

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, OCTOBER 10, 1995  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:12 a.m. Mayor Golding adjourned the meeting at 12:20 p.m. to meet immediately in Closed Session at the rear hallway of the Council Chambers to discuss existing litigation matters.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present  
(1) Council Member Mathis-present  
(2) Council Member Harvey-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-excused by  
R-286488 (Attended Coastal Commission  
Meeting)

Clerk-Abdelnour/Fishkin (mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present  
(1) Council Member Mathis-present  
(2) Council Member Harvey-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-not present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-330: CONTINUED TO OCTOBER 17, 1995

SUBJECT: Two actions related to the Fairmount Avenue/Montezuma Road Interchange. (See City Manager Report CMR-95-228. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-311)

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the widening and improvement of the Fairmount Avenue/Montezuma Road Interchange affecting Lot 82 and portions of Lots 86, 87, 88, 89, 90, 92 and 93 of Alvarado Unit No. 2, in the City of San Diego; and that the public interest, convenience and necessity demand the acquisition of fee title to and easements in the above property; Declaring that the proposed project is planned in a manner that will be most compatible with the greatest public good and the least private injury; Declaring the intention of the City of San Diego to acquire the property and easements under eminent domain proceedings; Directing the City Attorney to commence an action in Superior Court for the purpose of condemning the property and easements and acquiring immediate possession.

NOTE: 6 votes required for Subitem A.

Subitem-B: (R-96-312)

Authorizing the expenditure of an amount not to exceed \$15,000 from Fund 30244/30300, Organization 107, Object Account 4279, Job Order 524330 (CIP-52-433.0), for costs related to condemnation of fee title and easement interests in connection with the Fairmount Avenue/Montezuma Road Interchange Project.

Aud. Cert. 9600320.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A015-104.)

CONSENT MOTION BY KEHOE TO CONTINUE THIS ITEM FOR ONE WEEK, AT THE REQUEST OF COUNCIL MEMBER McCARTY, TO ALLOW THE CITY MANAGER TO MEET WITH MR. LAMBRON. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-331: RETURNED TO CITY MANAGER

SUBJECT: Proposed Interim Amendment to the Residential Care Facilities Ordinance (San Diego Municipal Code Section 101.0581). The purpose of the amendment is to change the regulatory process to reasonably accommodate the special housing needs of disabled individuals and amend the Housing Element of the Progress Guide and General Plan to more fully describe the housing needs of the homeless. The proposed amendments will apply to residential care facilities citywide and enable the City's regulatory process to conform with the Federal Fair Housing Act Amendments and the State Housing Element law. The proposed amendments affect the Coastal Zone, therefore, the City Council's decision requires an amendment to the City's Local Coastal Program. As a result, the City of San Diego must submit these amendments to the Coastal Commission for certification. The amendments are not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendments. (Citywide)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution and introduce the ordinance:

Subitem-A: (R-96-318)

Adoption of a Resolution directing City staff to amend the Housing Element of the Progress Guide and General Plan, to comply with the State Housing Element law.

Subitem-B: (O-96-54)

Introduction of an interim Ordinance to repeal Municipal Code Section 101.0581, Conditional Use Permit Development Standards and Locational Criteria for Residential Care Facilities and replace with new development regulations, to comply with the Federal Fair Housing Act.

OTHER RECOMMENDATIONS:

Planning Commission has not reviewed this item. It is anticipated that the Planning Commission will be asked to review the permanent regulations as part of the second draft of the Zoning Code Update.

This is a citywide issue and was reviewed by the Community Planners Committee (CPC) on February 22, 1994. The CPC expressed particular concern about the unequal distribution of facilities in the City and notification of planning groups regarding pending applications. The Advisory Committee on Human Care Facilities and the Quality of Life Board have both endorsed the concept of regulating the number of beds allowed based on the maximum density permitted by the applicable base zone.

CITY MANAGER SUPPORTING INFORMATION:

The City's current regulation requiring a Conditional Use Permit for Residential Care Facilities having seven or more beds has been challenged in court by a class action lawsuit. One of the allegations is that the City's CUP requirement is in violation of the Federal Fair Housing Act and in violation of State Housing Element law. Trial of the lawsuit is slated to begin in October. The City Attorney has advised the Planning Department that the City's current ordinance is in danger of being invalidated, based on its inconsistency with the provisions of the Fair Housing Act. In order to address this inconsistency, the City may adopt regulatory provisions that would allow reasonable accommodation of the special housing needs of people classified as disabled, as required by the Fair Housing Act.

FILE LOCATION: Subitem A: LAND - Housing Element of the  
Progress Guide and General Plan; Subitem  
B: NONE

COUNCIL ACTION: (Tape location: A105-C611.)

Hearing began at 10:21 a.m. and halted at 12:19 p.m.

Council Member Stevens left at 10:43 a.m. and returned at  
10:47 a.m.

Testimony in favor by Sylvia Hampton, Ann Fathy, and Barbara  
Storey. Testimony in opposition by Howard Roberts and  
Reynaldo Pisano.

MOTION BY KEHOE TO NOT TAKE ACTION ON THIS ITEM UNTIL THE  
MAPPING OF THE FACILITIES THAT ARE COVERED UNDER THE  
ORDINANCE HAS BEEN COMPLETED AND PRESENTED TO COUNCIL.  
APPROVE ITEM 5 OF THE CITY MANAGER'S RECOMMENDATIONS, AS  
LISTED ON CITY MANAGER'S REPORT NO. P-95-136, DATED OCTOBER  
3, 1995 AS FOLLOWS:

ITEM 5: DIRECT THE INTERGOVERNMENTAL RELATIONS  
DEPARTMENT TO PURSUE THE STATE AND FEDERAL LEGISLATIVE  
CHANGES ENDORSED BY THE LAND USE AND HOUSING COMMITTEE.  
ACCEPT COUNCIL MEMBER HARVEY'S AMENDMENT TO THE MOTION TO  
APPROVE ITEMS 4 AND 6 OF THE CITY MANAGER'S RECOMMENDATIONS  
AS LISTED ON CITY MANAGER'S REPORT NO. P-95-136, DATED  
OCTOBER 3, 1995 AS FOLLOWS:

ITEM 4: DIRECT THE CITY MANAGER TO DEVELOP A VOLUNTARY  
"GOOD NEIGHBOR PLAN" TO INCLUDE A MEDIATION PROGRAM IN ORDER  
TO ENCOURAGE EARLY COMMUNICATION BETWEEN POTENTIAL  
APPLICANTS AND IMMEDIATE NEIGHBORS AND COMMUNITY GROUPS; AND

ITEM 6: DIRECT THE CITY MANAGER TO IMPLEMENT THE  
FOLLOWING REMAINING ACTIONS AS RECOMMENDED BY THE LAND USE  
AND HOUSING COMMITTEE THAT DOES NOT REQUIRE STATE OR FEDERAL  
LEGISLATIVE CHANGES:

1) DIRECT THE CITY MANAGER TO PREPARE AND MAINTAIN UPDATED  
MAPS OF RESIDENTIAL CARE FACILITIES AND ALLOCATE THE  
\$26,000 NECESSARY FOR THIS FUNCTION; 2) NOTIFY THE  
APPROPRIATE COUNCIL OFFICES AND THE AREA POLICE COMMANDS  
WHEN AN APPLICATION FOR A STATE LICENSE HAS BEEN RECEIVED BY  
THE CITY PRIOR TO THE CITY'S RESPONSE BACK TO THE STATE; AND  
3) REQUEST APPLICANTS TO OBTAIN A REPORT FROM THE STATE

COMMUNITY CARE LICENSING OFFICE REGARDING COMPLIANCE OF THE PROPOSED SITE AND BUILDING WITH ALL LICENSING REQUIREMENTS, PRIOR TO ISSUANCE OF A LAND USE OR BUILDING PERMIT (THIS WILL BE CODIFIED AS A REQUIREMENT IN THE ZONING CODE UPDATE).

ACCEPT COUNCIL MEMBER MCCARTY'S RECOMMENDATION FOR STAFF TO EXAMINE THE POSSIBILITY OF HAVING WEEKLY OR MONTHLY DRUG TESTING AT THE RESIDENTIAL CARE FACILITIES. ACCEPT MAYOR GOLDING'S RECOMMENDATION TO REQUEST THE STATE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF LICENSES FOR RESIDENTIAL CARE FACILITIES UNTIL CITY STAFF COMPLETES MAPPING THE EXISTING FACILITIES. STAFF IS ALSO DIRECTED TO COMPLETE THE MAPPING AS SOON AS POSSIBLE SO THAT COUNCIL WILL BE ABLE TO DETERMINE WHERE THE PRESENT RESIDENTIAL CARE FACILITIES ARE LOCATED AND WHERE OTHER RESIDENTIAL CARE FACILITIES CAN BE LOCATED UNDER THE 300 FEET GUIDELINE. Second by McCarty. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-332:

SUBJECT: Three actions related to the Metropolitan Wastewater Plan Financing Program. (See City Manager Report CMR-95-220.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolutions in Subitems B and C:

Subitem-A: (O-96-53) INTRODUCED, TO BE ADOPTED OCTOBER 30, 1995

Introduction of an Ordinance approving the form of a Second Supplemental Indenture, approving the form of and authorizing the execution and delivery of a 1995-1 Supplement to the Master Installment Purchase Agreement, and a Continuing Disclosure Agreement associated with the issuance of bonds not to exceed \$350 million for the Metropolitan Wastewater Plan.

NOTE: 6 votes required for Subitem A pursuant to Section 99 of

the City Charter.

Subitem-B: (R-96-332) ADOPTED AS RESOLUTION R-286427

Approving a revenue plan that includes a 0 percent sewer service charge increase in FY 1996 and annually consider rate adjustments as required to support the proposed bond issuance and meet the capital and operating requirements of the Municipal Sewer System and the Metropolitan Wastewater Plan.

Subitem-C: (R-96-309 Cor.Copy) ADOPTED AS RESOLUTION R-286428

Requesting that the City Attorney draft a ballot measure seeking approval of changes to the City Charter permitting the establishment of a commercial paper program as a cash and debt management tool.

FILE LOCATION: Subitem A: NONE; Subitems B & C: MEET

COUNCIL ACTION: (Tape location: A015-104.)

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

ITEM-333:

SUBJECT: Two actions related to the San Diego Stadium Improvement Project - San Diego Chargers Training Facility - Phase I. (Mission Valley and Kearny Mesa Community Areas. District-6.) (Continued from the meeting of August 14, 1995, Item 209, at the suggestion of Mayor Golding, to allow time to complete negotiations with SDG&E.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-15 Rev.1) ADOPTED AS RESOLUTION R-286429

Inviting bids for the Construction of the San Diego Chargers Training Facility, Phase I on Work Order No.

341211; Authorizing a contract with the lowest responsible bidder; Authorizing the City Manager to execute a contract with Robbins Jorgensen Christopher Architects (RJC) for an amount not to exceed \$998,000 from Fund 10332, CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, for professional services required for the design of the San Diego Chargers Training Facility; Authorizing the transfer and appropriation of \$3,000,000 from Fund 10226, Trolley Extension Reserve, to CIP-34-121.0, Fund 10332, San Diego Jack Murphy Stadium Improvements, to provide interim project funding with the transfer to be repaid from bond proceeds; Authorizing the expenditure of \$748,000 from CIP-34-121.0, Fund 10332, San Diego Jack Murphy Stadium Improvements, for a site preparation contract for the San Diego Chargers Training Facility; Authorizing the expenditure of \$808,000 from Fund 10332, CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, for professional services required for the design of the San Diego Chargers Training Facility; Authorizing the addition of CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, to the FY96 Budget in the amount of \$60,000; Authorizing a contract with the lowest responsible bidder for the site preparation of the San Diego Chargers Training Facility, based on the actual low bid received for an amount not to exceed \$1,300,000 from CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, Fund 10332; Stating for the record that the final Mitigated Negative Declaration DEP-95-0261, has been reviewed and considered prior to approving the project; Adopting the Mitigation Monitoring and Reporting Program.

(BID-K96000)

Subitem-B: (R-96-16 Corr.Copy)  
R-286430

ADOPTED AS RESOLUTION

Certifying that the information contained in Mitigated Negative Declaration DEP-95-0261, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the Declaration reflects the independent judgement of the City of San Diego as Lead Agency, and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the San Diego Jack Murphy Stadium Improvements and Charger Practice Field and Training Facility Project; Declaring that the Council finds that project revisions now mitigate potentially



significant effects on the environment previously identified in the Initial Study; Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

On May 15th, the City Council authorized and subsequently adopted an ordinance for the 1995 Agreement for the Partial Use and Occupancy of San Diego Jack Murphy Stadium between the Chargers Football Company and the City (the "1995 Agreement"). The 1995 Agreement provided for \$60,000,000 in Stadium and related improvements, including: additional seating at the Stadium, renovation and construction of skybox suites, improved public amenities at the Stadium, new scoreboards, and a training facility. The San Diego Chargers Training Facility will provide administrative, player, public relations, and ticket facilities. Some of the building functions include weight training, auditorium, steam rooms, locker rooms, staff lounge, offices, conference room, and media rooms. The site will also include practice fields. In accordance with Council Policy 300-7 and Administrative Regulation 25.60 four (4) firms were selected by the Consultant Nominating Committee. Interviews were conducted on March 27, 1995 with Robbins Jorgensen Christopher being recommended for professional services. Fee negotiations were consummated on July 10, 1995, resulting in mutually acceptable terms and conditions including a base fee of \$861,188, miscellaneous expenses of \$34,682, and additional services (if needed) of \$102,130. In order to adhere to the construction time line as imposed by the 1995 agreement, it was necessary to enter into an interim agreement with Robbins Jorgensen Christopher Architects (RJC). In July 1995, the City Manager authorized an interim agreement with RJC in the amount of \$250,000 for professional services required for the design of the San Diego Chargers Training Facility. Authorization is requested for the City Manager to enter into a contract with RJC, for the balance of \$748,000, for a total not-to-exceed amount of \$998,000. Additionally, authorization is requested for the City Manager to enter into a site preparation contract, with the lowest responsible bidder, for the San Diego Chargers Training Facility, for a not-to-exceed amount of \$1,300,000. Authorization of the transfer of funds from Fund 10226, Trolley Extension Reserve, is requested to fund interim project costs to be repaid from bond proceeds and must be repaid prior to fiscal year-end to fund required Trolley Extension debt services reserves.

Aud. Cert. 9600080.

FILE LOCATION: W.O. 341211 CONT - Soltek of San Diego  
(construction); Robbins Jorgensen  
(Architect for site preparation)  
CCONTFY96-1 CONTFY96-1

COUNCIL ACTION: (Tape location: A015-104.)

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

ITEM-334:

SUBJECT: San Diego Jack Murphy Stadium Improvements - Design/Build Contract. (Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-216 Cor. Copy) ADOPTED AS RESOLUTION R-286431

Authorizing the City Manager to approve the programming plans and specifications for the design and construction of the San Diego Jack Murphy Stadium improvements; Authorizing a First Amendment to the Agreement with HNTB Architects, for additional work for the design/build performance specifications for the San Diego Jack Murphy Stadium Improvement Project; Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$268,020 from Fund 10332, CIP-34-121.0, San Diego Jack Murphy Stadium Improvements;

Authorizing the City Auditor and Comptroller to transfer and appropriate an amount not to exceed \$300,000 from Fund 10226, Trolley Extension Reserve, to Fund 10332, CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, to provide interim Project funding with the transfer to be repaid from bond proceeds;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$38,532,000 from the Public Facilities Financing Authority Fund 92510, Stadium

and Training Facility Construction Fund, CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, for a design/build contract to provide for the construction of the Project, including contingency and other related Project costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that funds necessary for expenditure under the contract, are, or will be, on deposit, in the City Treasury, and contingent upon the issuance of Lease Revenue Bonds by the Public Facilities Financing Authority prior to January 31, 1996; Authorizing the City Manager to recommend to the San Diego Public Facilities Financing Authority the award of the design/build contract to construct the Project to be entered into between the Public Facilities Financing Authority and the best and lowest economic bidder, based on actual bids received, in an amount not to exceed \$38,532,000 with the City acting as contract administrator on behalf of the Public Facilities Financing Authority, contingent upon the issuance of Lease Revenue Bonds by the Public Facilities Financing Authority prior to January 31, 1996; Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$2,100,000 from Fund 10332, CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, for work through March 31, 1996 on the Project in accordance with the payment schedule contained in the design/build contract, with the expenditure to be reimbursed to Fund 10332 from funds in the Stadium and Training Facility Construction Fund 92510 upon the receipt of bond proceeds;

Authorizing the City Auditor and Comptroller to transfer and appropriate an amount not to exceed \$5,000 from Fund 100, Program Reference No. 601651, non-departmental expenses, to CIP-34-121.0, San Diego Jack Murphy Stadium Improvements.

**CITY MANAGER SUPPORTING INFORMATION:**

On May 15, 1995, the City Council authorized and subsequently adopted an ordinance for the 1995 Agreement for the Partial Use and Occupancy of San Diego Jack Murphy Stadium between the Chargers Football Company and the City (the "1995 Agreement"), the Facilities Use and Occupancy Agreement between the Chargers Football Company and the City (the "Facilities Agreement") and the 1995 Agreement for Use and Occupancy of the Skybox Areas at San Diego Jack Murphy Stadium between the Chargers Associates and the City (the "Skybox Agreement"). These agreements provide for \$60,000,000 in Stadium and related improvements, including: additional seating at the Stadium, renovation and construction of skybox suites, improved public amenities at the Stadium, new

scoreboards, and a practice field and training facility. The City is acting as contract administrator for the Public Facilities Financing Authority. Approval is requested to authorize the City Manager to award the Design/Build contract with the best and lowest economic bidder, based on actual bids received, for the design and construction of the San Diego Jack Murphy Stadium Improvements for an amount not to exceed \$38,532,000. The contract provides for a payment schedule which coincides with the phases contained in the project construction schedule and limits expenditures through January 31, 1996 to \$2,100,000. Authorization is requested for the expenditure of \$2,100,000 in accordance with this payment schedule with the expenditure to be reimbursed to Fund 10332 upon the receipt of bond proceeds. The contract will utilize funds available in Fund 10332, CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, for the design and construction of the Stadium improvements from September 1995 through January 1996 with the balance of the Design/Build contract contingent upon the issuance of bonds. It is anticipated that bonds will be issued by the Public Facilities Financing Authority in January 1996. Should bonds not be issued by January 31, 1996, the Stadium Improvements Design/Build contract will be terminated and the City will have no further financial obligation. Authorization is requested for the First Amendment of the Agreement with HNTB Architects in the amount of \$268,020 for additional work for the Design/Build performance specifications for the San Diego Jack Murphy Stadium Improvements project. Authorization is requested for the transfer of funds from Fund 10226, Trolley Extension Reserve, to provide interim funding for the Design/Build contract for the San Diego Jack Murphy Stadium Improvements. Funds borrowed to fund interim project costs be repaid from bond proceeds.

Aud. Cert. 9600217.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A015-104.)

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

ITEM-335:

SUBJECT: Contract with Service America Corporation for Concession Services at the Stadium. (See City Manager Report CMR-95-218.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-55) INTRODUCED, TO BE ADOPTED OCTOBER 30, 1995

Introduction of an Ordinance authorizing a third amendment to the 1983 Agreement for concession, restaurant, and catering services at San Diego Jack Murphy Stadium between Service America Corporation and the City of San Diego;

Authorizing a first amendment to the agreement for restaurant and catering services in the Stadium Club and Loge Level Lounge at San Diego Jack Murphy Stadium between Service America Corporation and the City of San Diego;

Authorizing a second amendment to the lease agreement between Service America Corporation and the City of San Diego.

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

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A015-104.)

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

ITEM-336:

SUBJECT: Property Exchange between the City of San Diego and San Diego Gas & Electric Company. (University City & Kearny Mesa Community Areas. Districts-1 & 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-371 Cor. Copy) ADOPTED AS RESOLUTION R-286432

Authorizing agreements effecting the exchange of City-owned Lot 8 of Eastgate Technology Park Unit No. 1, and Lots 11 through 16 of Eastgate Technology Park Unit No. 3, for Lots 11 through 16 inclusive of Murphy Canyon Gateway Unit No. 1, owned by San Diego Gas & Electric Company.

CITY MANAGER SUPPORTING INFORMATION:

The City has agreed to provide the San Diego Chargers (Chargers) with a practice facility as a part of consideration for the Chargers extending its franchise agreement with the City. The City and Chargers have looked at a number of sites, and have identified a site owned by San Diego Gas & Electric Company for the practice facilities. The site is about 50 acres and is located at the southwest corner of Balboa and Interstate 15. The City Manager is proposing to enter into a land exchange through an interconnected escrow with San Diego Gas & Electric and prospective purchasers of City-owned property known as Lot 8, Unit 1 and Unit 3, Eastgate Technology Park, which is roughly 82 acres in size. The City is in the process of finishing the negotiations for the sale and will be bringing a separate action forward soon to approve of that sale. The terms of the exchange are that SDG&E will receive the benefit of the sale of Eastgate property for its property in an amount equal to \$6.3 million. Staff anticipates that the City's part of the exchange will occur in 4 months. SDG&E has agreed to let the City take immediate possession of its property. The City will pay rent of \$30,000 plus accrued taxes and interest at the close of escrow. If the exchange doesn't take place at the end of the 4 months, the City can extend the escrow for an additional 8 months to effectuate the exchange.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A015-104.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 12:20 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C612.)