

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 7, 1997
AT 3:30 P.M.
MISSION TRAILS REGIONAL PARK
ONE FATHER JUNIPERO SERRA TRAIL
SAN DIEGO, CA 92119

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 3:45 p.m. City Manager Jack McGrory announced that the City of San Diego has been honored by Public Technology Inc. as winner in the annual Technology Achievement Awards Program. The winning entry was submitted by the Environmental Services Department for the Green Building Demonstration Project. Rich Hays, Director of the Environmental Services Department came forward to receive the award. Mr. McGrory also announced that the Metropolitan Wastewater Department received an honorable mention for their Owner Controlled Insurance Program, which is the first of its kind in the state, and which the City has realized millions of dollars in savings. Mayor Golding adjourned the meeting at 5:21 p.m. into Closed Session on Tuesday, April 8, 1997, at 8:30 a.m. in the twelfth floor conference room to discuss existing, anticipated, and potential litigation, property acquisition, and meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour (mc)

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 John Carter of the Tierrasanta Baptist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the following fifth and sixth graders from Briney Elementary School who are currently Counselors-in-Training for the Mission Valley YMCA P.R.Y.D.E. Program: Brian Anderson, Frческа Mustari, Tatiana Romes, Lilliam Shingleton and Terrel Stewart.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding the subject "Debt Destroys."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A075-101.)

ITEM-PC-2: REFERRED TO CITY MANAGER

Comment by Carolyn Chase regarding Earth Day at Balboa Park on April 20, 1997. Ms. Chase stated that San Diego Earth Day applied for a permit to hold an event at Mariners Point and was denied. ESPN was granted a permit to hold the X Games at Mariners Point on June 21-28, 1997, which is the peak time of the least tern nesting site. Her concern was that a local group was denied a permit to use the site and yet ESPN was granted the permit to hold the X Games. She asked Council to evaluate other sites for ESPN which are designed to have that kind of impact, such as Fiesta Island, South Shores Park, or where they have the hydro-boats in Mission Bay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A105-131.)

ITEM-PC-3:

Comment by Barrie Owens regarding school safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A133-170.)

ITEM-PC-4:

Comment by Eric Bowlby thanking Council Members Mathis and Wear for the Storm Drain Diversion Plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A171-185.)

ITEM-PC-5:

Comment by Tony Agurs regarding CDBG funds for the San Diego Home Loan Council Service.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A188-215.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Kehoe thanking Mayor Golding and Council Member Wear for joining her at University Heights to dedicate the new University Heights Community sign. Ms. Kehoe also commented that Monday morning at the Museum for Contemporary Arts, a number of Arts Organizations gathered along with Council Member Stallings, Congressman Bilbray, and herself, to celebrate receiving \$760,000 in National Endowment funds for the San Diego Arts Organizations.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A217-229.)

ITEM-CC-2:

Comment by Council Member Vargas thanking Council Member McCarty for the work she has done to make Mission Trails Regional Park a beautiful place.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A230-246.)

ITEM-CC-3:

Comment by Council Member McCarty thanking the Mayor and Council, and the public for attending the Council meeting at Mission Trails Regional Park.

FILE LOCATION: MINUTES

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

ITEM-30:

SUBJECT: Kelsey-Jenney College Week.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-954) ADOPTED AS RESOLUTION R-288506

Proclaiming the week of April 7 through 11, 1997 to be "Kelsey-Jenney College Week" in San Diego, in honor of this remarkable institution's 110 years of education and service to the community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A302-353; A420-485.)

CONSENT MOTION BY WARDEN 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-31: APPROVED

Approval of Council Minutes for the Meetings of:

3/17/97

3/18/97

3/24/97 Adjourned

3/25/97 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A297-301.)

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-32:

SUBJECT: YMCA and SDG&E Character Development Month.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-993) ADOPTED AS RESOLUTION R-288507

Recognizing the YMCA and SDG&E for their many contributions to the quality of life in San Diego;

Proclaiming April 1997 to be "YMCA and SDG&E Character Development Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A354-485.)

CONSENT MOTION BY WARDEN 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-50:

SUBJECT: Two actions related to the Multiple Species Conservation Program (MSCP).

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 3/19/97. (Council voted 8-0. Councilmember Stevens not present):

Subitem-A: (O-97-90 REV.) ADOPTED AS ORDINANCE O-18394
(New Series)

Authorizing the City Manager to execute the City of San Diego Implementing Agreement with the CDFG and the USFWS contingent upon their approval of the MSCP in substantially the same form as approved by Council.

Subitem-B: (O-97-91 COR. COPY 4/3/97) ADOPTED AS ORDINANCE
O-18395 (New Series)

Authorizing the City Manager to execute the Cornerstone Lands Conservation Bank Agreement with the CDFG and the USFWS to conserve identified Water Utility lands, contingent upon approval of the MSCP in substantially the same form as approved by Council.

FILE LOCATION: LAND - Multiple Species Conservation Program
(MSCP) CONFY97-2

COUNCIL ACTION: (Tape location: A486-C049.)

MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES FOR ITEM 50 AND TO APPROVE THE RECOMMENDED ACTIONS FOR ITEM 202 AS STATED IN MAYOR GOLDING'S MEMORANDUM TO THE COUNCIL MEMBERS DATED APRIL 7, 1997 AS FOLLOWS:

WETLANDS PROCESS STATUS

APPROVE A LETTER SUPPORTING CONGRESSMAN BILBRAY'S REQUEST FOR THE ARMY CORP OF ENGINEERS TO BE FUNDED, THROUGH FEDERAL APPROPRIATIONS, TO PARTICIPATE IN THE DEVELOPMENT IN A REGIONAL WETLANDS PROTECTION PROGRAM.

COMMUNITY OPEN SPACE LANGUAGE

THE FOLLOWING LANGUAGE CLARIFIES THE COUNCIL POLICY ADOPTED ON MARCH 18, 1997 ON COMMUNITY OPEN SPACE WHICH STATES THAT PROCEDURES NEED TO BE DEVELOPED SO COUNCIL CAN, BY ITS ACTION, PROTECT AREAS OUTSIDE THE MSCP PRESERVE WHICH HAVE SPECIAL COMMUNITY OPEN SPACE VALUES BUT WHICH DO NOT INVOLVE THREATENED OR ENDANGERED SPECIES:

"OUTSIDE THE PRESERVE, ENCROACHMENT INTO SENSITIVE BIOLOGICAL RESOURCES MAY BE LIMITED WHEN A DISCRETIONARY ACTION HAS BEEN TAKEN BY THE CITY COUNCIL TO DESIGNATE A PARCEL OF LAND AS OPEN SPACE IN ANY LAND USE PLAN AND OPEN SPACE ZONING HAS BEEN APPLIED TO THAT PARCEL WHICH RESTRICTS DEVELOPMENT AREA."

GRASSLANDS COVERAGE LANGUAGE

THE FOLLOWING LANGUAGE CLARIFIES THE POLICY TO PURSUE HABITAT COVERAGE OF GRASSLANDS, THAT COUNCIL ADOPTED AT THE LAST COUNCIL MEETING, WHICH STATES THAT THE CITY OF SAN DIEGO WILL WORK WITH PROPERTY OWNERS AND THE STATE AND FEDERAL WILDLIFE AGENCIES TO PROVIDE HABITAT LEVEL COVERAGE FOR GRASSLANDS, PROVIDING APPROPRIATE CONSERVATION LEVELS ARE MET:

"CITY STAFF SHOULD BEGIN THE PROCESS TO OBTAIN GRASSLANDS COVERAGE BY WORKING CLOSELY WITH THE STATE AND FEDERAL AGENCIES, PROPERTY OWNERS AND STAKEHOLDERS ON A PLAN WHICH FOCUSES ON THE MANAGEMENT, RESTORATION AND THE INCLUSION OF PUBLICLY OWNED GRASSLANDS, WHERE POSSIBLE, TO ACCOMPLISH THE GOAL OF COVERAGE."

PREFACE TO MSCP

TO APPROVE THE DRAFTING OF A NEW PREFACE FOR THE BEGINNING OF THE MSCP THAT OUTLINES MORE THAN WHAT HAS ALREADY BEEN OUTLINED BY STAFF, AND EXPLAINS COUNCIL'S POLICY INTENT, WHAT THE MSCP IS, AND WHAT IT IS INTENDED TO ACCOMPLISH. THE POLICY INTENT AS A PREFACE SHOULD BE AVAILABLE TO MEMBERS OF THE COMMUNITY, AND FOR THE MAYOR AND COUNCIL TO MAIL OUT IF THERE ARE QUESTIONS PERTAINING TO THE DEFINITION OF THE MSCP.

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-51:

SUBJECT: Master Lease Program.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/17/97.

(Council voted 8-0. District 4 not present.):

(O-97-94) ADOPTED AS ORDINANCE O-18396 (New Series)

Authorizing a Master Lease Agreement with Heller Public Finance to serve as a primary lease provider for leases with 3 and 4-year terms and as a back-up lease provider for leases with 5 and 7-year terms, for the purpose of financing the acquisition of equipment through lease-purchase;

Authorizing a Master Lease Agreement with Pitney Bowes Credit Corporation to serve as a primary lease provider for leases with 5 and 7-year terms and as a back-up lease provider for leases with a 3-year term for the purpose of financing the acquisition of equipment through lease-purchase;

Authorizing a Master Lease Agreement with Koch Financial Corporation to serve as a back-up lease provider for leases with a 4-year term for the purpose of financing the acquisition of equipment through lease-purchase.

FILE LOCATION: PURCHASE CONFY97-3

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-52: HEARING HELD

SUBJECT: First Public Hearing of an Ordinance Regarding a Mid-Year Budget Adjustment to Add Nobel Drive Median Enhancement Project.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the ordinance:

(0-97-96)

First public hearing of an Ordinance amending Ordinance No. O-18328 (New Series), as amended, titled "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 adding a new CIP Project, CIP-52-644.0, titled "Nobel Drive Median Enhancement";

Authorizing the Auditor and Comptroller to transfer not to not to exceed \$45,000, TransNet Fund No. 30300, from CIP-52-330.0, Sorrento Valley Road - Industrial Ct. to Carmel Valley Road, to CIP-52-644.0, Nobel Drive Median Enhancement;

Authorizing the expenditure of not to exceed \$45,000 from CIP-52-644.0, Nobel Drive Median Enhancement, Fund 30300.

CITY MANAGER SUPPORTING INFORMATION:

The proposed new CIP Project will provide for the hardscaping and landscaping of the center median on Nobel Drive between Lebon Drive and Regents Road. The median landscaping will be maintained by the existing La Jolla Village Drive Landscape Maintenance District at no additional cost to the members. The project will provide for a more liveable neighborhood and add

landscape continuity on Nobel Drive.

Aud. Cert. 9700875.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN TO APPROVE THE FIRST HEARING.
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-100:

SUBJECT: Use of City Forces in connection with Force Main No. 1
and No. 2 Sluice Gates.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-887) ADOPTED AS RESOLUTION R-288508

Authorizing the use of City Forces in connection with
Force Main No. 1 and No. 2 Sluice Gates;

Declaring that the cost of the work shall not exceed
\$25,000;

Authorizing the expenditure of an amount not to exceed
\$338,945 from Fund No. 41508, CIP-46-181.0, Force Main
No. 1 and No. 2 Sluice Gates, to provide additional
project related costs, including above work by City
Forces, provided that the City Auditor first furnishes
a certificate demonstrating that the funds are, or will
be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

This request is for additional project related costs in the
amount of \$338,945 for the Force Main No. 1 and No. 2 Sluice
Gates project of which \$236,215 will fund engineering services
for the design of a scour protection system for Sewer Force Main
No. 2, and an internal inspection plan for the Sewer Force Main
No. 1 and \$102,730 will fund administration, owner controlled

insurance and City Force Work.

Aud. Cert. 9700918.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN 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-101:

SUBJECT: Drainage Easement Abandonment Within Lots 6 & 7,
Map-5232.

(Del Cerro Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-831) ADOPTED AS RESOLUTION R-288509

Vacating the drainage easement located within Lots 6 &
7, College Canyon Park, Unit 1, Map-5232.

CITY MANAGER SUPPORTING INFORMATION:

The proposed drainage easement abandonments have been requested to unencumber City owned property. The storm drain system within the easements was damaged beyond repair from recent storms. The drainage from this system has been temporarily rerouted to Genoa Drive and Mill Peak Road until an entirely new underground drainage system, which is being designed, is constructed. The future drainage system will utilize the existing street rights-of-way with no plans to use the easements proposed for abandonment. Staff review of these drainage easement abandonments indicate the four required findings for this abandonment can be made and this easement may be summarily abandoned.

FILE LOCATION: DEED F-6954 DEEDFY97-1

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN 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-102:

SUBJECT: Agreement with the County of San Diego's Office of AIDS
Coordination.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-938) ADOPTED AS RESOLUTION R-288510

Authorizing an agreement with the County of San Diego's
Office of AIDS Coordination to provide services to
clientele previously served by the AIDS Foundation of
San Diego, Inc., for the time period of March 1, 1997
through June 30, 1997;

Authorizing the expenditure of not to exceed \$70,000
from the Human Care Services Special Fund No. 19668,
Account No. 9544.

CITY MANAGER SUPPORTING INFORMATION:

On February 28, 1997, the AIDS Foundation of San Diego, Inc., due
to financial difficulties, ceased operations. The City of San
Diego has a current FY 97 CDBG contract in the amount of \$212,852
with the agency to provide a food bank, a Buddy Program, and a
transportation program for clients infected with the AIDS virus.
The current contract has \$70,000 that is unexpended and was
budgeted for clients of the Foundation for the period of March 1,
1997 through June 30, 1997.

The County of San Diego's Office of AIDS Coordination has agreed
to contract with the City of San Diego for the provision of
services for the clients of the AIDS Foundation during this time
period. In order that there not be a disruption of services to
the clients, it is proposed that the City contract with the
County, who will in turn coordinate the provision of services and
ensure contract compliance with a variety of vendors who will be
asked to assist during this crisis period.

Aud. Cert. 9700899.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN 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-103:

SUBJECT: As-Needed Consultant Agreement with Hirsch and Company
for Closed Circuit Television Inspection and Evaluation
of Small Diameter Sewer Mains.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-969) ADOPTED AS RESOLUTION R-288511

Authorizing an as-needed consultant agreement with
Hirsch and Company for closed circuit television
inspection and evaluation of small diameter sewer mains
on an as-needed basis at a cost not to exceed \$500,000;

Authorizing the expenditure of not to exceed \$550,000
from Sewer Fund No. 41506.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego, as part of its program to replace all
small diameter concrete sewer mains, desires to include any
deficient vitrified clay sewer mains in close proximity to the
concrete mains.

In order to evaluate the condition of the vitrified clay pipe in
those areas, the Metropolitan Wastewater Department recommends
closed circuit television inspection of those mains. The footage
of those mains requiring inspection is estimated to be 400,000
feet, and will be conducted over a two-year period.

These inspections will be done in conjunction with preliminary
engineering studies in progress for replacement of the concrete
sewer mains. The cost to perform the work, including special
services and contingencies, is estimated to be \$500,000. Related
City project management costs are estimated at \$50,000. Total
project costs are \$550,000.

Aud. Cert. 9700920.

WWF-97-275.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
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-104:

SUBJECT: International Boundary and Water Commission
-Right-of-Entry Permit.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-960) ADOPTED AS RESOLUTION R-288512

Authorizing the execution of a Right-of-Entry Permit
with the International Boundary and Water Commission
for a groundwater monitoring well.

CITY MANAGER SUPPORTING INFORMATION:

In 1991, the City executed a right of entry permit with the International Boundary and Water Commission for the installation of a groundwater monitoring well. The well is located on City-owned property at the San Ysidro border crossing. The permit is currently on a month-to-month hold over. The Commission recently requested a new permit for continued use of the well through July 31, 2001. The ground water monitoring is required as mitigation for construction of the South Bay International Wastewater Treatment Plant, in which the City has also participated. Consideration to the City for granting this permit will be copies of the reports and data received from the monitoring well, which are of value to the Water Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN 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-105:

SUBJECT: Excusing Councilmember George Stevens from the Council
Meetings of 3/17/97, and 3/18/97; and the LU&H
Committee Meeting of 3/19/97.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-973) ADOPTED AS RESOLUTION R-288513

Excusing Councilmember George Stevens from attending
the following regularly scheduled meetings:

1. Council meetings of March 17 and 18, 1997; and
2. Land Use and Housing Committee meeting of March 19,
1997.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN 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-106:

SUBJECT: Bill Otterson Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-97-972) ADOPTED AS RESOLUTION R-288514

Recognizing and commending Bill Otterson for his
leadership, vision, spirit and efforts he has dedicated
to the betterment of the people, industry and economy

of San Diego;

Proclaiming Thursday, March 27, 1997 to be "Bill Otterson Day" in San Diego, in recognition of Bill's tireless dedication and devotion to making San Diego a wonderful place to do business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN 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-107:

SUBJECT: Excusing Councilmember Stallings from the NR&C Committee Meeting of 1/29/97.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-936) ADOPTED AS RESOLUTION R-288515

Excusing Councilmember Valerie Stallings from attending the Natural Resources and Culture Committee meeting on January 29, 1997, due to a previous commitment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN 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-108: RETURNED TO DISTRICT 8

SUBJECT: Dr. Doris Alvarez Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-975)

Recognizing and commending Dr. Doris Alvarez for her commitment to the citizens of the San Diego Community; Proclaiming Wednesday, April 2, 1997 to be "Dr. Doris Alvarez Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN TO RETURN THIS ITEM TO DISTRICT 8 AT COUNCIL MEMBER VARGAS' REQUEST, UNTIL SUCH TIME WHEN DR. DORIS ALVAREZ CAN BE IN ATTENDANCE. 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-109: CONTINUED TO APRIL 14, 1997

SUBJECT: Christmas in April Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-981)

Designating Friday, April 19, 1997 to be "Christmas in April Day" in San Diego.

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN TO CONTINUE THIS ITEM FOR ONE WEEK, AS REQUESTED BY COUNCIL MEMBER VARGAS, FOR FURTHER REVIEW. 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-110:

SUBJECT: Partnership of Immunization Providers' Day.

COUNCILMEMBER STALLINGS'S AND COUNCILMEMBER MATHIS'

RECOMMENDATION:

Adopt the following resolution:

(R-97-991) ADOPTED AS RESOLUTION R-288516

Proclaiming April 7, 1997 to be "Partnership of Immunization Providers' Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN 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-200:

SUBJECT: North Metro Interceptor - Phase I and Phase II.

(Midway and Old Town Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-964) ADOPTED AS RESOLUTION R-288517

Approving Change Order No. 42, dated February 24, 1997, issued in connection with the contract with PCL Civil Constructors, Inc., amounting to a net increase in the contract price of \$901,441;

Authorizing the City Auditor to transfer an amount not to exceed \$1,770,000, consisting of \$1,300,000 from Fund No. 41509, CIP-45-923.0, Dairy Mart Road & Bridge Improvements, and \$470,000 from Fund No. 41509, CIP-42-911.3, North City Raw Sludge & Water Pipelines, to Fund No. 41508, CIP-46-104.0, North Metro Interceptor Project;

Authorizing the expenditure of an amount not to exceed \$1,770,000 from Fund No. 41508, CIP-46-104.0, North Metro Interceptor Project, to provide additional funds for contingency and related costs for Phase I of the project, provided that the City Auditor first furnishes

a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$642,350 from Fund No. 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency, to provide additional funds for CIP-46-104.0, North Metro Interceptor, Phase II project contingency, 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.

CITY MANAGER SUPPORTING INFORMATION:

On December 13, 1994, Resolution R-285136, the City Council authorized the award of a construction contract for the North Metro Interceptor - Phase I (NMI-I) to the lowest responsible bidder (PCL Civil Constructors, Inc.) 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. North Metro Interceptor Phase I requires additional funds to address differing site conditions under Interstate 8, obstruction in Junction Structure 3, and a 2-inch overlay and change of alignment on Pacific Highway. This action authorizes the expenditure of \$1,770,000 for Phase I to fund Change Order No. 42 in the amount of \$901,441 and \$868,559 for anticipated future change orders. This action also authorizes funding in the amount of \$642,350 from Pooled Contingency for Phase II of this project for future needs.

Aud. Certs. 9700909 and 9700910.

FILE LOCATION: CONT - PCL Civil Constructors, Inc.
 CONFY97-1

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN 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-201:

SUBJECT: North City Cogeneration Project (Privatized).

(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-980) ADOPTED AS RESOLUTION R-288518

Authorizing and directing the City Auditor and Comptroller in accordance with the 1996-1997 Appropriation Ordinance, to amend the CIP budget to add CIP-46-504.0, North City Cogeneration Project, and to increase CIP-46-504.0, by the amount of \$1,216,250;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,216,250 from the balance in Fund 41509 to CIP-46-5040, North City Cogeneration Project;

Authorizing the expenditure of an amount not to exceed \$1,216,250 from Fund 41509, CIP-46-504.0, North City Cogeneration Project, to provide funds for construction, contingency, and related costs in the project, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for establishing contract funding phases are, or will be on deposit in the City Treasury;

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

CITY MANAGER SUPPORTING INFORMATION:

Previous City Council actions have established agreements with NEO Corporation to provide a privatized Landfill Gas (LFG) collection system at the Miramar Landfill, and with Minnesota Methane to provide privatized cogeneration systems at the Metro Biosolids Center and at the North City Water Reclamation Plant. During the negotiations for the North City Cogeneration Facility it was decided that it would be in the City's best interest to own, design, and install the 10-inch landfill gas pipeline between the Miramar Landfill and the North City Cogeneration Facility. This project provides for the funds to install approximately 4.23 miles of 10-inch landfill gas pipeline to be owned by the City from the West Phase II Landfill to the North City Cogeneration Facility at NCWRP, and associated administrative support. The purpose of this authorization is to modify the FY 97 CIP Budget to include CIP-46-504.0, North City

Cogeneration Project, and to amend the FY 1997 CIP Program to increase CIP-46-504.0, North City Cogeneration Project, by \$1,216,250 to fund the installation of the 10-inch city-owned landfill gas pipeline, contingency and related costs.

Aud. Cert. 9700916.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN 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-202: DISCUSSED

SUBJECT: Informational Report from the City Manager regarding follow-up issues from the Multiple Species Conservation Program (MSCP) hearing to implement MSCP.

Discussion to include:

1. Formation of Committee of Financial Experts.
2. Clarification of Ambiguous Program Requirements.
3. Additional training for City staff.
4. Retention of a Real Estate Expert.
5. Creation of a Preface for the MSCP.
6. Inclusion of MSCP policies in the Zoning Code Update.
7. Protection of Community Open Space Outside of Preserve.
8. Status of Grasslands as Sufficiently conserved Habitat.

FILE LOCATION: LAND - Multiple Species Conservation Program (MSCP)

COUNCIL ACTION: (Tape location: A486-C049.)

MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES FOR ITEM 50 AND TO APPROVE THE RECOMMENDED ACTIONS FOR ITEM 202 AS STATED IN MAYOR GOLDING'S MEMORANDUM TO THE COUNCIL MEMBERS DATED APRIL 7, 1997 AS FOLLOWS:

WETLANDS PROCESS STATUS

APPROVE A LETTER SUPPORTING CONGRESSMAN BILBRAY'S REQUEST FOR THE ARMY CORP OF ENGINEERS TO BE FUNDED, THROUGH FEDERAL APPROPRIATIONS, TO PARTICIPATE IN THE DEVELOPMENT IN A

REGIONAL WETLANDS PROTECTION PROGRAM.

COMMUNITY OPEN SPACE LANGUAGE

THE FOLLOWING LANGUAGE CLARIFIES THE COUNCIL POLICY ADOPTED ON MARCH 18, 1997 ON COMMUNITY OPEN SPACE WHICH STATES THAT PROCEDURES NEED TO BE DEVELOPED SO COUNCIL CAN, BY ITS ACTION, PROTECT AREAS OUTSIDE THE MSCP PRESERVE WHICH HAVE SPECIAL COMMUNITY OPEN SPACE VALUES BUT WHICH DO NOT INVOLVE THREATENED OR ENDANGERED SPECIES:

"OUTSIDE THE PRESERVE, ENCROACHMENT INTO SENSITIVE BIOLOGICAL RESOURCES MAY BE LIMITED WHEN A DISCRETIONARY ACTION HAS BEEN TAKEN BY THE CITY COUNCIL TO DESIGNATE A PARCEL OF LAND AS OPEN SPACE IN ANY LAND USE PLAN AND OPEN SPACE ZONING HAS BEEN APPLIED TO THAT PARCEL WHICH RESTRICTS DEVELOPMENT AREA."

GRASSLANDS COVERAGE LANGUAGE

THE FOLLOWING LANGUAGE CLARIFIES THE POLICY TO PURSUE HABITAT COVERAGE OF GRASSLANDS, THAT COUNCIL ADOPTED AT THE LAST COUNCIL MEETING, WHICH STATES THAT THE CITY OF SAN DIEGO WILL WORK WITH PROPERTY OWNERS AND THE STATE AND FEDERAL WILDLIFE AGENCIES TO PROVIDE HABITAT LEVEL COVERAGE FOR GRASSLANDS, PROVIDING APPROPRIATE CONSERVATION LEVELS ARE MET:

"CITY STAFF SHOULD BEGIN THE PROCESS TO OBTAIN GRASSLANDS COVERAGE BY WORKING CLOSELY WITH THE STATE AND FEDERAL AGENCIES, PROPERTY OWNERS AND STAKEHOLDERS ON A PLAN WHICH FOCUSES ON THE MANAGEMENT, RESTORATION AND THE INCLUSION OF PUBLICLY OWNED GRASSLANDS, WHERE POSSIBLE, TO ACCOMPLISH THE GOAL OF COVERAGE."

PREFACE TO MSCP

TO APPROVE THE DRAFTING OF A NEW PREFACE FOR THE BEGINNING OF THE MSCP THAT OUTLINES MORE THAN WHAT HAS ALREADY BEEN OUTLINED BY STAFF, AND EXPLAINS COUNCIL'S POLICY INTENT, WHAT THE MSCP IS, AND WHAT IT IS INTENDED TO ACCOMPLISH. THE POLICY INTENT AS A PREFACE SHOULD BE AVAILABLE TO MEMBERS OF THE COMMUNITY, AND FOR THE MAYOR AND COUNCIL TO MAIL OUT IF THERE ARE QUESTIONS PERTAINING TO THE DEFINITION OF THE MSCP.

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-203:

SUBJECT: COMNET: Westinghouse Electric Corporation Amendment
No. 10.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-968) ADOPTED AS RESOLUTION R-288519

Authorizing a tenth amendment to the agreement of August 8, 1994, with Westinghouse Electric Corporation for the Wastewater Operations Manger Network (COMNET) in an amount not to exceed \$2,516,279;

Authorizing the Auditor and Comptroller to transfer an amount no to exceed \$1,736,393 from Metropolitan Sewer Fund No. 41508, Program Element 771410, Object Account 3221, to Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$10,499,951 from CIP-45-920.0, Wastewater Operations Management Network (COMNET), to reappropriate prior years' contract phase funding, as follows:

\$ 623,306 to CIP-42-911.4, Metro Biosolids Center;

\$ 247,167 to CIP-46-055.0, FIRP Pump Station;

\$6,784,370 to CIP-42-910.1, North City Water Reclamation Plant;

\$ 523,249 to CIP-42-911.3, North City Raw Sludge and Water Pipelines;

\$ 410,106 to CIP-46-120.0, Pe asquitos Trunk Sewer Relief;

\$1,900,000 to CIP-46-170.0, Point Loma Digester Upgrade and Expansion; and

\$ 11,753 to CIP-46-129.0, Point Loma Digesters N1/N2 Roofs and Heating Systems;

Authorizing the expenditure of not to exceed

\$213,785.58 from Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET), to provide funds for project contingency and related costs;

Authorizing the expenditure of not to exceed \$2,516,279 to fund Amendment No. 10, as follows:

\$1,602,644 from Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET);

\$ 332,107 from Fund No. 41509, CIP-42-911.4, Metro Biosolids Center;

\$ 107,757 from Fund No. 41509, CIP-46-055.0, FIRP Pump Station;

\$ 234,362 from Fund No. 41509, CIP-42-910.1, North City Water Reclamation Plant;

\$ 33,870 from Fund No. 41509, CIP-42-911.3, North City Raw Sludge and Water Pipelines;

\$ 42,207 from Fund No. 41509, CIP-46-170.0, Point Loma Digester Upgrade and Expansion;

\$ 180,160 from Fund No. 41509, CIP-40-921.0, FIRP Phase II Digested Sludge and Centrate Pipeline; and

Modifying the funding sources for this project by deleting \$16,828 from Fund No. 41506, CIP-46-120.0, Penasquitos Trunk Sewer Relief.

Authorizing the City Manager to revise contract funding phases with Westinghouse Electric Corporation for the project, based on the actual low base bid and negotiated amendments, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the 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 for implementation of the Wastewater Operations Management Network (COMNET) CIP-45-920.0. Previous Council Actions authorized the City Manager to amend Westinghouse's contract and phase funding in Amendments 2 through

8. Amendment No. 9, pending City Council approval, will authorize the implementation of the software needed to automated Point Loma Wastewater Treatment Plant.

It is requested that the City Council transfer \$1,736,393 from the Sewer Fund Operations and Maintenance Budget to the COMNET CIP budget for the following: funding for Amendment No. 10 in the amount of \$1,602,644 and \$133,749 for Project Contingency and related costs. It is also requested that the City Council approve prior year reappropriations and the revised phase funding schedule for this contract, which includes the following additional scope of work:

CIP-45-920.0 - COMNET \$1,602,644 (\$349,931 fixed cost and \$1,252,713 additional services): Provide additional software and hardware changes for the Process Control Training Simulator (PCTS), including process control modeling for NCWRP, as requested by the Operations and Maintenance Division and to develop the lesson plans and graphics. This will provide training on highly critical situations (\$349,931). The additional services amount of \$1,252,713, will be utilized primarily for the following time critical projects: \$752,713 for Closed Circuit Television, and \$500,000 for Maintenance Management System Phase 5 for integration of department facilities.

CIP-42-911.4 - Metro Biosolids Center (MBC) \$332,107: Conformance of MBC with the standard specifications, which includes: modular furniture, fail safe alarms, start up after power failure, and out of service indication (\$196,708). Install thinner stainless steel tubing (\$7,552); and provide and install (38) additional pressure indicating transmitters (\$127,847).

CIP-46-055.0 - FIRP Pump Station \$107,757: Conformance of project with standard specifications, includes: modular furniture, capability of workstations to do redlining, out of service capabilities, and the cost of maintenance for Distributed Control System (DCS) equipment not covered by the original contract (\$46,839); Install thinner stainless steel tubing (-\$103); Provide, assemble, and calibrate (12) Annular Seals (\$33,572); Upgrade 304 to 316 stainless steel (\$26,567); and modification to the software, loop diagrams, and software graphics (-\$882).

CIP-42-910.1 - North City Water Reclamation Plant (NCWRP) \$234,362: Provide and install (10) fire alarm graphics to the DCS indicating the locations of activated alarms (\$40,815); Deletion of Waste Activated Sludge Pump Flow Switches and re-wiring of control panels as directed by the Engineer of Record (\$7,510); Shaping and Trimming of Process Control Module Cables for

Terminations (\$181,729); and Provide and install panel revisions as directed by the Engineer of Record to conform to current construction practices (\$4,308).

CIP-42-911.3 - North City Raw Sludge and Water Pipelines \$33,870: Conformance of this project with standard specifications, which includes: modular furniture, fail safe alarms, start up after power failure, and out of service (\$33,870).

CIP-46-120.0 Penasquitos Trunk Sewer Relief <\$16,828>: Revise installation of the Page Party and Fire Alarm Systems to department standard (\$48,467); and Deletion of (52) instruments from Westinghouse's contract, since instruments are being provided by another contractor (-\$65,295).

CIP-46-170.0 - Point Loma Digester Upgrade and Expansion \$42,207: Provide instrumentation and controls for the methane waste gas burners (\$42,207).

CIP-40-921.0 - FIRP Phase II Digested Sludge and Centrate Pipeline \$180,160: Provide and install software for controlling the valves and pigging stations along this project (\$180,160).

This request is for the issuance of an Auditor's Certificate for the purpose of funding Additional Work of \$2,516,279 for the contract with Westinghouse Electric Corporation.

Aud. Cert. 9700931.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A420-485.)

CONSENT MOTION BY WARDEN 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-S400:

(Continued from the special meeting of April 2, 1997,
Item 200, to allow time to complete legal documents.)

SUBJECT: Two actions related to San Diego Jack Murphy Stadium
Expansion.

(Mission Valley Community Area. District-6.)

NOTE: The public testimony portion of the hearing is

open. No testimony taken on 4/2/97. Districts 4 and 5 not present.

NOTE: The hearing for the second reading of the ordinances was noticed in the Daily Transcript pursuant to Section 99 of the City Charter on 3/7/97.

CITY MANAGER'S RECOMMENDATION:

Adopt the following ordinances which were re-introduced on 3/18/97:

Subitem-A: (O-97-92 Rev.) ADOPTED AS ORDINANCE O-18397
(New Series)

Authorizing the agreement conveying naming rights to San Diego Jack Murphy Stadium between QUALCOMM, Inc. and the City of San Diego.

(On 3/18/97 Council voted 7-0. Councilmember McCarty ineligible. Councilmember Stevens not present.)

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

Subitem-B: (O-97-93 Rev.) ADOPTED AS ORDINANCE O-18398
(New Series)

Authorizing a First Supplement to the 1995 Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium between the Chargers Football Company and the City of San Diego.

(On 3/18/97 Council voted 8-0. Councilmember Stevens not present.)

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

FILE LOCATION: Subitem A: LEAS - QUALCOMM, Inc. ;
Subitem B: LEAS - Chargers Football Company
LEASFY97-2 61 (Stadium)

COUNCIL ACTION: (Tape location: C052-144.)

Hearing began at 5:18 p.m. and halted at 5:20 p.m.

Testimony in opposition by Don Stillwell.

Testimony in favor by Paul Miles.

MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES APPROVING THE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND QUALCOMM IN CONVEYING THE NAMING RIGHTS AND THE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE CHARGERS FOOTBALL COMPANY. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-ineligible, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:21 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C145.)