

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 28, 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 2:08 p.m.

The City Manager gave a report on the South Bay Outfall which was hit by the storm last Friday night. The storm generated waves in excess of 30 feet. Both barges used in the construction took off during the storm, but were later recovered. There was some damage to the sonar equipment. Now, they are looking to see if any damage was done to the risers on the ocean floor. The Manager thanked the Coast Guard for their help.

The City Manager also announced that he received a check from the County for \$783,761 acknowledging their mistake in billing the City and others for election services between Fiscal Years 1988-1995. He recommended that the money go into the unallocated reserve until Council makes a decision on it.

Deputy Mayor Stallings adjourned the meeting at 5:55 p.m. into Closed Session on Tuesday, October 29, 1996, at 9:00 a.m. in the twelfth floor conference room to discuss meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (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-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Fishkin (lh)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin 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-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: AGENDA

ITEM-10: INVOCATION

Invocation was given by Pastor Richard Hensgen of First Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Warden.

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell commented on inoculations for our military who were in Desert Storm. He said this illness is contagious and spouses and children of military personnel have become ill and some have died. He also mentioned there is treatment for this disease, but VA hospitals won't use it. Mr. Stillwell asked the Council to do something about it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A032-058.)

ITEM-PC-2:

Forest Curo said he was approached by a police lieutenant last Thursday asking to video tape the foodline he and his wife serve just outside the San Diego Concourse. The lieutenant wants to move this foodline to 13th and Broadway which is behind a locked fence and has no bathrooms. Mr. Curo said homeless residents of San Diego should have homes or at least a place to sleep in winter. He said it's their right to have a place inside with bathrooms.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A059-076.)

ITEM-PC-3:

Sky commented on an article in Newsweek magazine saying that Proposition 215 was dishonest. He said it is a way to legalize marijuana, and get permission to use it from doctors any way a person wants. Sky said our children are suffering and if we don't do something, we are going to suffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A077-097.)

ITEM-PC-4:

Larry Milligan has worked in the food line in Balboa Park for a little over four years. He said the police are going

to begin action on this food line even though the line is orderly and no trash is left. Mr. Milligan said there are no bathroom facilities in the inner city area for the homeless, yet he has been asked to move to 13th and Broadway. He said it is impossible to move the food line to a place without bathroom facilities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A106-126.)

ITEM-PC-5:

Art Salzberg said there has been political pollution against immigrants. He said affirmative action is alive and well and is right here in our City Council. He is a son of immigrant parents and said immigrants are part of our nation, and to have hatred on television is un-American.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A128-151.)

COUNCIL COMMENT:

ITEM-CC-1: REFERRED TO CITY MANAGER

Council Member Stevens responded to the public comment by Larry Milligan. He requested the City Manager to provide him with the address for the CCDC restroom facilities, and to inquire whether or not the restroom facilities at the Rescue Mission, St. Vincent De Paul, the Salvation Army, and the Neil Good Day Care Center are available for daytime use.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A154-180.)

ITEM-CC-2:

Council Member Warden announced some of the award winners from the "Onions and Orchids Awards." NTC was given an

"Orchid" in the category of political process. Last time, NTC received an "Onion." Other "Orchids" went to the Rancho Bernardo Library for interior design; the Malcolm X Library for community enrichment; and the Waxie Company for interior design. The House of Charm also received an award. She said the property across from the North County Fair got an "Onion" for the purple, yellow and orange building. Council Member Stevens said the architect for the Malcolm X Library was there to accept the award. He said very few people who received an "Onion" were there to accept it.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A181-205.)

ITEM-CC-3:

Council Member Mathis announced that the Land Use and Housing Committee meeting on October 30, 1996, at 9:00 a.m. will have a special order of business. Due to the number of fires in the area, there has been heightened public awareness and concern about fire danger. The committee will look at the City's fire prevention codes as they apply to the universal building codes. The City Manager will give an informational presentation on both the building code relating to fire prevention and will redo a presentation that was done earlier on current brush abatement policy. He said the committee wants to make sure the City's codes have sufficient safeguards.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A206-223.)

ITEM-CC-4:

Deputy Mayor Stallings said she has had many people ask how her hair was growing back in. In honor of "Breast-Cancer Awareness Month," she unveiled her hair so everyone in San Diego could see how it was growing back in.

Deputy Mayor Stallings also took this time to commend Chief Osby and some of his fire fighters for their courageous efforts in fighting the fires in Harmony Grove, San Marcos,

Malibu, and Otay. Council Member Vargas said he went up in a helicopter and viewed the Otay fire. He also commended the fire fighters for their courage.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A224-298.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

10/7/96

10/8/96

10/14/96 Adjourned

10/15/96 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B192-195.)

MOTION BY WARDEN TO APPROVE. 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-31:

SUBJECT: The International Tennis Hall of Fame's 1996 City of the Year.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-97-363) ADOPTED AS RESOLUTION R-287960

Graciously accepting the International Tennis Hall of Fame's selection of the City of San Diego as the "1996 City of the Year" and commending the volunteers and community supporters of San Diego for their efforts to bring this award to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A334-416 / B192-195.)

MOTION BY WARDEN TO ADOPT. 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-32: PRESENTED

An Informational Presentation on Proposition 218 - The Right to Vote on Taxes Act Initiative.

(See City Manager Report CMR-96-209.)

COMMITTEE ACTION:

Discussed at the Rules Committee meeting of 10/21/96 and forwarded to full Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B191.)

* ITEM-100:

SUBJECT: Inviting bids for the Construction of Tecolote Community Park Tot Lot Upgrade.
(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-352) ADOPTED AS RESOLUTION R-287961

Inviting bids for the Construction of Tecolote Community Park Tot Lot Upgrade on Work Order No. 112574;

Authorizing a contract with the lowest responsible

bidder; Authorizing the Auditor and Comptroller to transfer funds during construction between CDBG Fund No. 18531, Dept. No. 4091, Org. Nos. 9102, 9103, 9107 and 9109;

Authorizing the expenditure of \$71,780 from CDBG Fund No. 18531, Dept. No. 4091, Org. No. 9103;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K97037C)

CITY MANAGER SUPPORTING INFORMATION:

Tecolote Community Park is a developed 19.7 acre park located at 4675 Tecolote Road, north of Morena Boulevard. This project will improve park access and upgrade a children's playground that will be accessible to all children.

Aud. Cert. 9700324.

FILE LOCATION: W.O. 112574 CONT-Zasqueta Contracting Co.
CONT FY97-1

COUNCIL ACTION: (Tape location: B196-312.)

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

* ITEM-101:

SUBJECT: Inviting Bids for the Construction of Western Hills Tot Lot Upgrade.
(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-351) ADOPTED AS RESOLUTION R-287962

Inviting bids for the Construction of Western Hills Tot Lot Upgrade on Work Order No. 112571;

Authorizing a contract with the lowest responsible bidder;

Authorizing the Auditor and Comptroller to transfer funds during construction between CDBG Fund No. 18531, Dept. No. 4091, Org. Nos. 9102, 9103, 9107, and 9109;

Authorizing the expenditure of \$57,245 from CDBG Fund No. 18531, Dept. No. 4091, Org. 9102, and \$9,785 from CDBG Fund No. 18531, Dept. No. 4091, Org. 9103;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K97038C)

CITY MANAGER SUPPORTING INFORMATION:

Western Hills is a developed 12.77 acre Neighborhood Park located at 4810 Kane Street between Garfield Road and Arnott Street. This project will improve park access and upgrade a children's playground that will be accessible to all children.

Aud. Cert. 9700325.

FILE LOCATION: W.O. 112571 CONT - Court Concepts
CONT FY97-1

COUNCIL ACTION: (Tape location: B196-312.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-102:

SUBJECT: Inviting Bids for the Construction of Mt. Acadia
Neighborhood Park Tot Lot Upgrade.

(Clairemont Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-30) ADOPTED AS RESOLUTION R-287963

Inviting bids for the Construction of Mt. Acadia Neighborhood Park Tot Lot Upgrade on Work Order No. 112572;

Authorizing a contract with the lowest responsible bidder;

Authorizing the Auditor and Comptroller to transfer funding during construction between CDBG Fund No. 18531, Dept. No. 4091, Org. Nos. 9102, 9103, 9107, and 9109;

Authorizing the expenditure of \$57,245 from CDBG Fund No. 18531, Dept. No. 4091, Org. No. 9107, and \$2,085 from CDBG Fund No. 18531, Dept. No. 4091, Org. No. 9109, and \$7,700 from CDBG Fund No. 18531, Dept. No. 4091, Org. No. 9103;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K97039C)

CITY MANAGER SUPPORTING INFORMATION:

Mt. Acadia is a developed 7.31 acre Neighborhood Park located at 3865 Mt. Acadia Boulevard between Mt. Blanca Drive and Mt. Ararat Drive. This project will improve park access and upgrade a children's playground that will be accessible to all children.

Aud. Cert. 9700323.

FILE LOCATION: W.O. 112572 CONT - Zasueta Contracting Co. CONT FY97-1

COUNCIL ACTION: (Tape location: B196-312.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-103:

SUBJECT: Excusing Councilmember Christine Kehoe from attending the Council Meetings of 10/7/96 and 10/8/96, and the PS&NS Committee Meeting of 10/9/96.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-97-412) ADOPTED AS RESOLUTION R-287964

Excusing Councilmember Christine Kehoe from attending the council meetings of October 7 and 8, 1996 and the Public Safety and Neighborhood Services Committee meeting of October 9, 1996, due to out of town travel.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B196-312.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-104:

SUBJECT: Community Development Block Grant Reprogramming.
(District-3.)

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-97-413) ADOPTED AS RESOLUTION R-287965

Approving the CDBG reprogramming of \$20,000 in Council District 3 Community Development Block Grant (CDBG) funds from Department No. 4114, Organization No. 1407, to the Reserve Account Department No. 4127, Organization No. 2705.

Aud. Cert. 9700343.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B196-312.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-105:

SUBJECT: College Avenue Multi-Agency Traffic Signal Interconnect Project.
(District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-346 Cor. Copy) ADOPTED AS RESOLUTION R-287966

Authorizing the City Manager to accept Program Supplement No. 107 for the College Avenue Multi-Agency Traffic Signal Interconnect Project;

Amending the FY 1997 Capital Improvement Project by adding CIP-63-029.0, College Avenue Multi-Agency Traffic Signal Interconnect;

Authorizing the Auditor and Comptroller to transfer \$7,082 of Federal Congestion Mitigation and Air Quality (CMAQ) Funds, Fund No. 38657, and \$918 of State Transportation System Management (TSM) Funds, Fund No. 38542, to CIP-63-029.0.

CITY MANAGER SUPPORTING INFORMATION:

This action accepts Federal and State grant funding for a traffic signal interconnect project on College Avenue between College Grove Drive and Federal Boulevard. This project represents the City of San Diego's portion of a multi-agency traffic signal coordination project with the Cities of La Mesa and Lemon Grove, and the California Department of Transportation. Projects under other jurisdictions are funded separately; these funds will not transfer to another agency.

Aud. Cert. 9700306.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B196-312.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-106:

SUBJECT: Pacific Beach Detection Improvement Project.
(Pacific Beach Community Area. Districts-2 & 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-271) ADOPTED AS RESOLUTION R-287967

Accepting Program Supplement No. 108 for the Pacific Beach Detection Improvement Project;

Amending the Fiscal Year 1997 Capital Improvements Program by adding CIP-63-027.0, Pacific Beach Detection Improvement;

Authorizing the Auditor and Comptroller to transfer not to exceed \$12,394 of Federal Congestion Mitigation and Air Quality (CMAQ) Funds, Fund No. 38656 and not to exceed \$1,606 of State Transportation Systems Management Fund No. 38541 to CIP-63-027.0.

CITY MANAGER SUPPORTING INFORMATION:

This action accepts \$14,000 of federal and state grant funding to provide for design engineering costs for traffic signal detection improvements in the Pacific Beach area. Funds for the construction of the project will be included in a program supplement to be issued upon completion of the design plans, specifications, and estimates. A total of \$95,000 in CMAQ and TSM Funds has been approved for this project.

Eight traffic signals will have traffic signal detection upgraded to improve the efficiency of the traffic signal control: Balboa Avenue at Garnet Avenue, Balboa Avenue at Grand Avenue and Lamont Street, Cass Street at Garnet Avenue, Cass Street at Grand Avenue, Diamond Street at Ingraham Street, Fanuel Street at Garnet Avenue, Garnet Avenue at Ingraham Street, and Garnet Avenue at Lamont Street.

Aud. Cert. 9700373.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B196-312.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-107:

SUBJECT: Establishing One-Way Southbound Operation on Ray Street between Dwight Street and Upas Street.
(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-368) ADOPTED AS RESOLUTION R-287968

Declaring southbound on Ray Street between Dwight Street and Upas Street to be a One-Way Street;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes one-way southbound traffic operation on Ray Street between Dwight Street and Upas Street. Currently, this segment is one-way northbound with a short two-way portion between the staggered intersections with Dwight Street. The segment of Ray Street between University Avenue and Dwight Street

is currently one-way southbound, therefore, this action would make the entire length of Ray Street one-way southbound. This action is supported by affected residents and the Greater North Park Planning Committee. The North Park Defensible Space Traffic Control and Calming Strategy (City Manager Report CMR-96-153), which was presented to the Public Safety and Neighborhood Services Committee on July 31, included this as well as other traffic improvements in the North Park community.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B196-312.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-108:

SUBJECT: Water and Sewer Main Replacement Group Job 76 -
Contract Change Order No. 5.
(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-383) ADOPTED AS RESOLUTION R-287969

Approving Change Order No. 5, dated August 19, 1996, issued in connection with the contract with Suncoast Pipeline, Inc., for the Water and Sewer Main Replacement Group Job 76, amounting to a net increase in the contract price of \$199,053, and an extension of time of 35 working days.

CITY MANAGER SUPPORTING INFORMATION:

On March 20, 1995, the City Council authorized (R-285459) execution of a contract for Water and Sewer Main Replacement Group Job 76. The City Manager awarded the contract for \$1,237,415 to Suncoast Pipeline, Inc., on June 6, 1995. On March 18, 1996, City Council approved Change Order No. 1 (R-287039, \$72,533) to add to this contract the replacement of 850 feet of 8-inch deteriorated sewer mains within the Kensington Community

area. The replacement work was necessary due to repeated complaints from the residents of odor and sinking ground areas. Change Order No. 2 (\$3,092.80) covered costs incurred to do additional work on private property to separate two property laterals from 1-6" lateral to 2-4" laterals. On August 5, 1996, City Council approved Change Order No. 3 (R-287736, \$19,830) to cover costs to replace an additional 266 feet of 8-inch deteriorated sewer main located within the Kensington Community Area. Change Order No. 4 (\$42,024.48) covered additional resurfacing work within the project area.

Change Order No. 5 includes the replacement of approximately 158 feet of 8-inch and 621 feet of 12-inch, deteriorated sewer mains located on Miracle Drive, between Adams Avenue and Jean Drive, within the Talmadge Community area. This replacement work was necessary due to recent stoppages and breaks in the existing sewer mains. City staff determined that it is in the City's best interest to add this work to Group Job 76, currently under construction in the area. The cost of this Change Order is consistent with the unit bid prices for this project.

Aud. Cert. 9700355.

WWF-97-260.

FILE LOCATION: CONT - Suncoast Pipeline, Inc.
 CONT FY97-1

COUNCIL ACTION: (Tape location: B196-312.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-109:

SUBJECT: 1997 Underground Utilities Program Projects, Case 8209
 Funds.
 (See City Manager Report CMR-96-201 Corr.; and
 memorandum from Councilmember Wear dated 10/7/96.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-414) ADOPTED AS RESOLUTION R-287970

Reaffirming direction to expend all monies allocated to specific utility undergrounding projects for Calendar Year 1997, as set forth in previous Council actions;

Approving the Annual 8209 Allocation - Undergrounding of Utilities - San Diego Gas & Electric Company allocation for 1997 Calendar Year:

1. CCDC Area 1 - Phase 1 (Imperial Avenue to Market/6th Avenue to 12th Avenue)
2. State Street (Ash to Juniper)
3. Market Street (12th Avenue to 26th Street)
4. Sunset Cliffs Boulevard (W. Point Loma Boulevard to Brighton)
5. City Heights Village/City Link Inv. Corp. Phase 1: Landis Street (43rd to Chamoune)
6. City Heights Village/City Link Corp., Phase II: Wightman Street (43rd to Chamoune)
7. Cortez Hill (7th, 9th, Ash and Cedar).

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/9/96, LU&H voted 3-0 to approve on consent.
(Councilmembers Mathis, Stevens, and McCarty voted yea.
Councilmembers Wear and Warden not present.)

CITY MANAGER SUPPORTING INFORMATION:

The list of Utility Undergrounding projects for Calendar Year 1997 is in conformance with the terms of the franchise agreement reached with SDG&E in April, 1995. The agreement requires that projects to be allocated in Calendar Year 1997 must be identified by the City Council before October 31, 1996. The proposed 1997 job listing was passed as a consent item during the Land Use and Housing Committee meeting held on October 9, 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E350-375.)

MOTION BY WARDEN TO APPROVE THE MANAGER'S RECOMMENDATION.
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-110:

SUBJECT: Road Humps.

(See City Manager Report CMR-96-160; letter from Doris
C. Hardy and letter from Bruce Minter dated 7/29/96.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-378 REV.1; COR.COPY) ADOPTED AS AMENDED AS
RESOLUTION R-287971

Authorizing the City Manager to hire a consultant to
evaluate road humps installed in other cities; funds in
amount of \$75,000 are available to fund this study from
CIP-62-279.0, Neighborhood Traffic Safety Program.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/31/96, LU&H voted 4-0 to recommend to the City Council to
approve hiring a consultant for a narrower scope of study to
review other cities' experiences with road humps and providing
recommendations for possible revisions to the City's road hump
program. Also, approving a moratorium on new applications for
road humps until the study is completed and Council has taken
action, which should occur within six months. (Councilmembers
Mathis, Wear, Stevens and Warden voted yea. Councilmember
McCarty not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E376-589.)

MOTION BY MATHIS TO ADOPT THE RESOLUTION AS AMENDED AND
ALLOW ONLY \$30,000 FOR THE STUDY AND DECLARE A SIX-MONTH

MORATORIUM ON NEW APPLICATIONS FOR ROAD HUMPS WHILE THE INVESTIGATION IS BEING CONDUCTED. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-not present.

* ITEM-111:

SUBJECT: Conflict of Interest Code for Development Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-273 Cor. Copy) ADOPTED AS RESOLUTION R-287972

Adopting the Revised Conflict of Interest Code for Development Services.

CITY MANAGER SUPPORTING INFORMATION:

The original Conflict of Interest Code for Development Services was adopted by Council Resolution R-285019 on December 5, 1994, as required by the Political Reform Act (Government Code 81000 et seq.) The Development Services Conflict of Interest Code has been revised to reflect updated designated positions required to disclose economic interests. This review is also intended to conform to Government Code 87306.5 requiring biennial review and update of local Conflict of Interest codes as reflected in City Council Resolution R-287479, adopted on June 10, 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B196-312.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-150:

SUBJECT: Proposed Lease Agreement with Brown Field Aviation

Ventures.

(See City Manager Report CMR-96-193; Representative Cunningham's 2/29/96 letter; Representative Hunter's 2/23/96 letter. Otay Mesa Community Area. District-8.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-97-31) INTRODUCED, TO BE ADOPTED ON NOVEMBER 12, 1996

Introduction of an Ordinance authorizing the City Manager to execute a 35-year lease agreement with Brown Field Aviation Ventures for a fixed base operator business at Brown Field Airport.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/9/96, LU&H voted 3-0 to approve the City Manager's recommendation to approve the new aviation development lease, direct the City Manager to notice existing Brown Field tenants of this lease's upcoming City Council hearing, and to hold a meeting between the proposed lessee and tenants or sublessees to inform them of the lease's terms and process. (Councilmembers Mathis, Stevens, and McCarty voted yea. Councilmembers Wear and Warden not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B477-D253.)

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

ITEM-151:

SUBJECT: Proposed Lease Agreement with Paladin Aviation.
(See City Manager Report CMR-96-192; Councilmember Wear's 10/7/96 memorandum; Rick Otis's 10/2/96 letter; R.V. Finch's 9/27/96 letter. Otay Mesa Community Area. District-8.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-97-32) INTRODUCED, TO BE ADOPTED ON NOVEMBER 12, 1996

Introduction of an Ordinance authorizing the City Manager to execute a 35-year lease agreement with Paladin Aviation for a fixed base operator business at Brown Field Airport.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/9/96, LU&H voted 4-0 to approve the City Manager's recommendation to approve the lease, direct the City Manager to notice existing Brown Field tenants of this lease's upcoming City Council hearing, and to hold a meeting between the proposed lessee and tenants or sublessees to inform them of the lease's terms and process. (Councilmembers Mathis, Stevens, Warden and McCarty voted yea. Councilmember Wear not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B477-D253.)

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

ITEM-200:

SUBJECT: Awarding a Contract to Nixon Egli Equipment Company for Lease/Purchase of Ten Mechanical Street Sweepers.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-436) CONTINUED TO NOVEMBER 12, 1996

Awarding a contract to Nixon Egli Equipment Company (Santa Fe Springs, CA) for lease/purchase of ten mechanical street sweepers (Athey Model AHL-2, Mobile M-9D, "Top Gun" Sweeper), for a total estimated cost of \$1,496,000, 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 \$231,500 from the following: Fund No. 500311, Dept. 500311, Org. 534, Account No. 6019, Job Order No. 000534 - \$91,000; Fund No. 100, Dept. 534, Org. 2554, Account No. 6019, Job Order No. 007340 - \$49,100; and Fund No. 100, Dept. 534, Org. 2554, Account No. 6019, Job Order No. 007342 - \$91,400;

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

(For use by the Transportation Department, Equipment Division.)

CITY MANAGER SUPPORTING INFORMATION:

The City has begun the implementation of a plan to increase scheduled residential street sweeping from once per year to a minimum of once per month. Existing street sweeping equipment has experienced extensive downtime while attempting to carry out the new schedule. This has prevented the successful completion of the transition to the monthly sweeping schedule, and has resulted in many areas being missed on a typical scheduled sweeping day. It is clear that a solution to this problem is needed as soon as possible. As part of our competition assessment, we researched which equipment is utilized by those cities who have the most cost-effective programs. These cities were found to have better equipment availability and lower operating costs. We estimate that the cost to maintain the proposed sweepers, when compared to the existing sweepers, will be a total of \$11,400 less per month for the ten vehicles. While looking at available sweeping equipment, we became aware of a purchase made by the City of Inglewood. Their purchase was of equipment that met all of our specifications, was at a good price, and had a clause opening the acceptance of the bid to other California cities. This process of utilizing another city's bid will shorten the time to acquire the vehicles by 60 to 90 days. This time saved will result in maintenance cost savings of approximately \$25,000, and will hasten the provision of improved sweeping to the residents of San Diego. Therefore we recommend that Council approve the purchase using the City of Inglewood's Bid Number B-0633, as authorized under Municipal Code

Section 22.0504. These vehicles are requested by the Transportation Department, Equipment Division, for use by the Transportation Department, Street Maintenance Division. They are replacements for eight mechanical sweepers (four model year 1993, four model year 1994), one vacuum sweeper (model year 1994), and one regenerative air sweeper (model year 1989). The replaced vehicles will be sold at auction to provide funds to pay the sales tax, and provide spare parts for the sweeper fleet.

Aud. Cert. 9700389.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D254-604.)

MOTION BY STEVENS TO CONTINUE TO NOVEMBER 12, 1996, UNTIL COUNCIL FINDS OUT WHY THE NIXON EGLI EQUIPMENT COMPANY HAS NOT HIRED ANY PEOPLE OF COLOR AT ANY LEVEL. Second by Vargas. 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-201:

SUBJECT: Eighth Amendment to the Agreement with Westinghouse Electric Corporation for the Wastewater Operations Management Network (COMNET).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-430) ADOPTED AS RESOLUTION R-287973

Authorizing an eighth amendment to the agreement with Westinghouse Electric Corporation for a not to exceed amount of \$4,454,446 in connection with the Wastewater Operations Management Network (COMNET);

Authorizing the Auditor and Comptroller to transfer the following amounts:

\$1,303,855 from Fund 41508, CIP-46-179.0, Point Loma Power Generation & Distribution Upgrade

\$500,000 from Fund 41508, CIP-46-175.0, Point Loma Headworks, Odor Control & Grit Processing Facility

\$350,000 from Fund 41509, CIP-46-170.0, Point Loma Digester Facility Upgrade & Expansion

\$1,400,000 from Fund 41508, CIP-46-503.0, Rehabilitation of On-Shore Outfall

\$300,000 from Fund 41508, CIP-46-129.0, Point Loma Digesters N1 and N2 Roofs & Heating System

\$504,706 from Fund 41509, CIP-42-910.6, South Bay Water Reclamation Plant, all transferred to Fund 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET);

Authorizing the expenditure of not to exceed \$4,358,561 from Fund 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET), and not to exceed \$100,591 from Fund 41509, CIP-42-911.4, Metro Biosolids Center (MBC), to fund this amendment;

Authorizing the City Manager to revise contract funding phases with Westinghouse Electric Corporation based on the actual low base bid and negotiated amendments for this 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 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, R-287694 and R-287841 authorized the City Manager to amend Westinghouse's contract and phase funding in Amendments 2,3,4,5,6 and 7. Council Resolution R-284490 authorized the partial implementation of a Distributed Control System (DCS) for the Point Loma Wastewater Treatment Plant for \$2,305,666. Additional work not included in the original contract that has now been defined is needed to complete the provision of instrumentation and computer hardware to monitor treatment processes and to provide a fiber optic network at the

Point Loma Wastewater Treatment Plant (PLWTP). The cost of the additional work was obtained through the use of unit price schedules in the original contract. In the near future City Council will be requested to approve implementation of software for monitoring existing physical processes at the PLWTP. City Council will also be requested to authorize another amendment, which will provide substantial automation of the existing facilities at the PLWTP. 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 \$4,358,561 (\$3,953,611 fixed cost and \$404,950 additional services):

A portion of this additional work is for the Accelerated Controls for Point Loma Wastewater Treatment Plant (PLWTP), primarily for the Point Loma Digesters, N1 and N2 Roofs, and Heating Systems. This work provides implementation of the hardware included in the Accelerated Controls Project Specifications and Drawings (\$1,900,000). The remainder of this additional work provides 8 Process Control Modules (PCMs) and 7 Workstation (WSs), and a fiber optic backbone between the FIRP Pump Station and the FIRP Phase II Pipeline to Metro Biosolids Center (MBC) \$2,053,611.

Additional Work for CIP-42-911.4 - Metro Biosolids Center (MBC) \$100,591:

Additional work required of Westinghouse Electric Corporation to accommodate several design changes by the Engineer of Record (\$28,876); installation of software and hardware for the Maintenance Management System (MMS) and provide additional training (5 classes) and support during MMS startup (\$71,715).

Deletion of Work for CIP-42-910.1 - North City Water Reclamation Plant (NCWRP) - \$4,706:

Elimination of Radio Telemetry Equipment (\$4,706).

This request is for the issuance of an Auditor's Certificate for the purpose of funding additional work of \$4,454,446 for the contract with Westinghouse Electric Corporation.

Aud. Cert. 9700390.

FILE LOCATION: MEET CONT FY97-1

COUNCIL ACTION: (Tape location: B196-312.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-202: REFERRED TO CLOSED SESSION ON TUESDAY, OCTOBER 29, 1996

(Continued from the meeting of September 30, 1996, Item 102, at the City Manager's request, for further review.)

SUBJECT: In the matter of authorizing the City Manager and Bob Collins, Real Estate Assets Manager, representing the City's interest, to negotiate with Chateau Girard and La Jolla Seville concerning the marketing of Por. Fay Avenue.

As a requirement of the Brown Act (California Government Code Section 54956.8) this issue must be listed on the docket for public testimony prior to Council discussion in Closed Session.

TODAY'S ACTION IS:

1) Open the Public Hearing and accept testimony from any members of the public who wish to address the Council on this subject; 2) Close the public hearing; and 3) Refer the matter to Closed Session on October 29, 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B196-312.)

CONSENT MOTION BY WARDEN TO REFER TO CLOSED SESSION ON OCTOBER 29, 1996. 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-203:

SUBJECT: Extension of Bond Maturity for Parkhaven Apartments
(1984 Issue B).
(See Housing Commission Report HCR-96-153. Chollas
View and San Ysidro Community Areas.
Districts-4 & 8.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-376) ADOPTED AS RESOLUTION R-287974

Authorizing the execution and delivery of a Third
Supplemental Indenture of Trust with respect to the
City of San Diego Multifamily Mortgage Revenue Bonds
1984 Issue B; authorizing a six-month extension of bond
maturity.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D605-E297.)

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

ITEM-S400:

(Continued from the meeting of October 22, 1996, Item
337, at Deputy Mayor Stallings's request, due to the
lack of 5 affirmative votes.)

SUBJECT: The Villages at Stallions Crossing Project.

Consideration of amendments to the General Plan, NCFUA
Framework Plan and Local Coastal Program; a Rezone; a
Vesting Tentative Map; a Resource Protection Ordinance
Permit; and a Public Facilities Financing Plan. The
project is located in the Coastal Zone, therefore the
City Council's decision requires amending the City's

Local Coastal Program and the City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. The project is also located within the North City Future Urbanizing Area which requires voter approval of proposed amendments to the City's Progress Guide and General Plan to change land use designations from Future Urbanizing to Planned Urbanizing within the NCFUA. As a result, the decision of the City Council and that of the Coastal Commission are subject to the results of the ballot initiative in November. (NCFUA Subarea II.) (Case-GPA/FPA/LCP/RZ/VTM/RPO/PFFP-95-0196. District-1.)

NOTE: Public testimony portion of the hearing is closed.
Testimony taken on 10/22/96. All present.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems AA - DD and introduce the ordinance in Subitem EE.

Subitem-AA: (R-97-427) ADOPTED AS RESOLUTION R-287975

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-95-0196 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines. Directing the City Manager to return with appropriate findings, and if necessary, Statement of Overriding Considerations and Mitigation, Monitoring, and Reporting Program.

Subitem-BB: (R-97-435) ADOPTED AS RESOLUTION R-287976

Adoption of a Resolution amending the Framework Plan as proposed by the City Manager.

Subitem-CC: (R-97-424) ADOPTED AS RESOLUTION R-287977

Adoption of a Resolution approving a reduced project alternative for vesting tentative map, and requiring the applicant to work with Development Services in the appropriate revision of the map.

Subitem-DD: (R-97-425) ADOPTED AS RESOLUTION R-287978

Adoption of a Resolution approving a reduced project alternative for permits, and requiring the applicant to work with Development Services in the appropriate revision.

Subitem-EE: (O-97-58) INTRODUCED AS AMENDED, TO BE
ADOPTED ON NOVEMBER 12, 1996

Introduction of an Ordinance for CA-RR zoning (subject to a phase shift).

SUPPORTING INFORMATION:

The project site is located immediately south of Via de la Valle between San Andres Drive and El Camino Real, just north of the San Dieguito River in the City of San Diego.

FILE LOCATION: Subitem AA, BB: LAND - NCFUA Subarea II;
Subitem CC: SUBD - Villages at Stallions
Crossing; Subitem DD: PERM - RPO-95-0196;
Subitem EE: NONE

COUNCIL ACTION: (Tape location: B313-476.)

Hearing began at 3:16 p.m. and halted at 3:26 p.m.

MOTION BY MATHIS TO APPROVE THE MANAGER'S RECOMMENDATION TO DEFINE THE PROJECT AND GO FORWARD ON THE BALLOT WITH THE REDUCED DEVELOPMENT ALTERNATIVE AND INCLUDE A RESTRICTION OF A 136,500 SQUARE FOOT PROJECT; AND INTRODUCE THE ORDINANCE AS AMENDED WITH THE NEW SET OF RESTRICTIONS ASSOCIATED WITH THE REZONE. COUNCIL ALSO RESERVES THE RIGHT TO MAKE THE FINAL DECISION REGARDING THE 8-PLEX THEATER WITH DIRECTION TO STAFF TO BRING BACK THE FUTURE DISCRETIONARY PERMIT FOR COUNCIL'S APPROVAL. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-nay, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-S401: REFERRED TO CLOSE SESSION ON TUESDAY, OCTOBER 29,
1996

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

As a requirement of the Brown Act (California Government Code Section 54956.8) this issue must be listed on the docket for public testimony prior to Council discussion in Closed Session.

TODAY'S ACTION IS:

1) Open the Public Hearing and accept testimony from any members of the public who wish to address the Council on this subject; 2) Close the public hearing; and 3) Refer the matter to Closed Session on Tuesday, October 29, 1996.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E298-349.)

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Stallings at 5:55 p.m. in honor of the memory of:

Juan Hurtado, as requested by Council Member Vargas; and Shirley Day Williams, Ben Linker, and Reverend Wallace Runnels, as requested by Council Member Stevens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E590-669).