

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, DECEMBER 9, 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 2:12 p.m. City Manager McGrory and Fire Chief Osby made a special presentation to State Farm Insurance in honor of their commitment and volunteer services to the City of San Diego.

City Manager McGrory introduced Judie Italiano, President of MEA, and commended her and MEA for taking the lead in paying for and producing a video showing highlights of City employee successes and activities which was shown to all the delegates and visitors during the Republican National Convention.

Mayor Golding adjourned the meeting at 6:01 p.m. to meet in Closed Session at 9:00 a.m. on Tuesday, December 10, 1996, in the Twelfth Floor Conference Room to discuss existing litigation.

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 (ms)

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: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Tom Turner of the Trinity Baptist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wear.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding crime and justice.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A148-186.)

COUNCIL COMMENT:

None

ITEM-30:

SUBJECT: Ken Cinema 50th Anniversary Celebration.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-97-589) ADOPTED AS RESOLUTION R-288153

Recognizing Ken Cinema for its contribution to the arts
and entertainment of the City;

Proclaiming December 22 through 28, 1996 to be "Ken
Cinema Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A148-186.)

MOTION BY WARDEN TO ADOPT. Second by Mathis. 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-31: ACCEPTED REPORT

An Information Item regarding the City of San Diego
Investment Policy.

(See City Manager Report CMR-96-256.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A187-284.)

MOTION BY WEAR TO ACCEPT THE REPORT. 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-yea.

ITEM-32:

Approval of Council Minutes for the Meetings of:

11/11/96 Adjourned
11/12/96
11/18/96
11/19/96

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A143-148.)

MOTION BY KEHOE TO APPROVE. 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-yea.

* ITEM-100:

SUBJECT: Awarding a Contract to County Wholesale Electric Co.
for Programmable Logic Controllers.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-196) ADOPTED AS RESOLUTION R-288154

Accepting the low bid meeting specifications of County
Wholesale Electric Co. (San Diego), and awarding a
contract for furnishing a programmable control system
to automate forty remote pump stations, for a total
estimated cost of \$214,353.66, including tax and terms;

Authorizing the expenditure of not to exceed
\$214,353.66 from Fund No. 41500, Dept. No. 760,
Organization No. 628, Object Account No. 6010, Job
Order No. 6163;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.
(BID-H5077/96)

CITY MANAGER SUPPORTING INFORMATION:

The Water Distribution Division of the Water Department requires a programmable control system to automate forty remote pump stations for energy management with the City's 900 MHZ digital radio system. The low bid of ESD Company, offering a TiWay protocol, manufactured by Siemens Industrial Automation, Inc. does not meet the City's operational requirements as stated in the bid specifications.

Technical evaluation of the bids was conducted by the Electrical and Engineering Support Staff within the Water Distribution Division. In addition, an independent evaluation was conducted by Mark Balan & Associates, Consulting Engineers, at the request of the Water Distribution Division. Therefore, award is recommended to the second low bidder, County Wholesale Electric Co. offering a Modicon System, as their bid best meets the City's operational requirements. George Loveland, Water Department Director, and Larry Gardner, Deputy Director of Water Distribution Division concur with this recommendation.

Aud. Cert. 9700511.

FILE LOCATION: PURCHASE CONT FY97-1

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-101:

SUBJECT: Three actions related to the Final Subdivision Map of Carroll Mesa Business Park.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-512) ADOPTED AS RESOLUTION R-288155

Authorizing a Subdivision Improvement Agreement and a Six Year Deferment Agreement for Specific Improvements with H.G. Fenton Material Company for the installation and completion of public improvements.

Subitem-B: (R-97-511) ADOPTED AS RESOLUTION R-288156

Approving the final map.

Subitem-C: (R-97-513) ADOPTED AS RESOLUTION R-288157

Accepting the grant deed of H.G. Fenton Material Company, granting to the City Lot 3 for open space purposes.

FILE LOCATION: SUBITEMS A AND B: SUBD - Carroll Mesa Business Park; SUBITEM C: DEED-F-6881 CONT
FY97-1 DEED FY97-1

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

ITEM-102: RETURNED TO CITY MANAGER

SUBJECT: Two actions related to the Final Subdivision Map of Jamacha VI.

(Skyline-Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-541)

Authorizing a Subdivision Improvement Agreement with Jamacha Associates for the installation and completion of public improvements.

Subitem-B: (R-97-540)

Approving the final map.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO RETURN TO THE CITY MANAGER, AT HIS REQUEST. 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-yea.

* ITEM-103:

SUBJECT: Flood Water Storage Easement Exchange - Parcel 1 of Parcel Map PM-16227.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-581) ADOPTED AS RESOLUTION R-288158

Approving the acceptance by the City Manager of the deed of Howard S. Leight and Associates, Inc., conveying to the City a flood water storage easement in a portion of Parcel 1 of Parcel Map PM-16227;

Authorizing the execution of a quitclaim deed, quitclaiming to Howard S. Leight and Associates, Inc., all the City's right, title and interest in a flood water storage easement in a portion of Parcel 1 of Parcel Map PM-16227.

FILE LOCATION: DEED F-6882 DEED FY97-2

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-104:

SUBJECT: Opportunity Acquisition - Sutherland Reservoir Watershed.

(San Diego County/Witch Creek Community Area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-585) ADOPTED AS RESOLUTION R-288159

Authorizing the City Manager to enter into escrow and accept a Grant Deed of the State Coastal Conservancy, granting to the City a portion of the Southwest Quarter of Section 22, Township 12 South, Range 2 East, San Bernardino Meridian, in the County of San Diego;

Authorizing the expenditure of not to exceed \$10,000 from Water Utility Fund 41500 for the acquisition of the property rights and related costs.

CITY MANAGER SUPPORTING INFORMATION:

Authorization of this project and the expenditure of funds will provide a significant addition to the City's watershed ownership. This 60.66 acre parcel of vacant land is in Ramona and adjacent to Sutherland Reservoir. The Federal Government acquired this land in 1988 through its drug seizure program; the land is under the management of the U.S. Marshals Service. The U.S. Marshals Service has indicated its interest in transferring the land to the City of San Diego upon payment of \$7,818.60 in administrative costs.

However, a direct sale to the City would require the City to pay

the \$95,000 appraised value for the land.

Therefore, it is proposed to transfer the land to the State of California and then to the City. Title 18, United States Code, Section 881(e)(3), and Public Law 102-239, formerly known as the "Rowland Amendment" authorizes the State to acquire land which is suitable for recreation, historic or preservation purposes, from the Federal Government either without charge or for a nominal fee. At the request of the City, the State of California, through its State Coastal Conservancy, is prepared to enter into an escrow, accept the land and transfer the land to the City with the requirement that the City pay administrative costs of \$7,818.60 to the Department of Justice, U.S. Marshal's Office, Southern District. The Grant Deed conveying the land to the City will contain a Conservation Easement. The Water Utilities Department has inspected the land and concluded that it is acceptable as watershed land. Therefore, adoption of the resolution is recommended.

Aud. Cert. 9700505.

FILE LOCATION: DEED F-6883 DEED FY97-1

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-105:

SUBJECT: Two actions related to Easement Exchange and Easement Acquirement for Portions of Fashion Valley Center.

(Mission Valley Community Area, south of Friars Road. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-621) ADOPTED AS RESOLUTION R-288160

Approving the acceptance by the City Manager of the

deed of The Equitable Life Assurance Society of The United States, on behalf of its separate Account 8, the Prime Property Fund, conveying to the City an easement for sewer and water facilities in portions of Lots 2, 5, 6 and 7 of Fashion Valley Center, Map-10282;

Authorizing the execution of a quitclaim deed, quitclaiming to The Equitable Life Assurance Society of The United States, on behalf of its separate Account 8, the Prime Property Fund, all the City's right, title and interest in a sewer easement in portions of Lots 2, 5, 6 and 7 of Fashion Valley Center, Map-10282.

Subitem-B: (R-97-622) ADOPTED AS RESOLUTION R-288161

Approving the acceptance by the City Manager of two easement deeds of The Equitable Life Assurance Society of The United States, on behalf of its separate Account 8, the Prime Property Fund, granting to the City a flowage easement and an easement for electrical facilities in portions of Lots 2, 5, 6 and 7 of Fashion Valley Center, Map-10282.

FILE LOCATION: DEED F-6884 DEED FY97-4

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-106:

SUBJECT: Proposed Facade Easement at 2408 and 2410 First Avenue.
(Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-602) ADOPTED AS RESOLUTION R-288162

Authorizing the execution of an Architectural Facade

Easement with John O. Ernst and Allegra Ernst, husband and wife, granting to the City an architectural facade easement at 2408 and 2410 First Avenue, affecting Lots G, H and I in Block 277 of Horton's Addition.

CITY MANAGER SUPPORTING INFORMATION:

In February 1992, the City Council adopted the Inventory, Education and Incentives Elements of the Comprehensive Historic Preservation Plan (CHPP). Contained in the Incentives Element is Facade Easements, a federal tax incentive available to owners of any property listed on the National Register of Historic Places. The facade easement allows the owner to receive a federal charitable contribution deduction in exchange for ensuring the preservation of the historical, aesthetic, scenic and cultural characteristics and conditions of the facade in perpetuity. The facade is then monitored by the grantee of the facade easement, in this case the City of San Diego, on a cost-reimbursable annual basis to assure that the conditions of the easement are met. Mr. John and Mrs. Allegra Ernst, community property owners of the Long-Waterman House and Carriage House at 2408 and 2410 First Avenue, individually listed National Register of Historic Places structures, are requesting that the City accept its Grant of an Architectural Facade Easement. The City Manager recommends approval of this item as consistent with the Incentives Element of the Comprehensive Historic Preservation Plan adopted by City Council.

FILE LOCATION: DEED F-6885 DEED FY97-1

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-107:

SUBJECT: Street Dedication - Kearny Villa Road and Aero Drive.

(Serra Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-592 Rev.1) ADOPTED AS RESOLUTION R-288163

Dedicating an easement for public street purposes on a portion of Lot 9 of New Riverside on the southeast corner of Kearny Villa Road and Aero Drive, east of Highway 163 in the Serra Mesa Area, and naming the same Kearny Villa Road and Aero Drive.

CITY MANAGER SUPPORTING INFORMATION:

In March 1993, City Council approved an exclusive sale of 2.88 acres to Children's Hospital. As a condition of the transaction, recorded in the Office of the County Recorder of San Diego County November 3, 1994 as Document No. 1994-0643429, the City reserved a permanent easement and right of way for Kearny Villa Road and Aero Drive. This action will dedicate those portions of Kearny Villa Road and Aero Drive as reserved in the deed.

FILE LOCATION: DEED F-6886 DEED FY97-1

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-108:

SUBJECT: Two actions related to Recognizing Dr. Stephen C. Tuttle, D.D.S. and Karen Wood as Scripps Ranch Citizens of the Year for 1996.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-598) ADOPTED AS RESOLUTION R-288164

Recognizing and commending Dr. Stephen C. Tuttle, D.D.S., for his service as the Scripps Ranch Citizen of the Year for 1996;

Proclaiming Tuesday, December 10, 1996 to be "Dr.

Stephen C. Tuttle, D.D.S. Day" in San Diego.

Subitem-B: (R-97-599) ADOPTED AS RESOLUTION R-288165

Recognizing and commending Karen Wood for her service as the Scripps Ranch Citizen of the Year for 1996;

Proclaiming Tuesday, December 10, 1996 to be Karen Wood Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-109:

SUBJECT: Reallocation of CDBG Funds.

(Enterprise Community; and San Diego Metropolitan (Southeast/Barrio Logan) Enterprise Zone. Districts-3,4,6 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-572) ADOPTED AS RESOLUTION R-288166

Reallocating \$69,500 in Community Development Block Grant Funds previously allocated for Enterprise Community Administration and \$10,000 for Business Development and Job Placement, for job placement activities by the Enterprise Zone Job Referral Service;

Authorizing the Auditor and Comptroller to transfer \$69,500 from Fund 18532, Dept. 4110, Org. 1001, and \$10,000 from Fund 18532, Dept. 4114, Org. 1403, to Fund 18532, Dept. 4114, Org. 1412;

Authorizing the expenditure of not to exceed \$79,500

from Fund 18532, Dept. 4114, Org. 1412.

CITY MANAGER SUPPORTING INFORMATION:

The City Council, in the 1996-97 Community Development Block Grant (CDBG) appropriation cycle, approved \$69,500 for Enterprise Community Administration, and \$10,000 for Business Development and Job Placement. With the advent of the Work Opportunity Tax Credit (WOTC), a major part of Enterprise Community Administration will be job placement.

The new WOTC provides a substantial credit against the federal tax liability of employers City-wide, including the San Diego Metropolitan (Southeast/Barrio Logan) Enterprise Zone, who hire certain Enterprise Community residents. In that large portions of the federal and state program areas overlap, job placement activities can be best accomplished by utilizing an existing mechanism, the Enterprise Zone Job Referral Service. It is necessary to consolidate these funds to achieve this purpose.

Aud. Cert. 9700467.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-110:

SUBJECT: Construction of Seismic Retrofit of the Puente Drive Bridge over Castellana Road.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-575) ADOPTED AS RESOLUTION R-288167

Authorizing the City Manager to accept Program Supplement No. 11-5004(110) to Local Agency-State

Agreement, for Federal Aid Project No. 11-5004(030), for an amount of \$75,551, for the construction of seismic retrofit of the Puente Drive Bridge over Castellana Road;

Authorizing the Auditor and Comptroller to transfer not to exceed \$75,551 from Program Supplement No. 11-5004(110) to CIP-53-037.0, Annual Allocation - Earth Quake Restrainers for Bridges, for construction of seismic retrofit of the Puente Drive Bridge over Castellana Road;

Authorizing the expenditure of not to exceed \$88,883 from CIP-53-037.0, Annual Allocation - Earth Quake Restrainers for Bridges, for the construction of seismic retrofit of the Puente Drive Bridge over Castellana Road of which \$75,551 is from Program Supplement No. 11-5004(110) and \$13,332 is from TransNet Fund 30300;

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 Puente Drive Bridge over Castellana Road has been identified as a seismically deficient bridge by CalTrans. This project will install a transverse shear wall in between the two arches so that the bridge will meet current seismic retrofit standards.

Aud. Cert. 9700484.

FILE LOCATION: MEET CONT FY97-1

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-111:

SUBJECT: Two actions related to the South Effluent Outfall

Connection.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-639) ADOPTED AS RESOLUTION R-288168

Authorizing the expenditure of not to exceed \$650,000 from Fund 41508, CIP-46-134.0, South Effluent Outfall Channel, for the purpose of providing additional funds for this project's construction, contingency, and related costs, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

Subitem-B: (R-97-640) ADOPTED AS RESOLUTION R-288169

Stating for the record that the information contained in the final environmental document Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program DEP-91-0889, previously certified by Resolution R-280006, adopted on May 26, 1992, has been reviewed and considered by Council in connection with the South Effluent Outfall Connection.

CITY MANAGER SUPPORTING INFORMATION:

The South Effluent Outfall Connection (SEOC) construction project will provide a new primary on-shore effluent conveyance system and a renovated back-up conveyance system for the Point Loma Wastewater Treatment Plant. The south leg of the SEOC has been completed. The north leg is being rehabilitated and portions of it are complete with effluent flowing smoothly through a new 84-inch sleeve valve. Further rehab of the north leg's vortex structure is under way. During installation of a temporary bulkhead necessary to perform this rehab, conditions were encountered which required more diver welding time than was included in the original bid. In addition, the piping and vortex structure were found to be substantially deteriorated and the need to install additional corrosion protection systems was

identified. Recent inspections by plant personnel have also revealed extensive corrosion in the plant influent by-pass pipeline connected to the north leg of the SEOC. To accomplish this work this action requests approval of this expenditure to fund these change orders to the original SEOC contract.

Aud. Cert. 9700521.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-112:

SUBJECT: Amending the FY97 Capital Improvements Program Budget for the Mission Beach Boardwalk Widening.

(Mission Beach and Pacific Beach Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-579) ADOPTED AS RESOLUTION R-288170

Authorizing and directing the Auditor and Comptroller to amend the CIP Budget to add CIP-52-533.0, Mission Beach Boardwalk Widening, in accordance with the Fiscal Year 1997 Appropriation Ordinance;

Authorizing the Auditor and Comptroller to transfer not to exceed \$10,000 from the Annual Allocation - Street Enhancements and Revitalization Improvements TransNet Fund 30300, CIP-52-521.0, to CIP-52-533.0, Mission Beach Boardwalk Widening;

Authorizing the City Manager or duly authorized representative to conduct all negotiations, to submit all documents, including but not limited to:

applications, agreements, amendments, payment requests, and environmental documents, and to execute an agreement with the State of California, Department of Transportation, for grant funding in connection with this project as authorized by Council in Resolution No. R-287437, adopted on May 28, 1996.

CITY MANAGER SUPPORTING INFORMATION:

On May 28, 1996 (Resolution No. R-287437) City Council endorsed in concept the plan to widen to the east Ocean Front Walk (Mission Beach Boardwalk). On September 19, 1996, the California Transportation Commission (CTC) approved \$80,000 of Transportation Enhancement Activities (TEA) grant funding for the completion of the environmental review for the Mission Beach Boardwalk widening. The grant requires the City to provide a match to the \$80,000 grant funding. The administering agency of the TEA Program, State of California's Department of Transportation (CalTrans), is preparing to send the City a grant agreement for execution. This action will allow the City Manager to enter into an agreement and proceed with the environmental review.

Aud. Cert. 9700515.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

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

* ITEM-113:

SUBJECT: Settlement in Lieu of Litigation with the San Diego Police Officers Association (SDPOA).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-569) ADOPTED AS RESOLUTION R-288171

Authorizing the City Manager to provide for back pay

and adjustments to the pay step schedules for Police Officer graduates at the 29th Police Academy to coincide with representations made at the beginning of the 29th Police Academy;

Authorizing the expenditure of not to exceed \$120,000 from Fund No. 100, Dept. No. 110, Org. No. 4001.

CITY MANAGER SUPPORTING INFORMATION:

In September of 1994, 48 recently-hired Police Recruits attending an orientation for the 29th Police Academy were issued an information sheet detailing various terms and conditions of their employment. The sheet included a statement that they would be advanced to "B" Step of the salary schedule upon graduation from the Academy. At the conclusion of the Academy, in March of 1995, a training officer again displayed pay information indicating that the recruits would advance to "B" Step. However, "B" Step had previously been eliminated for new hires effective July 1, 1994, as a result of the City's Meet and Confer process with the POA. As a result, the recruits were advanced to "A" Step rather than "B" Step.

On behalf of the recruits, the POA filed a grievance requesting that the City place the recruits at "B" Step, pursuant to the representations made at the beginning and conclusion of the 29th Academy. Eventually, the POA placed the City on notice that they would pursue litigation to resolve the dispute. In Closed Session on August 6, 1996, the City Council directed the City Manager to pursue a settlement in lieu of litigation with the POA. In settlement, the POA has proposed that each attending officer receive back pay representing the difference between what they received at "A" Step and what they would have received if placed at "B" Step. In addition, they propose that each be advanced to the schedule they would have been at if they had been placed at "B" Step.

Aud. Cert. 9700250.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-114:

SUBJECT: Approving and Ratifying MOU with the Police Officers' Association (POA).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-487) ADOPTED AS RESOLUTION R-288172

Endorsing and approving the two-year MOU for Fiscal Years 1997 and 1998, agreed to by the Management Team and representatives of the POA, all pursuant to the provisions of the revised MOU.

CITY MANAGER SUPPORTING INFORMATION:

The Management Team of the City of San Diego has met and conferred with the Police Officers' Association regarding hours, wages, working conditions, and other terms and conditions of employment for employees represented by the Police Officers' Association in the Classified Service. Pursuant to these negotiations, the Management Team and Police Officers' Association have agreed to the provisions contained in the successor MOU on file with the City Clerk's Office.

FILE LOCATION: MEET CONT FY97-1

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-115:

SUBJECT: Results of the Special Municipal Election.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-97-583 Cor.Copy) ADOPTED AS RESOLUTION R-288173

Declaring the results of the Special Municipal Election held on Tuesday, November 5, 1996.

SUPPORTING INFORMATION:

A Special Municipal Election was held on November 5, 1996, and consolidated with the Presidential General Election, for the purpose of submitting six propositions to the voters of the City of San Diego. The results of this election have been certified by the Registrar of Voters and the City Clerk, and are now being certified to the City Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-116:

SUBJECT: Conflict of Interest Code for the Office of the City Manager.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-97-584) ADOPTED AS RESOLUTION R-288174

Adopting the revised Conflict of Interest Code for the Office of the City Manager.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-117:

SUBJECT: Conflict of Interest Code for the Employee Relations
and Special Projects Business Center.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-97-610) ADOPTED AS RESOLUTION R-288175

Adopting a Conflict of Interest Code for the Employee
Relations and Special Projects Business Center.

SUPPORTING INFORMATION:

The newly created Employee Relations and Special Projects
Business Center is comprised of Labor Relations, Organization
Development Services, Risk Management, Special Events, Special
Projects and San Diego Jack Murphy Stadium functions. The
conflict of interest codes for these entities were last revised
through resolutions as follows:

Manager - R-285017 adopted December 5, 1994

Financial Management - R-284902 adopted November 14, 1994

Risk Management - R-285033 adopted December 5, 1994

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-118:

SUBJECT: Second Amendment to the Agreement for State Route 56.

(Carmel Valley and Rancho Penasquitos Community Areas.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-614) ADOPTED AS RESOLUTION R-288176

Authorizing a second amendment to the agreement with Boyle Engineering, Corp., for the preparation of construction documents for the Black Mountain Road Interchange at SR-56;

Authorizing the expenditure of not to exceed \$1,080,017 from CIP-52-463.0, TransNet Fund 30302, State Route 56, between Carmel Valley and Rancho Penasquitos.

CITY MANAGER SUPPORTING INFORMATION:

On May 28, 1996, the City entered into an agreement with Boyle Engineering Corporation for initial professional engineering and design services for future State Route 56. This agreement is on file in the Office of the City Clerk as Document No. RR-287411. The second amendment to the agreement provides design services and construction documents for building the Black Mountain Road/State Route 56 Interchange. This portion is the first phase of the project to be constructed. Future amendments to this agreement will be brought before the City Council in early 1997 which will provide for the preparation of construction documents for the remaining portion of this project.

Aud. Cert. 9700527.

FILE LOCATION: MEET CCONT FY97-1

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-119:

SUBJECT: Agreement with ACCION San Diego for Specialized

Microbusiness Lending Activities.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-573) ADOPTED AS RESOLUTION R-288177

Authorizing an agreement with ACCION San Diego for specialized microbusiness lending activities;

Authorizing the expenditure of not to exceed \$60,500 from Fund 18532, Dept. 4114, Org. 1401.

CITY MANAGER SUPPORTING INFORMATION:

The City Council, in the 1996-97 Community Development Block Grant (CDBG) appropriation cycle, approved \$60,500 for ACCION San Diego. This first year's City CDBG funding is intended to further ACCION's major activities in providing capital, unavailable from traditional lending sources, to microbusinesses throughout San Diego. Due to the nominal amount of this year's allocation and the stipulation that County CDBG funds received by this agency be committed to actual loans, ACCION will utilize these City CDBG funds for administrative costs.

Aud. Cert. 9700466.

FILE LOCATION: MEET CONT FY97-1

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-120:

SUBJECT: 1997 Legislative Program.

(See Intergovernmental Relations Department Report IRD-96-10).

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-97-613) ADOPTED AS RESOLUTION R-288178

Approving the 1997 Legislative Program, as set forth in Intergovernmental Relations Department Report IRD-96-10, dated November 25, 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-121:

SUBJECT: Redevelopment of the Old Mira Mesa Library.

(See City Manager Report CMR-96-241. Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-605) ADOPTED AS RESOLUTION R-288179

Approving the establishment of a Capital Improvement Project for the design and remodeling of the Old Mira Mesa Library to include a Teen Center, Police Storefront and Retired Senior Volunteer Patrol (RSVP) Office;

Approving the amendment to the Fiscal Year 1997 Capital Improvement Program to add the redevelopment of the Old Mira Mesa Library, CIP-37-252.0, in the amount of \$787,000;

Authorizing the transfer of an amount not to exceed \$787,000 from Fund 10516, Mira Mesa Community Fund, to

CIP-37-252.0, for the completion of the project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/21/96, NR&C voted 5-0 to approve the City Manager's recommendation to direct staff to proceed with establishing a Capital Improvement Project for the design and remodeling of the Old Mira Mesa Library to include a Teen Center, Police Storefront, and Retired Senior Volunteers Patrol (RSVP) Office as set forth in City Manager Report CMR-96-241, and to investigate establishing an endowment fund with monies from the Mira Mesa Community Fund, the interest of which would be used to supplement, as needed, annual maintenance or other operational costs associated with the Mira Mesa Teen Center. (Councilmembers Mathis, Kehoe, Warden, Stallings and McCarty voted yea.)

Aud. Cert. 9700531.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-122:

SUBJECT: Application for Mortgage Credit Certificate Allocation.

(See Housing Commission Report HCR-96-186.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-562) ADOPTED AS RESOLUTION R-288180

Recommending to the California Debt Limit Allocation Committee that an increased level of private activity bond allocation be made available to local Mortgage Credit Certificate programs;

Authorizing the Executive Director of the San Diego

Housing Commission, on behalf of the City of San Diego, to submit applications between December 1, 1996 and December 31, 1997, to the California Debt Limit Allocation Committee for allocations totaling \$75,000,000, or the maximum amount allowed by the State, with respect to mortgage credit certificates to be issued by the City of San Diego in an aggregate principal amount not to exceed the maximum allowed by the State;

Depositing an amount of one percent of the requested Mortgage Credit Certificate Authority amount with the State and .00025 of the amount be paid to the State as the application fee, with said amounts to come from available budgeted Housing Commission funds.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

ITEM-150:

SUBJECT: Two actions related to the Water Re-purification Project and the Water Conveyance System Design Contract.

(See City Manager Report CMR-96-243. University, Mira Mesa, Kearny Mesa, NAS Miramar, East Elliott, Tierrasanta, Mission Trails Regional Park Community Areas. Districts-5 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-626) ADOPTED AS RESOLUTION R-288181

Approve the City Manager's recommendation to direct staff to continue with the planning, design, environmental work, and funding of the Water Re-

purification Project as outlined in City Manager Report CMR-96-243.

Subitem-B: (R-97-230) ADOPTED AS RESOLUTION R-288182

Authorizing an agreement with Boyle Engineering Corporation for design services in connection with the Re-purified Water Conveyance System - Water Re-purification Project, provided that design services authorized are absolutely necessary for the completion of the project;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$300,000 from CIP-70-916.0, Miramar Road Subsystem Extension, and an amount not to exceed \$200,000 from CIP-70-911.0, Genesee Avenue Subsystem, both to CIP-70-936.0, Water Re-purification Project;

Authorizing the expenditure of an amount not to exceed \$500,000 from Fund 41500, CIP-70-936.0, Water Re-purification Project, to fund the first phase of the agreement to commence with the Notice to Proceed and run through January 1997;

Authorizing the City Manager to establish additional contract funding phases and execute a contract with Boyle Engineering Corporation, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/21/96, NR&C voted 5-0 (Councilmembers Mathis, Kehoe, Warden, Stallings and McCarty voted yea) to:

- a. Approve the City Manager's recommendation to direct staff to continue with the planning, design, environmental work, and funding of the Water Re-purification Project as outlined in City Manager Report CMR-96-243.
- b. Approve the following recommendations by the City Manager regarding the Re-purified Water Conveyance System Design Contract with Boyle Engineering:

1. Authorize the City Manager to enter into an agreement with Boyle Engineering Corporation for design services for the Re-purified Water Conveyance System-Water Re-purification Project, Capital Improvement Program, CIP-70-936.0.
2. Authorize the transfer of funds from CIP-70-916.0, Miramar Road Subsystem Extension to CIP-70-936.0, Water Re-purification Project in the amount of \$300,000.
3. Authorize the transfer of funds from CIP-70-911.0, Genesee Avenue Subsystem to CIP-70-936.0, Water Re-purification project in the amount of \$200,000.
4. Authorize the expenditure of not to exceed \$500,000 from Fund 41500, CIP-70-936.0, for the first phase only of the Boyle Engineering Corporation contract for project design, said phase to commence with the Notice to Proceed and run through January 1997.
5. Authorize the City Manager to establish additional contract funding phases with Boyle Engineering Corporation, and to execute a contract with Boyle Engineering Corporation provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure under said contract are, or will be on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has actively been pursuing the Water Re-purification Program since August 1993. Water Re-purification is the use of highly treated reclaimed water to supplement a surface water reservoir that is used as a potable water source. A Feasibility Study was prepared and delivered to the California Department of Health Services, Drinking Water Division (DHS) in June 1994. On August 31, 1994 DHS granted conditional approval of the project concept. Based on this conceptual approval the planning studies for the Re-purification Project started immediately and were recently finalized. Also, the EIR/EIS preparation has started in February 1996 and is well under way. The next phase of this project is to start the design of the facilities. The design of the project has been divided into two contracts: Advanced Water Treatment Plant (AWTP), and Re-purified Water Conveyance System (RWCS). This action is to execute a contract with the designer of the RWCS, the second design contract. Request for Proposals for Design Engineering

Services for a Re-purified Water Conveyance System (RWCS) were advertised on November 9, 1995, in several publications.

A total of twelve proposals were received on December 22, 1995, as indicated in the Request for Proposals. All proposals were evaluated and six top firms were short-listed and notified. The six proposers gave presentations to a panel and answered questions. The panel consists of representatives from the City's Equal Opportunity Contracting Program, the City's Water Utilities Department, San Diego County Water Authority, Padre Dam Municipal Water District, the Re-purified Water Review Committee, and MWWWD. Based on review of the proposals and the presentation given, Boyle Engineering Corporation was selected to design the Re-purified Water Conveyance System for the Water Re-purification Project. This agreement with Boyle Engineering Corporation is for design engineering services. The services provide for the design of a 42-inch diameter pipeline approximately 23 miles long with a pump station located at the City's proposed Advanced Water Treatment Plant (AWTP) site at Eastgate Mall. The project consists of a Re-purified Water Pump Station, Re-purified Water Conveyance System from the future AWTP at Eastgate Mall, a Discharge Structure at San Vicente Reservoir, De-chlorination Facility, and San Vicente Reservoir Modifications. The MBE/WBE/DBE participation for this project is 7.2 percent MBE, 4 percent WBE and 3.8 percent DBE.

Aud. Cert. 9700222.

FILE LOCATION: MEET CCONT FY 97-1

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

ITEM-151:

SUBJECT: Memorandum of Understanding with Brown Field Aviation Park.

(See City Manager Report CMR-96-217. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-574) ADOPTED AS RESOLUTION R-288183

Authorizing the City Manager to execute a Memorandum of Understanding with Brown Field Aviation Park, LLC, to enter into exclusive negotiations for a two-year period for a potential 50-year lease for the proposed development and operation of approximately 423 acres at Brown Field Airport, with Airports Enterprise Fund to receive \$100,000 cash payment and an updated Airport Master Plan as consideration for such exclusive negotiation rights.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/30/96, LU&H voted 5-0 to authorize the City Manager to continue negotiating with Brown Field Aviation Park, LLC, to create a Memorandum of Understanding, which would provide a two-year exclusive negotiating agreement for developing 400+ acres of Brown Field Airport under a 50-year lease. (Councilmembers Mathis, Wear, Stevens, Warden and McCarty voted yea.)

FILE LOCATION: LEAS-Brown Field Aviation Park, LLC
LEASFY97-1

COUNCIL ACTION: (Tape location: B151-D199.)

Motion by Vargas to return this item to the Land Use and Housing Committee. No second.

MOTION BY WARDEN TO MOTION BY WARDEN TO ADOPT THE RESOLUTION WITH THE FOLLOWING CHANGES TO THE MEMORANDUM OF UNDERSTANDING AS REQUESTED BY MAYOR GOLDING:

WHERE IT SAYS "CITY'S RESPONSIBILITY TO DEVELOPER AS SET FORTH IN THIS PARAGRAPH SHALL NOT EXCEED \$500,000 AND SHALL BE PAYABLE SOLELY AND EXCLUSIVELY FROM AVAILABLE AIRPORT FUNDS" CHANGE THAT TO READ "SHALL BE PAYABLE SOLELY AND EXCLUSIVELY FROM THEIR LEASEHOLD REVENUES OR PAYMENTS".

IN SECTION 14 WHERE IT SAYS "THE DEVELOPER UNDERSTANDS AND AGREES THAT ALL NEGOTIATIONS PURSUANT TO THIS MEMORANDUM

SHALL INVOLVE THE CITY MANAGER AND HIS STAFF AND THAT ANY PROPOSED LEASE OR", ADD THE WORD "ANY" HERE "OTHER BINDING AGREEMENT MUST BE REVIEWED AND CONSIDERED AT A HEARING BEFORE THE CITY COUNCIL." ADD THE FOLLOWING SENTENCE HERE: "IF ANY SECTION OF THIS, EITHER IN THE DOCUMENT BEFORE SECTION 14 OR SUBSEQUENT, IS NOT APPROVED BY THE CITY COUNCIL, THERE IS NO AGREEMENT.". Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-200:

SUBJECT: Amended Agreements with the Chargers Football Company and the Chargers Associates.
(District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/26/96.
(Council voted 6-2. Districts 6 and 7 voted nay. Mayor Golding not present):

(O-97-61 Cor. Copy) TRAILED TO DECEMBER 10, 1996

Approving amendments to the agreements with the San Diego Chargers regarding and related to the use and occupancy of San Diego Jack Murphy Stadium.

NOTE: 6 votes required. Pursuant to Section 99 of the City Charter, a notice of public hearing regarding the adoption of the ordinance was published in the Daily Transcript on 11/29/96.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A284-299.)

Trailed to Tuesday, December 10, 1996, as requested by the City Manager.

ITEM-201:

SUBJECT: Increasing the Capital Improvements Program Budget for San Diego Jack Murphy Stadium Improvements.

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the ordinance:

(O-97-63) HEARING HELD

First public hearing of an Ordinance amending Ordinance O-18328 (New Series), entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1996-97 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," by increasing the Capital Improvements Program Budget for San Diego Jack Murphy Stadium Improvements, CIP-34-121.0, by \$18,000,000 from proposed debt financing;

Authorizing the Auditor and Comptroller to appropriate and expend up to \$18,000,000 from San Diego Jack Murphy Stadium Improvements, CIP-34-121.0, with the intent that these expenses will be funded or reimbursed from future debt financing.

NOTE: See Item 334 on the docket of Tuesday, December 10, 1996, for the introduction and adoption of the Ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO APPROVE THE FIRST HEARING.
Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Sewer Bond Financing.

(See City Manager Report CMR-96-253.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-66) TRAILED TO DECEMBER 10, 1996

Introduction of an Ordinance approving the form of a Third Supplement Indenture and approving the form of and authorizing the execution and delivery of a 1997-1 Supplement to the Master Installment Purchase Agreement relating to an installment purchase financing and approving certain other agreements and actions, pursuant to Section 99 of the City Charter.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A284-299.)

Trailed to Tuesday, December 10, 1996, as requested by the City Manager.

ITEM-203:

SUBJECT: Three actions related to Modifying the FY97 CIP Program Budget to Include a New Central Area Police Sub-Station and Associated Actions.

(See City Manager Report CMR-96-254. Southeast and Logan Heights Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-595 Corr.Copy) ADOPTED AS RESOLUTION
R-288184

Amending the FY97 CIP Appropriations Ordinance for Fiscal Year 1997 to establish a proposed Central Area Police Sub-Station (CIP-36-062.0); directing the City Manager to return to City Council in 60 days with a project cost estimate for this project.

Subitem-B: (R-97-594 Cor.Copy) ADOPTED AS RESOLUTION
R-288185

Appropriating \$950,000 in the Fiscal Year 1997 Citizens
Options for Public Safety Grant Funds, for the design
and construction of the Central Area Police
Sub-Station.

Subitem-C: (R-97-629) ADOPTED AS RESOLUTION R-288186

Directing the City Manager to initiate a community plan
amendment to designate the future site of the Central
Area Police Sub-Station from 30th Street and Imperial
Avenue to 25th Street and Imperial Avenue.

Aud. Cert. 9700524.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D201-E394.)

MOTION BY VARGAS TO ADOPT, WITH A DIRECTIVE TO THE CITY
MANAGER, AS REQUESTED BY WEAR, TO RETURN TO THE PS&NS
COMMITTEE WITHIN THE NEXT 90 DAYS TO LOOK AT THE FEASIBILITY
OF ADDING JUST A STOREFRONT ALONG "C" STREET AND IN THE
MIDWAY COMMUNITY. Second by Stevens. 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-204:

SUBJECT: Annual Report of the Select Committee on Government
Efficiency and Fiscal Reform.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-97-688) ADOPTED AS RESOLUTION R-288187

In the matter of the Annual Report of the Select
Committee on Government Efficiency and Fiscal Reform.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E420-F224.)

MOTION BY KEHOE TO ADOPT. Second by Stallings. 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-205:

SUBJECT: Award of Contract - Lease/Purchase of Electronic Parking Meter Mechanisms and Parking Meter Housing.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-195) ADOPTED AS RESOLUTION R-288188

Accepting the bid meeting specifications of Tri-State Meter, Inc. (Mesa, AZ), and awarding a contract for the lease/purchase of electronic parking meter mechanisms and parking meter housing, as may be required for a period of one year beginning October 1, 1996 through September 30, 1997, with options to renew the contract for three additional one year periods with option period escalation not to exceed 10 percent of prices in effect at the end of the prior contract period;

Authorizing the City Manager to finance the acquisition of 4,900 Electronic Parking Mechanisms under the Master Lease Program;

Authorizing the expenditure of not to exceed \$80,000 from Department No. 534, Object Account No. 6019, Job Order No. 8608;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-I5183/97)

CITY MANAGER SUPPORTING INFORMATION:

These parts are to be used to convert the City's existing mechanical meters to the modern electronic meters which are

capable of accepting multiple coin denominations and prepaid electronic card devices. Technical evaluation of the bid was made by the Transportation Department, Street Division staff. This is a first time purchase and there are no figures for comparison. This is a requirement contract for which funds will be made available as Purchase Orders are written.

Aud. Cert. 9700516.

FILE LOCATION: PURCHASE CONT FY97-1

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

ITEM-206:

SUBJECT: Calculation of Water and Sewer Capacity Charges for Small Commercial Projects.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-488) ADOPTED AS RESOLUTION R-288189

Directing the City Manager to establish the minimum water and sewer capacity charges for commercial customers at \$125 per fixture unit, which are derived by dividing the current minimum charge per equivalent dwelling unit by 20, the number of fixture units in one equivalent dwelling unit.

CITY MANAGER SUPPORTING INFORMATION:

Resolution No. R-287543 established minimum water and sewer capacity charges of \$2,500 per equivalent dwelling unit (EDU) and a lower, incentive rate (\$1,500 per EDU) which would be applied in certain specified circumstances. The Uniform Building Code has established fixture units to determine quantitatively the load-producing effects of different types of plumbing fixtures on the water and sewer systems. Twenty fixture units are defined as equaling one equivalent dwelling unit. On occasion, but very

rarely, commercial customers will make connections to the water or sewer systems which are less than twenty fixture units. Under the current resolution these connections would be charged the minimum capacity charge (\$2,500). No such connections would meet the eligibility requirements for the incentive rate. The recommended action will allow such connections to be charged a rate proportionate to the volume of water/sewer usage. The proposed rate of \$125 per fixture unit is derived by dividing \$2,500 (the current rate for one EDU) by 20 (the number of fixture units in one EDU).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

ITEM-207:

SUBJECT: North Metro Interceptor, Phase II, Construction Phase 2 Funding.

(Midway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-637) ADOPTED AS RESOLUTION R-288190

Authorizing the City Auditor and Comptroller to transfer amounts not to exceed \$925,000 from Sewer Fund No. 41508, CIP-45-911.0, South Metro Interceptor, and \$550,000 from Sewer Fund No. 41509, CIP-42-910.6, South Bay Water Reclamation Plant, to Sewer Fund No. 41508, CIP-46-104, North Metro Interceptor;

Authorizing the expenditure of an amount not to exceed \$6,962,995 from Sewer Fund No. 41508, CIP-46-104.0, North Metro Interceptor, to provide funds for the North Metro Interceptor, Phase II contract funding contingency, and related costs.

CITY MANAGER SUPPORTING INFORMATION:

On April 1, 1996, Resolution R-287119, the City Council authorized the City Manager to advertise and award a Construction Contract for North Metro Interceptor - Phase II (NMI II). The Contract was awarded to Elmore - Woods J.V. and a Notice to Proceed was issued on August 30, 1996. This request is for issuance of an Auditor's Certificate for the purposes of funding Phase 2 of the Construction Contract.

The phases of this contract, approved by the City Manager on August 1, 1996 and anticipated related costs area as follows:

		CONSTRUCTION	CONTINGENCY	RELATED COSTS
FY 1997	Phase 1 -	\$6,287,000	\$314,350	\$116,000
	Phase 2 -	\$6,559,995	\$328,000	\$ 75,000
FY 1998	Phase 3 -	\$3,578,995	\$178,950	\$ 50,000
	Phase 4 -	\$1,913,005	\$ 95,650	\$ 50,000

Aud. Cert. 9700522.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

ITEM-208:

SUBJECT: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-617) ADOPTED AS RESOLUTION R-288191

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GENL - State of Emergency Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

ITEM-209:

SUBJECT: Actions related to Proposed Acquisition of 80 Acres (Mesa Top) in Carmel Valley Neighborhoods 8 and 8A for the Settlement of Litigation of Torrey Pines Investment Group, et al. v. City.

(District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution and hold the first public hearing of the ordinance:

Subitem-A: (R-97-) TRAILED TO DECEMBER 10, 1996

Adoption of a Resolution for funding the Mesa Top Acquisition.

Subitem-B: (O-97-38) HEARING HELD

First public hearing in the matter of:

An Ordinance amending the Annual Appropriations Ordinance for Fiscal Year 1996-97, for funding the Mesa Top acquisition.

NOTE: See Item 338 on the docket of Tuesday, December 10, 1996 for the introduction and adoption of the ordinance in Subitem B.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO TRAIL SUBITEM A TO DECEMBER 10, 1996 TO BE HEARD IN CLOSED SESSION FIRST, AS REQUESTED BY THE CITY MANAGER, AND TO APPROVE THE FIRST HEARING FOR SUBITEM B. 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-yea.

* ITEM-S400:

SUBJECT: Joint Application for Habitat Conservation Funds with the San Dieguito River Park Joint Powers Authority.

DEPUTY MAYOR WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-97-653) ADOPTED AS RESOLUTION R-288192

Approving the application for Grant Funds for the Local Agency Grant Program - Fiscal Year 1997/98 - under the Habitat Conservation Fund Program of the California Wildlife Protection Act of 1990 for the Bernardo Bay Natural Area Trails Plan.

Aud. Cert. 9700566.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

* ITEM-S401:

SUBJECT: Future Role of the Housing Trust Fund Board of Trustees.

(See Housing Commission Report; and memorandum from Councilmember Kehoe dated 10/30/96.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-40) INTRODUCED, TO BE ADOPTED JANUARY 13, 1997

Introduction of an Ordinance amending Chapter IX, Article 8, Division 5, of the San Diego Municipal Code by amending Sections 98.0501, 98.0502, 98.0506 and 98.0507; by amending the Title of Section 98.0508; by amending Sections 98.0510 and 98.0528, by amending the Title of Section 98.0527, and repealing Sections 98.0513, 98.0514, 98.0515, 98.0516, 98.0517, 98.0518, 98.0519, 98.0520 and 98.0521, relating to the San Diego Housing Trust Fund.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 12/4/96, LU&H voted 4-0 to recommend that the City Council amend the Housing Trust Fund Ordinance to authorize the Housing Commission to assume the duties and responsibilities of the Housing Trust Fund Board of Trustees; and to direct the Housing Commission to report back to Land Use and Housing (LU&H) Committee with any recommended changes to the Loan Committee Policy which might be necessary to take on the responsibility of reviewing loans/grants regarding the Housing Trust Fund, including analysis of appointment categories which will meet the added responsibility requirements. Additionally, the Housing Commission is directed to report back to LU&H Committee in 6 months with a strategy for fulfilling the enhanced community outreach process. (Councilmembers Mathis, Wear, Kehoe and Stevens voted yea, Councilmember Vargas was not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A284-B151.)

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-yea, Stallings-nay, McCarty-yea, Vargas-nay, Mayor Golding-yea.

* ITEM-S402:

SUBJECT: Balboa Park and Mission Bay Park Capital Improvements Program.

(See City Manager Report CMR-96-232; Councilmember Wear's 9/23/96 and 11/20/96 memorandums. Balboa Park and Mission Bay Park Community Areas. Districts-2 & 3.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-635) ADOPTED AS RESOLUTION R-288193

Authorizing the increase in the appropriation of \$5.7 million to CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, San Diego Facilities and Equipment Leasing Corporation Construction Fund 91106 Certificates of Participation in Phase IC;

Authorizing the City Council's intent to allocate project expenditures as previously approved by Natural Resources and Culture Committee action.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/21/96, NR&C voted 5-0 (Councilmembers Mathis, Kehoe, Warden, Stallings and McCarty voted yea), to approve the identified project allocations for the Certificates of Participation Phase IC additional proceeds as shown on the recommended list of priority projects reflected in Attachment A of City Manager Report CMR-96-232 with the following changes and additions:

a. Reapply the \$350,000 identified in Attachment A of City Manager Report CMR-96-232 for El Carmel and Ventura Point comfort stations toward funding a new Mission Bay Park Headquarters Building as described in Councilmember Wear's 11/20/96 memorandum.

b. Designate \$650,000 for a new Mission Bay Park Headquarters Building as a priority on the unfunded projects list, eligible to receive proceeds realized through cost savings from other projects within the Balboa Park/Mission Bay Capital Improvements Program.

Aud. Cert. 9700563.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO ADOPT. 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-yea.

ITEM-S403:

SUBJECT: Exemption of District 5 Council Representative Position from the Classified Service.

(District-5.)

DEPUTY MAYOR WARDEN'S RECOMMENDATION:

Hold the first public hearing of the following ordinance:

(O-97-65) HEARING HELD

An Ordinance amending Ordinance No. O-18328 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1996-97 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal year," by exempting one Council Representative Position in Council District 5 from the Classified Service.

NOTE: Today's action is the first public hearing. See Item S501 on the Supplemental Docket of Tuesday, 12/10/96 for the second public hearing and introduction and adoption of the ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A284-B151.)

CONSENT MOTION BY MATHIS TO APPROVE THE FIRST HEARING. 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-yea.

NON-DOCKET ITEMS:

None

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:01 p.m. in honor of the memory of Dr. Arthur Ellis, as requested by Council Member Stevens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F225-252).