THE SYSTEM ON A COMMUNITY BY COMMUNITY BASIS;

- B. CALL OUT FINANCIAL INCENTIVES AND DISINCENTIVES IN THE REQUEST FOR PROPOSAL REGARDING PERFORMANCE;
- C. ENSURE FLEXIBILITY TO PROVIDE FOR DUAL PARAMEDICS IN SELECT SITUATIONS, ESPECIALLY IN THE SIX-MONTH FIELD TRAINING PROGRAM;
- D. ENSURE THAT 911 CALLS ALWAYS HAVE A PRIORITY AND THAT AMBULANCES ARE NOT DEPLETED BEYOND CRITICAL LEVELS FOR NON-EMERGENCY TRANSPORT;
- E. SPELL OUT IN THE RFP HOW THE TREATMENT OF INCUMBENT WORK FORCE BY THE PROVIDER WILL BE WEIGHTED;
- F. INCLUDE AMBULANCE TRANSPORT AND FIRE PARAMEDICS AND COMMUNICATIONS REPRESENTATIVES ON THE PHYSICIANS OVERSIGHT BOARD;
- G. HAVE THE MANAGER INVESTIGATE AND REPORT BACK ON POSSIBLE INCLUSION OF LIFEGUARDS AS PART OF THE FIRST-RESPONDER EFFORT;
- H. PROVIDE INFORMATION ON HOW THE CITY CAN SHARE IN ANY POTENTIAL REVENUE DERIVED FROM THE SYSTEM;
- I. DETERMINE THE COUNTY-WIDE IMPACT OF THE SYSTEM;
- J. INCLUDE MAXIMUM RESPONSE TIME LIMITS IN THE EVALUATION OF PERFORMANCE;
- K. RECOMMEND LEGISLATIVE ANALYSIS, VIA INTERGOVERNMENTAL RELATIONS DEPARTMENT IN THE CITY ATTORNEY'S OFFICE, TO REVIEW ANY LEGISLATION ON THE STATE OR FEDERAL LEVEL THAT MAY AFFECT THE PROPOSED SYSTEM REDESIGN; AND
- L. DEVELOP A TRANSITION PLAN FOR FULL PARAMEDIC COVERAGE AT THE START-UP OF THE NEW SYSTEM.

ACCEPT COUNCIL MEMBER WEAR'S CONCERN REGARDING THE TREATMENT OF THE INCUMBENT WORK FORCE. ACCEPT MAYOR GOLDING'S RECOMMENDATION TO DIRECT THE CITY MANAGER TO GO BACK AND DETERMINE WHAT WOULD OR WOULD NOT PREVENT THE FIRE DEPARTMENT FROM SUBMITTING A BID, WHETHER BECAUSE OF FINANCES, PERSONNEL, OR EQUIPMENT, AND RETURN TO COUNCIL FOR REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,

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

ITEM-200:

SUBJECT: COMNET, Westinghouse Electric Corporation Amendment No. 7 for Additional Work.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-228) ADOPTED AS RESOLUTION R-287841

Authorizing the execution of a seventh amendment to the agreement of August 8, 1994, with Westinghouse Electric Corporation, for additional work in connection with the Wastewater Operations Management Network (COMNET) in an amount not to exceed \$3,170,033;

Authorizing the expenditure of the following not to exceed amounts, to provide funds for the amendment:

\$1,589,081 (\$368,369 fixed cost and \$1,220,712 additional services) from the Clean Water Program Fund 41509, CIP-45-920.0 - Wastewater Operations Management Network (COMNET);

\$96,515 from the Clean Water Program Fund 41509, CIP-42-910.1 - North City Water Reclamation Plant;

\$12,015 from the Clean Water Program Fund 41509, CIP-42-911.4 - Metro Biosolids Center;

\$1,472,422 from the Clean Water Program Fund 41509, CIP-46-120.0 - Pegasus Trunk Sewer Relief;

Authorizing the City Manager to revise contract funding phases with Westinghouse Electric Corporation based on the actual low base bid and negotiated amendments, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury.

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 implementation of the Wastewater Operations Management Network (COMNET) CIP-45-920.0. Council Resolutions R-286786, R-286787, R-287199, R-287200, and R-287694 authorized the City Manager to amend Westinghouse's contract and phase funding in Amendment Nos. 2, 3, 4, 5, and 6. It is requested that the City Council approve the revised phase funding schedule for this Contract, which includes the following additional scope of work:

Additional Work for CIP-45-920.0 - COMNET \$1,589,081 (\$368,369 fixed cost, and \$1,220,712 additional services): Maintenance Management System (MMS) Phase IV - Install the hardware and software required to implement the MMS at Pump Stations (P.S.'s) 1, 2, 64, 65, the East Mission Gorge Pump Station, and Pegasus Pump Station (\$388,407 total cost - \$206,053 authorized in a prior task authorization from additional services = \$182,354 requested in this action); and 42,275 additional linear feet of fiber optic cable to provide a communications link between the Department's Wastewater Treatment Facilities (\$186,015).

Additional Work for CIP-42-910.1 - North City Water Reclamation Plant (NCWRP) \$96,515: Additional revisions to the Loop Diagrams, which will provide an additional page with an explanation table that allows cross referencing of information that will help the plant operators diagnose system malfunctions (\$28,410), three additional uninterruptible power supply (UPS) units \$38,525 for back up supply of local panels, which were not in the original contract documents; and as a result of a value engineering study, redistribution of five workstations from NCWRP to other facilities (\$29,580), which will result in a savings of \$80,000 to \$100,000 for the other facilities.

Additional Work for CIP-42-911.4 - Metro Biosolids Center (MBC) \$12,015: Substitution of Modular Furniture from the original furniture specified to provide a more organized and efficient working environment for the operators (\$12,015).

Additional Work for CIP-46-120.0 - Pegasus Trunk Sewer Relief \$1,472,422: Implementation of COMNET digital and analog equipment at the Pegasus Pump Station (\$1,882,528 total cost \$410,106 authorized in a prior task authorization

from additional services = \$1,472,422 requested in this action).

This request is for the issuance of an Auditor's Certificate for the purpose of funding Additional Work of \$3,170,033 (\$1,949,321 fixed and \$1,220,712 additional services) for the contract with Westinghouse Electric Corporation.

The \$1,220,712 additional services is to re-establish the pre-authorized task authorizations for MMS Phase IV (\$206,053), and Penasquitos Pump Station (\$410,106). The remainder \$604,553 is primarily for an anticipated task authorization for the implementation of time critical additional COMNET controls at the Point Loma Wastewater Treatment Plant (PLWTP). Amendment No. 8 will request authorization of COMNET controls at the PLWTP.

Aud. Cert. 9700223.

FILE LOCATION: WATER - Westinghouse Electric Corporation
CONFY97-1

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

ITEM-201:

SUBJECT: Agreement with the City of Inglewood for Parking
Citation Data Processing Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-262) RETURNED TO CITY MANAGER

Authorizing a Joint Powers Agreement with the City of Inglewood for Parking Citation Data Processing Services, for a period of one year with an option to extend on an annual basis for not more than an additional five years;

Authorizing the expenditure of not to exceed \$345,000 from Fund 100, Dept. 537, Object Account 4223, Job Order 2701.

CITY MANAGER SUPPORTING INFORMATION:

On January 16, 1996, the City Council authorized the City Manager to negotiate with the City of Inglewood for Inglewood to provide Parking Citation Data Processing Services. The Manager's Office and the City Attorney, along with the City of Inglewood's staff, have prepared a Joint Powers Agreement for approval by the City Councils of both the City of San Diego and the City of Inglewood. The City Manager and City Attorney recommend utilizing the Joint Powers Agreement to minimize the possibility of litigation concerning the contract. Pursuant to the agreement, Inglewood will provide required computer hardware and software, equipment maintenance, and staff training.

City staff will perform all other functions. This action by the Council will authorize the City Manager to enter into the agreement with Inglewood for a one year period with the option to extend the agreement on an annual basis for no more than an additional five years.

Aud. Cert. 9700243.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

ITEM-S400:

SUBJECT: Settlement of the Property Damage Claim of Wimpey Commercial, Inc.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-161) ADOPTED AS RESOLUTION R-287843

A Resolution approved by the City Council in Closed Session on Tuesday, July 16, 1996 by the following vote: Mathis-yea; Wear-yea; Kehoe-not present; Stevens-yea; Warden-yea; Stallings-yea; McCarty-not present; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$50,000 in the settlement of each and every claim against the City, its agents and employees to Wimpey Commercial, Inc. (Wimpey v. Dept. of the Army, City of San Diego, et al. U.S. District Court Case No. 94-1068R(AJB));

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$50,000 made payable to Wimpey Commercial, Inc. and its counsel in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the property damage claim of Wimpey Commercial, Inc. against the City of San Diego, its agents and employees, as a result of an incident which occurred on November 1, 1992.

Aud. Cert. 9700160.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

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

ITEM-S401:

SUBJECT: Revisions to the San Diego Municipal Code Relating to Newsracks.

(Docketed at the direction of the City Council at the meeting of Monday, September 9, 1996, Item 150.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-96-157) INTRODUCED, TO BE ADOPTED
 SEPTEMBER 30, 1996

Introduction of an Ordinance amending Chapter VI, Article 2, Division 1, of the San Diego Municipal Code relating to Newsracks on Public Rights of Way.

NOTE: On September 9, 1996, Council took the following actions:

Council voted 7-2 (Councilmember Vargas and Mayor Golding voted nay) on the motion by Councilmember Mathis to adopt the City Manager's recommendation plus the white zone and refer to the City Manager the possible implementation of a permitting process and a kiosk.

Council voted 6-3 (Councilmembers Mathis, McCarty and Vargas voted nay) on the motion by Councilmember Stevens to reconsider.

Council voted 9-0 on the motion by Councilmember Vargas to direct the City Attorney to revise the ordinance language to reflect all areas except Centre City and to incorporate the white zone as an exclusion zone, and come back to Council on September 16; to direct the City Manager to look into the possibility of implementing a permitting process and a kiosk approach; and to refer the Downtown Area to Committee.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D381-424.)

MOTION BY MATHIS TO INTRODUCE THE ORDINANCE (OPTION 1), WHICH REFLECTS COUNCIL'S INTENT FROM THE LAST MEETING WHICH WAS TO APPLY TO COVER ALL AREAS OF THE CITY EXCEPT CENTRE CITY. IN ADDITION, APPROVE THE SUPPLEMENTAL PARAGRAPH WHICH STATES, "EXISTING NEWSRACKS WHICH DO NOT COMPLY WITH THE PROVISIONS OF 62.1005(E) ABOVE, AND DO NOT COME WITHIN ANY EXEMPTION, MAY REMAIN FOR A PERIOD OF FIVE YEARS IF NO WRITTEN OBJECTIONS TO THE INDIVIDUAL NEWSRACK HAS BEEN OR IS RECEIVED FROM ANY OWNER OR RESIDENT OF PROPERTY WITHIN 200 FEET OF THE NEWSRACK," AND REFER THAT TO THE NOVEMBER 20,

1996, LU&H COMMITTEE MEETING. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-S402:

(Continued from the meeting of September 9, 1996, Item 124, at Councilmember Stevens's request, to allow for community input.)

SUBJECT: Agreement with St. Martin De Porres Center/Search Advisory Board, Inc., to Provide Group Housing for Persons with AIDS/HIV.

(North Bay Terraces Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-117) RETURNED TO CITY MANAGER

Authorizing an agreement with the St. Martin De Porres Center/Search Advisory Board, Inc., that would make available \$60,000 in Community Development Block Grant funds for the purchase of property to provide group housing for persons with AIDS/HIV;

Authorizing the expenditure of not to exceed \$60,000 from CDBG Fund No. 18531 for the St. Martin De Porres Center/Search Advisory Board, for the acquisition of property rights and related costs.

CITY MANAGER SUPPORTING INFORMATION:

On May 1, 1995 City Council adopted the FY 1996 CDBG Program. One item for Council District 4 was the subject of this Council action, i.e., the St. Martin De Porres Center/Search Advisory Board, Inc. (Agency) for a portion of the funds required for property acquisition and related costs in an amount not to exceed \$60,000. St. Martin De Porres opened escrow on July 6, 1996 to purchase property located at 440 Briarwood Road from Keith and Juel Van Blarcom. St. Martin De Porres, by this Council action, has entered into an Agreement with the City to apply \$60,000 to the purchase of the property and related costs.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

CONSENT MOTION BY STALLINGS TO ACCEPT MAYOR GOLDING'S RECOMMENDATION TO RETURN THIS ITEM TO THE CITY MANAGER TO WORK WITH DISTRICT 4 TO FIND ANOTHER LOCATION. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S403:

(Trailed as Unfinished Business from the meeting of September 10, 1996, Item 336, due to lack of five affirmative votes - Yeas - Districts 5,6,8 & Mayor Golding; Nays - Districts 3 & 4; Not Present - Districts 1,2 & 7.)

SUBJECT: Purchase of Capital Equipment for the San Diego Convention Center Expansion.

NOTE: The public testimony portion of the hearing is closed. Testimony taken on 9/10/96.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-254) TRAILED TO SEPTEMBER 17, 1996

Authorizing the City Manager to acquire an upgraded telecommunications system from AT&T/Lucent Technologies as a capital improvement for the San Diego Convention Center Expansion for a total purchase price of not to exceed \$1,578,272;

Authorizing the City Manager to pay \$690,000 in Fiscal Year 1997, including a cash down payment of \$540,000, and finance the balance of \$1,038,272, under the Master Lease Program, which would include a first year lease payment in Fiscal Year 1997 of \$150,000, for the acquisition of the upgraded telecommunications system.

Aud. Cert. 9700247.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

Motion by Kehoe to continue this item to October to give the City Manager a chance to come back with a financial report on the Republican National Convention in order to know where the City is at relative to the purchase of the equipment. No second.

CONSENT MOTION BY STALLINGS TO ACCEPT COUNCIL MEMBER WEAR'S REQUEST TO TRAIL THIS ITEM TO SEPTEMBER 17, 1996. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S404: REFERRED TO CLOSED SESSION

SUBJECT: Real Property Transaction - Conference with Real Property Negotiator.

In the matter of authorizing the City Manager to discuss the possible sale or lease of the San Diego Community Concourse, 202 "C" Street, with interested parties.

Prior to Council discussion in Closed Session and in compliance with the Brown Act (California Government Code Section 54956.8), this issue is listed on the docket for public testimony.

TODAY'S ACTION IS:

Accept testimony from any members of the public who wish to address the City Council on this issue, then refer the matter to Closed Session on Tuesday, September 17, 1996.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A438-496/B309-C048.)

CONSENT MOTION BY STALLINGS TO REFER TO CLOSED SESSION.

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

NON-DOCKET ITEMS:

ITEM-ND-1:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Stallings at 4:54 p.m. in honor of the memory of:

Elizabeth Reed Houghton as requested by City Attorney John W. Witt; and
Salvatore Juliano as requested by Mayor Susan Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D577-619).