

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 30, 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 2:08 p.m. Mayor Golding welcomed a group of visiting South Korean government officials that are at the American Language Institute of San Diego State University.

City Manager McGrory presented the Gold Award from the Metropolitan Sewage Agencies to the Point Loma Wastewater Treatment Plant for flawless operation during calendar year 1995. This plant operated in compliance with every state and federal permit requirement, 24 hours a day for 365 days, without a single exception. This is the second year Point Loma has won this award. He commended Dave Schlesinger and all the employees for doing a tremendous job.

Mayor Golding adjourned the meeting at 3:19 p.m. to meet in Closed Session on Tuesday, October 1, 1996, at 9:00 a.m. in the twelfth floor conference room to discuss existing litigation, anticipated litigation, and property acquisition.

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 Dave Larsen of the College
Lutheran Church

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vargas.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell commented on mysteries.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A030-052.)

ITEM-PC-2:

Sky apologized for his actions in the last City Council meeting. He said he had not read the rules for public comment prior to that meeting. He also thanked the City Council for doing a good job.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A061-074.)

ITEM-PC-3:

Michelle Pearce commented on the homeless in San Diego living in their vehicles. She asked the City Council to consider amending the Municipal Code to take away the criminal penalties for this.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A076-098.)

ITEM-PC-4:

Doug Beckham thanked the Council Members for using CDBG funds for code enforcement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A100-105.)

ITEM-PC-5:

Forrest Curo commented on the need for more homeless shelters, particularly when there is bad weather.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A107-130.)

ITEM-PC-6:

Art Salzberg commented that the City Council needs to take the leadership in preserving the symphony and cultural needs of the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A131-153.)

ITEM-PC-7:

Mel Shapiro commented on landlords defrauding the taxpayers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A154-181.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Kehoe thanked the Association of City employees for registering voters at work sites over their lunch hour. They have currently registered 100 voters.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A194-200.)

ITEM-CC-2:

Council Member Stevens commented on the disruption caused by the Dole campaign rally held at the Concourse. City employees were detained, employees who had left the building were unable to return to the second floor, and mail could not be delivered that afternoon from CAB to COB. He does not feel we should allow this kind of disruption and he has also asked the City Manager to check on the cost to the City.

Mayor Golding said the concourse is a public space and she would welcome any presidential candidates to use it, however, she agreed with Council Member Stevens that when this occurs, we need to know exactly what will actually happen.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A203-255.)

ITEM-30: APPROVED MINUTES

Approval of Council Minutes for the Meetings of:

9/9/96

9/10/96

9/10/96 Special Joint Meeting

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B130-143.)

MOTION BY MATHIS TO APPROVE THE MINUTES. Second by Kehoe. 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:

SUBJECT: Code Enforcement Week.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-97-220) ADOPTED AS RESOLUTION R-287847

Recognizing the accomplishments and proactive involvement of all code enforcement personnel, volunteers and community groups;

Proclaiming the week of September 30 through October 4, 1996 to be "Code Enforcement Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B015-083, B130-143.)

MOTION BY MATHIS TO ADOPT. Second by Kehoe. 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: Nancy Acevedo Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-97-341) ADOPTED AS RESOLUTION R-287848

Recognizing the outstanding contributions that Nancy Acevedo has made during her forty years of dedicated service to improving the lives of citizens of the City of San Diego;

Proclaiming Monday, September 30, 1996 to be "Nancy Acevedo Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B085-143.)

MOTION BY MATHIS TO ADOPT. Second by Kehoe. 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: Amending the Human Relations Commission Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/9/96. (Council voted 9-0):

(O-97-46) ADOPTED AS ORDINANCE O-18344 (New Series)

Amending Chapter II, Article 6 of the San Diego Municipal Code by amending Section 26.0906, relating to the Human Relations Commission, to have the Commission render a written report of its activities to the Mayor and Council annually instead of not less than every 6 months.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

ITEM-51:

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

TODAY'S ACTION IS:

Adoption of the following ordinance which was introduced on 9/16/96. (Council voted 8-0. Mayor Golding not present):

(O-96-157 Rev.1) Option #1 ADOPTED AS ORDINANCE O-18345
(New Series)

Adoption of an Ordinance amending Chapter VI, Article 2, Division 1, of the San Diego Municipal Code by amending Sections 62.1001, 62.1002, 62.1004, 62.1005 and 62.1007, and by repealing Sections 62.1006 and 62.1008, relating to Newsracks on Public Rights of Way.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B320-380.)

MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-52:

SUBJECT: Rezoning for the Von's Uptown Project.

(RZ-96-0113. Uptown Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on 9/10/96 (Council voted 8-0. District 2 not present.)

(O-97-24) ADOPTED AS ORDINANCE O-18346 (New Series)

Rezoning 0.4 acres located at 450 W. Washington Street, into the CN-2A Zone.

FILE LOCATION: ZONE ORD O-18346

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-53:

SUBJECT: Metered Parking on 30th Street and Upas Street.

(Greater North Park Community Area. District-3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/9/96. (Council voted 9-0):

(O-97-43) ADOPTED AS ORDINANCE O-18347 (New Series)

Establishing a one-hour metered time-limit parking zone between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Upas Street between 30th Street and the alley west of 30th Street, and on the west side of 30th Street between Upas Street and the southerly property line of 3376 30th Street.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-54:

SUBJECT: Lease and Joint Use Agreement for Thurgood Marshall Middle School and Scripps Ranch Community Park Joint Use Facilities.

(Miramar Ranch North Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/9/96. (Council voted 9-0):

(O-96-173) CONTINUED TO OCTOBER 7, 1996

Authorizing a 25-year lease agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turfed field and recreation facilities at the Thurgood Marshall Middle School-Scripps Ranch Community Park site.

NOTE: 6 votes required. Pursuant to Section 99 of the City Charter, a notice regarding the adoption of this ordinance was published in the Daily Transcript.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A315-446.)

CONSENT MOTION BY STALLINGS TO CONTINUE UNTIL OCTOBER 7, 1996, AS REQUESTED BY COUNCIL MEMBER WARDEN, FOR FURTHER REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-55:

SUBJECT: Ten Year Lease Agreement with the County of San Diego for the San Ysidro View Park Communications Facility.

(San Ysidro Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/9/96. (Council voted 9-0):

(O-97-25) ADOPTED AS ORDINANCE O-18348 (New Series)

Authorizing the City Manager to execute a ten-year lease agreement, with one ten-year option to renew, with the County of San Diego for the County's use of a portion of San Ysidro View Park Communications Facility.

NOTE: 6 votes required pursuant to Section 99 of the City Charter. A notice regarding the adoption of this ordinance was

published in the Daily Transcript on 9/19/96.

FILE LOCATION: LEAS - County of San Diego, San Ysidro
View Park Communications Facility
LEAS FY97-1

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-56:

SUBJECT: San Diego Jack Murphy Stadium Expansion and Related Improvements - Interim Funding - Bank Loan with Sumitomo Bank, Ltd.

(District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/10/96. (Council voted 7-1. District 6 voted nay. District 2 not present):

(O-97-45 Cor. Copy 7) ADOPTED AS ORDINANCE O-18349 (New Series)

Authorizing a seven-year term loan agreement with Sumitomo Bank, Limited, for an amount not to exceed \$15 million, to provide for the construction, acquisition, installation, improvement, and expansion of the Chargers Practice Facility and the San Diego Jack Murphy Stadium.

NOTE: 6 votes required pursuant to Section 99 of the City Charter. A notice regarding the adoption of this ordinance was published in the Daily Transcript on 9/19/96.

FILE LOCATION: MEET #61 - STADIUM CONT FY97-1

COUNCIL ACTION: (Tape location: A315-446.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. 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-57:

SUBJECT: Two actions related to Edison School - Agreement.

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

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-97-28) RETURNED TO CITY MANAGER

Introduction of an Ordinance authorizing the execution of an agreement with the San Diego Unified School District regarding Joint-Use Facilities at Edison Elementary School.

NOTE: 6 votes required for Subitem A, pursuant to Section 99 of the City Charter.

Subitem-B: (R-97-282) RETURNED TO CITY MANAGER

Authorizing the execution of a grant deed conveying the seven City-owned parcels located between Wilson Avenue and 35th Street, north of Polk Avenue in the Mid-City area to the San Diego Unified School District.

CITY MANAGER SUPPORTING INFORMATION:

In 1988 the City began opportunistic acquisition of 10 residential properties lying between Wilson Avenue and 35th Street, north of Polk adjacent to Edison Elementary School as part of a planned joint-use playfield development with the San Diego Unified School District.

To date the City has acquired seven of the ten properties amounting to approximately 0.70 acres. The three remaining

residential parcels total approximately 0.21 acres. The playfields will be adjacent to Edison School, located at 4077 35th Street allowing the District to have exclusive use of the area during school hours and the community having use after school, weekends and holidays. This agreement will allow the seven residential parcels to be transferred to the School District in exchange for construction of the joint-use facilities.

The District will acquire the three remaining residential parcels, administer and pay for the cost of the demolition contracts for the existing structures on all ten residential parcels, and provide full maintenance of the playfields for 25 years. The City agrees to cooperate in expeditious processing for approval of the proposed vacation of Polk Avenue and a portion of the alley north of Polk Avenue between 35th Street and Wilson Avenue. The agreement sets out further agreement between the City and the District for the joint use of the facilities.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-58:

SUBJECT: Renewal Lease with the Federal Aviation Administration (FAA) for Property at Montgomery Field.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-29) INTRODUCED, TO BE ADOPTED OCTOBER 21, 1996

Introduction of an Ordinance authorizing the City Manager to execute a 20-year renewal lease with the

Federal Aviation Administration (FAA) for its Centerfield Weather Equipment location at Montgomery Field on an approximately .64 acre site.

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

CITY MANAGER SUPPORTING INFORMATION:

In 1976, the City executed a year-to-year lease agreement with the FAA (Lessee), which is scheduled to expire on September 30, 1996. The new year-to-year lease commences on October 1, 1996 and is renewable annually, at FAA's option, until September 30, 2016, when the lease is scheduled to terminate. This lease allows the Lessee to continue operating and maintaining its Centerfield Weather Equipment at Montgomery Field Airport. This equipment measures wind velocity and aids aviation. The City does not receive revenue from this lease. Lessee's consideration to the City for the leased premises (.64 acres) is providing, monitoring and maintaining its weather equipment and the service this provides to the City and the public. The lease agreement contains the City's standard lease requirements.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-59:

SUBJECT: Amending the Annual Budget for the Fiscal Year 1996-97 to Establish the San Diego Jack Murphy Stadium Operations Fund.

(District-6.)

CITY ATTORNEY'S RECOMMENDATION:

Hold the first public hearing of the following Ordinance:

(O-97-51) HEARING HELD

First public hearing in the matter of:

Amending Ordinance O-18328 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1996-97 by Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" to establish the San Diego Jack Murphy Stadium Operations Fund 10330 as a Special Fund.

NOTE: Today's action is the first public hearing. See Item 332 on the docket of Tuesday, October 1, 1996, for the introduction and adoption of the Ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A315-446.)

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

ITEM-100:

There is no Item 100 on today's docket.

* ITEM-101: REFERRED TO CLOSED SESSION ON OCTOBER 1, 1996

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

Considering the offer of the Lodge at Torrey Pines Partnership to purchase the 6.05 acres it ground leases from the City for the Lodge at Torrey Pines, located at 11480 North Torrey Pines Road.

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

TODAY'S ACTION IS:

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

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A315-446.)

CONSENT MOTION BY STALLINGS TO APPROVE THE HEARING AND REFER TO CLOSED SESSION ON OCTOBER 1, 1996. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102: CONTINUED TO OCTOBER 28, 1996

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

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

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

TODAY'S ACTION IS:

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

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A315-446.)

CONSENT MOTION BY STALLINGS TO CONTINUE THIS ITEM UNTIL OCTOBER 28, 1996, AS REQUESTED BY THE CITY MANAGER, FOR FURTHER REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Inviting Bids for Reconstruction of Balboa Park Golf Course Maintenance Building.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-28) ADOPTED AS RESOLUTION R-287849

Inviting bids for Reconstruction of Balboa Park Golf Course Maintenance Building on Work Order No. 112105;

Authorizing a contract with the lowest responsible bidder, 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 City Auditor and Comptroller to transfer \$425,000 from CIP-29-704.0, Golf Course Enterprise Fund No. 41400, to CIP-21-842.0, Balboa Park Golf Course Maintenance Building;

Authorizing the expenditure of \$723,750 from CIP-21-

842.0, Balboa Park Golf Course, \$298,750 from Golf Course Enterprise Fund No. 41401, and \$425,000 from Golf Course Enterprise Fund No. 41400, for providing funds for said project and related costs, 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 Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K97028C)

CITY MANAGER SUPPORTING INFORMATION:

Balboa Park Golf Course Maintenance Building is located north of Golf Course Drive, in the middle of Pershing Drive and 28th Street. The proposed project will replace a maintenance building destroyed in an arson fire. The new building project will include a five car garage, storage, office, lounge area and a unisex restroom with showers.

FILE LOCATION: W.O. 112105 CONT - Seabreeze Construction
dba J. J. Construction CONT FY97-1

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-104:

SUBJECT: Parcel Map W.O. No. 900645.

(Mission Valley Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-297) ADOPTED AS RESOLUTION R-287850

Approving Parcel Map W.O. No. 900645, a subdivision of

a portion of Lot 1 of Evelyn Terrace.

FILE LOCATION: SUBD - Parcel Map W.O. No. 900645, a
subdivision of a portion of Lot 1 of
Evelyn Terrace

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-105:

SUBJECT: Grant of Electrical Easement to San Diego Gas &
Electric Company.

(Rancho Bernardo Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-138) ADOPTED AS RESOLUTION R-287851

Authorizing a deed conveying to San Diego Gas and
Electric Company an easement for overhead electrical
facilities and appurtenances affecting a portion of
City-owned Rancho San Bernardo.

CITY MANAGER SUPPORTING INFORMATION:

Pinery Tree Farms, a City agricultural lessee near Lake Hodges,
requests that SDG&E extend electrical service to an office
trailer on the leased premises. To do this, SDG&E requires an
easement grant from the City. The proposed easement will be
overhead, as are the other lines in the vicinity, and the lessee
will pay all installation costs. The size of the proposed
easement is about 304 feet by 12 feet.

FILE LOCATION: DEED F-6840 DEED FY97-1

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-106:

SUBJECT: Two actions related to Street Dedication - Del Mar
Heights Road and Water Easement.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-281) ADOPTED AS RESOLUTION R-287852

Authorizing the City Manager to accept the grant deed
of Village Development, Inc., granting to the City an
easement and right-of-way for public street purposes,
in a portion of Parcel 4 according to Parcel Map PM-
14460, together with a portion of the Southwest Quarter
of Section 17, Township 14 South, Range 3 West, San
Bernardino Meridian and a portion of the Northeast
Quarter of the Northeast Quarter of Section 17,
Township 14 South, Range 3 West, San Bernardino
Meridian; dedicating said land as and for a public
street and naming the same Del Mar Heights Road;

Authorizing the City Manager to accept the grant deed
of Village Development, granting to the City an
easement for water facilities, in a portion of Parcel 5
of Parcel Map PM-14460.

Subitem-B: (R-97-300) ADOPTED AS RESOLUTION R-287853

Authorizing the City Manager to accept the grant deed
of Pardee Construction Company, granting to the City an
easement and right-of-way, for public street purposes,
in a portion of the Southwest Quarter of the Northeast
Quarter of Section 17, Township 14 South, Range 3 West,
San Bernardino Meridian; dedicating said land as and
for a public street and naming the same Del Mar
Heights Road.

FILE LOCATION: DEED F-6841 DEED FY97-2

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-107:

SUBJECT: Street Dedication - Laurel Street and Pacific Highway.

(Midway/Pacific Highway Corridor and Centre City west
of Pacific Highway. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-295) ADOPTED AS RESOLUTION R-287854

Accepting a grant deed of the San Diego Unified Port
District, granting to the City an easement and right-
of-way for street purposes in a portion of those lands
conveyed to the San Diego Unified Port District, by the
San Diego Unified Port District Act, Stats. 1962, 1st
Ex. Sess., C. 67, as amended;

Dedicating and naming the same Laurel Street and
Pacific Highway.

FILE LOCATION: DEED F-6842 DEED FY97-1

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-108:

SUBJECT: Water Easement Exchange - Lots 4 through 6 of Fashion Valley Center.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-132) ADOPTED AS RESOLUTION R-287855

Authorizing the City Manager to accept the deed of The Equitable Life Assurance Society of the United States, conveying to the City a water easement in Lots 4, 5 and 6 of Fashion Valley Center, Map-10282;

Authorizing a quitclaim deed, quitclaiming to The Equitable Life Assurance Society of the United States, all of the City's right, title and interest in a water easement in Lots 4, 5 and 6 of Fashion Valley Center, Map-10282.

FILE LOCATION: DEED F-6843 DEED FY97-1

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-109:

SUBJECT: Del Mar Terrace Street Repair and Maintenance District Surplus Cash Refund.
(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-313 Cor. Copy) ADOPTED AS RESOLUTION R-287856

Declaring a cash surplus in the Del Mar Terrace Street Repair and Maintenance District in the amount of \$96,192;

Authorizing the City Manager to offer a refund to the district property owners.

CITY MANAGER SUPPORTING INFORMATION:

This action declares a cash surplus and orders refund in the amount of \$96,192 for the Del Mar Terrace Street Repair and Maintenance District. This district was established and assessed in Fiscal Year 1995. The original assessment levy was to provide the funds to pave the streets and maintain the district through Fiscal Year 2000. Beginning in Fiscal Year 2001, the district will levy an annual assessment to provide the funds to seal coat and overlay the streets on an "as needed" basis. The current cash on hand totals \$212,029. Of this amount \$115,837 is required to fund the reserve for Fiscal Years 1995 to 2000. The difference in amount of \$96,192 (\$212,029 - \$115,837) is a surplus. During Fiscal Year 1996 the City mailed a survey to each of the property owners. The purpose of the survey was to determine how the property owners wanted to dispose of the surplus. The survey determined that the property owners want the surplus refunded. Based on the property owners survey, a modification was required in the San Diego Municipal Code to provide the legal basis for granting the refund. This modification was accomplished with the passage of Ordinance Number O-18273 N.S. The refund will be distributed to current property owners on the same basis as the original assessment. Each parcel was assessed on "Equivalent Dwelling Unit" (EDU) based on its existing use. Single family homes are assessed 1.0 EDU. Multi-family units are assessed 0.7 EDU's per unit. Commercial property is assessed 15.0 EDU's per acre. The district contains a total of 334 EDU's. The refund will be distributed to the property owners at \$288 per EDU (\$96,192/334). Aud. Cert. 9700300.

FILE LOCATION: STRT - M-394

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-110:

SUBJECT: Two actions related to Accepting Donations - Coast Boulevard Park Improvements.

(La Jolla/La Jolla Shores Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-269 Cor.Copy) ADOPTED AS RESOLUTION R-287857

Accepting the generous donation of funds necessary to construct the Seal Rock View Area, a maximum amount of \$39,000 from Mrs. Selma Malk, supplementing Capital Improvement Program (CIP) funding available in CIP-29-563.0, Coast Boulevard Park Improvements;

Accepting the generous donation of funds necessary to construct improvements at Goldfish Point, a maximum amount of \$35,000, provided by the La Jolla Community Fund, in honor of the 50th Anniversary of the La Jolla Rotary Club, supplementing Capital Improvement Program (CIP) funding available in CIP-29-563.0, Coast Boulevard Park Improvements;

Accepting the generous donation of \$10,000 from the La Jolla Recreation Council for the construction of improvements at Children's Pool, supplementing Capital Improvement Program (CIP) funding available in CIP-29-563.0, Coast Boulevard Park Improvements;

Accepting the generous donation of \$5,000 from Casa de Mañana for the construction of improvements at Children's Pool, supplementing Capital Improvement Program (CIP) funding available in CIP-29-563.0, Coast Boulevard Park Improvements;

Authorizing the increase of funding, a maximum of \$89,000 from generous donations in CIP-29-563.0, Coast Boulevard Park Improvements, to be deposited in Fund No. 63022.

Subitem-B: (R-97-270) ADOPTED AS RESOLUTION R-287858

Certifying that the information contained in Mitigated Negative Declaration DEP-94-0472, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), 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 Coast Boulevard Park Improvements.

CITY MANAGER SUPPORTING INFORMATION:

Coast Boulevard Park is an existing 4.55 acre resource based park located on the west side of Coast Boulevard along La Jolla's scenic coastline. The CIP improvement area extends from Nicholson Point Park north to Goldfish Point. The project includes the replacement of asphalt walks with concrete, the construction and/or renovation of fencing, a wooden stairway, retaining and seat walls, viewing areas, and the installation of new irrigation systems and landscaping. The La Jolla Town Council has been significantly involved in the design process. Extensive cultural resource testing was required as a condition of obtaining the necessary Sensitive Coastal Resource Overlay Zone Permit (SCR), Coastal Development Permit (CDP), and Conditional Use Permit (CUP) for project construction. These generous donations will enable the City to bid the entire Phase I improvement area. The generous donations are designated for the construction of specific improvements as detailed in the Coast Boulevard Park Improvement Plan: a maximum of \$39,000 from Mrs. Selma Malk for the Seal Rock View Area; a maximum of \$35,000 from the La Jolla Community Fund in honor of the 50th Anniversary of the La Jolla Rotary Club for improvements at Goldfish Point; and \$10,000 from the La Jolla Recreation Council and \$5,000 from Casa de Maqana for improvements at Children's Pool.

Aud. Cert. 9700245.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Traffic Safety Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-305) ADOPTED AS RESOLUTION R-287859

Authorizing the City Manager to apply for, accept and expend a grant for \$183,700 from the Office of Traffic Safety, State of California - Business Transportation and Housing Agency for the purpose of developing a computerized traffic accident surveillance system;

Authorizing the City Manager to execute all aspects of program operation including any amendments, extensions, renewals or additional funding for this program for a period of up to five years, as approved and funded by the Office of Traffic Safety, State of California - Business, Transportation and Housing Agency.

CITY MANAGER SUPPORTING INFORMATION:

The retrieval and review of traffic accidents is a necessary and valuable engineering tool for generating traffic safety reports. The Traffic Engineering Division does not, however, have an up-to-date computerized accident surveillance system. Our current Traffic Accident Record (TAR) system is primarily used for coding traffic accidents. The querying capabilities of the system are limited, thus requiring expenditures of manual time to develop analysis reports such as high accident locations, and to calculate various accident rates. In addition, the current system accepts some data entry errors that are difficult to detect. The Traffic Engineering Division of the Department of Transportation would like to apply for a grant of \$183,700 to the Office of Traffic Safety (OTS), State of California - Business, Transportation and Housing Agency to develop an up-to-date computerized Accident Surveillance System. Funding for these grants comes from the Federal, State and Community Highway Safety Program.

This resolution authorizes the City Manager to apply for, accept

and expend the grant funds on behalf of the City of San Diego under the terms and conditions as specified in the grant application.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-112:

SUBJECT: Community Development Block Grant (CDBG) Fund
Reprogramming.
(District-8.)

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-306 Cor. Copy) ADOPTED AS RESOLUTION R-287860

Reprogramming \$84,358.96 in Community Development Block Grant (CDBG) funds from projects which have been completed to the District 8 Unallocated Reserve Account. Reprogrammed funds are from previously allocated District 8 CDBG allocations.

Aud. Cert. 9700285.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-113:

SUBJECT: Stadium Operations Fund - Method of Administering,
Maintaining and Utilizing as a Special Fund.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-97-277 REV. 1) ADOPTED AS RESOLUTION R-287861

Establishing the method for administering, maintaining
and utilizing the Stadium Operations Fund as a Special
Fund in connection with a Term Loan Agreement with the
Sumitomo Bank, Limited.

FILE LOCATION: MEET #61 - STADIUM

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-114:

SUBJECT: Developer Fees.

(See City Manager Report CMR-96-178.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-296) ADOPTED AS RESOLUTION R-287862

Approving City Manager Report CMR-96-178 dated
September 13, 1996, and declaring the information
contained in the Report to be the City's publicly
available information on the City's Development Impact
Fee Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-115:

SUBJECT: Basic Tier Cable Television Services Provided by
Southwestern Cable Television in the City of San Diego.

(See City Manager Report CMR-96-191.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-304) ADOPTED AS RESOLUTION R-287863

Approving the maximum permitted basic service tier
rates as calculated by Southwestern Cable Television,
contained in the December 1995 Rate Filing Form 1240,
pursuant to the Rules and Regulations of the Federal
Communications Commission (FCC).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-116:

SUBJECT: Three actions related to Authorizing Suggestion Awards
to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-224) ADOPTED AS RESOLUTION R-287864

Ramona Chester - Police Department - \$160.
Constance Hart - City Clerk's Office - \$366.

Subitem-B: (R-97-225) ADOPTED AS RESOLUTION R-287865

Lorenzo Guzman - General Services - \$820.46.

Subitem-C: (R-97-226) ADOPTED AS RESOLUTION R-287866

Douglas Furness - Buildings - \$122.45.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-117:

SUBJECT: Mr. and Mrs. Wilbert A. Lowe Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-315) ADOPTED AS RESOLUTION R-287867

Commending Mr. and Mrs. Wilbert A. Lowe for 50 years of dedication and devotion to not only each other but to the community as a whole;

Proclaiming October 3, 1996 to be "Mr. and Mrs. Wilbert A. Lowe Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-118:

SUBJECT: Excusing Councilmember Byron Wear from the Council
meeting of 9/10/96.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-275) ADOPTED AS RESOLUTION R-287868

Excusing Councilmember Byron Wear from attending the
Council meeting of September 10, 1996, to attend
Coastal Commission meetings in Eureka.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-119:

SUBJECT: Lease Extension - Employee Assistance Program.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-293) ADOPTED AS RESOLUTION R-287869

Authorizing a first amendment and extension to sublease

with Home Savings of America for office space leased by the City at 225 Broadway to November 30, 2000, at \$1.05 per square foot throughout the term of the lease renewal/extension.

CITY MANAGER SUPPORTING INFORMATION:

The City's Employee Assistance Program (EAP), located at 225 Broadway, would like to extend their lease with the Sublandlord, Home Savings of America to November 30, 2000. Home Savings proposes to renew the lease early, reduce the rent by \$0.25 per square foot, and provide tenant improvements. The rent will remain at a \$1.05 per square foot throughout the term of the lease renewal/extension. This rent is considered below market for comparable space. Renewal is effective as of August 1, 1996. EAP provides confidential services to City employees. It is imperative that they lease space in an isolated building away from other City Departments. This location has provided City employees the comfort to enter and leave the premises privately.

DE 9700157.

FILE LOCATION: LEAS - Home Savings of America
LEASFY97-1

COUNCIL ACTION: (Tape location: A315-446.)

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

ITEM-120:

SUBJECT: Lease Renewal with United Nations Association of San Diego.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-135) ADOPTED AS RESOLUTION R-287870

Authorizing a five year lease agreement with United

Nations Association of San Diego, a California nonprofit corporation, for Building No. 644 in Balboa Park at a monthly rental of \$50.

CITY MANAGER SUPPORTING INFORMATION:

Through various leases, the United Nations Association of San Diego has occupied its existing building in Balboa Park since 1960. The premises are used for offices, gift shop, displays, committee meetings, public gatherings, and civic activities for promoting better international relations. The present 5-year lease recently expired and is now on holdover. The proposed lease is also for a 5-year term at the nonprofit rental rate of \$50 per month. The lessee will do interior maintenance of the building, the City will provide exterior maintenance. The new lease has been reviewed and approved by the Park and Recreation Department.

FILE LOCATION: LEAS - United Nations Association of San Diego LEAS FY97-1

COUNCIL ACTION: (Tape location: B276-318.)

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

* ITEM-121:

SUBJECT: Five-year Lease Agreement with San Diego Youth and Community Services, Inc.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-298) ADOPTED AS RESOLUTION R-287871

Authorizing a five-year lease agreement with San Diego Youth and Community Services for the operation of the City Heights Youth and Community Center located at 3660 Fairmount Avenue, at an annual rent of \$600.

CITY MANAGER SUPPORTING INFORMATION:

In 1994, the City acquired 3660 Fairmount Avenue for use as the City Heights Youth and Community Center. Community Development Block Grant funds were used for the acquisition. The property consists of two single story buildings totaling approximately 6,631 square feet, on a 16,000-square-foot lot. The center is operated by San Diego Youth and Community Services (SDYCS), a non-profit agency which provides social services and community development programs. Since the acquisition, SDYCS has been utilizing the property under a right of entry permit. Renovations to the existing structures were completed by SDYCS using Community Development Block Grant funds. The proposed 5-year lease agreement will replace the permit. The lessee, SDYCS, will pay the flat rental rate for non-profit agencies, \$600 per year, and will be responsible for insurance, maintenance and utility expenses. If approved, the lease would commence on the first day of the calendar month following execution by the City Manager.

FILE LOCATION: LEAS - San Diego Youth and Community Services LEAS FY97-1

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-122:

SUBJECT: Proposed Lease Renewal with Urban Lending Associates, Inc.

(District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-288) ADOPTED AS RESOLUTION R-287872

Authorizing a 3-year lease agreement with Urban Lending Associates, Inc., for a wholesale lumber operation on an approximately two acre site at Brown Field Airport

with a monthly rent of \$700.

CITY MANAGER SUPPORTING INFORMATION:

Urban Lending Associates, Inc., operates a wholesale lumber business that exports products to Mexico. They lease a two-acre site in the northern most portion of Brown Field Airport for lumber storage. Urban Lending has been a tenant in good standing at the airport since July 1993. Their current lease recently expired and is on holdover. They have requested that the City renew their lease for an additional three years. The proposed new lease is for a three year-term and reflects a monthly rental increase from \$600 to \$700. In addition, the new lease contains a 30-day termination provision should the premises be needed in connection with future expansion and/or operation of the airport. All lease provisions contained in the new agreement reflect current leasing standards.

FILE LOCATION: LEAS - Urban Lending Associates, Inc.
LEASFY97-1

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-123:

SUBJECT: Sharp Health Care Defeasance Contract Buy Out.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-240) ADOPTED AS RESOLUTION R-287873

Accepting \$600,000 from Sharp Health Care and designating the funds to be set aside to continue health care services to City employees previously provided by Sharp Health Care.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego entered into an agreement from October 1, 1989 through September 30, 1995 with Sharp Health Care (SHC) to

provide services (in lieu of cash payment) as compensation for the purchase of Sharp Cabrillo Hospital. The contract was extended to September 1996, for negotiation of a mutually agreeable resolution utilizing the remaining funds of \$750,000 to provide SHC services to the City. SHC has agreed to purchase all phases of the contract for \$600,000 (less any charges incurred after June 1, 1996), rather than continue to provide services. Each payment will be \$100,000, payable in six consecutive monthly payments. This agreement is contingent upon extension of the current Sharp Rees-Stealy Industrial Medical Contract for one year, through March 6, 1998, per the option to renew clause. The price structure and other components of the contract will remain at current levels. The City is agreeable to the offer. Services provided to the City during the last five years included:

- A. Services for City Employees as part of the City's Wellness Program including: comprehensive health appraisal (both on site and at their facility), weight loss, smoking cessation, cooking and nutrition classes. Also provided were stress reduction and healthy heart for both men and women as well as gender specific seminars for women. SHC also provides individual nutritional analyses.
- B. Fire Department Physical Exams (Baseline, Annual and Exit) for Fire Fighters and the Hazardous Material Team.
- C. A Health Management Program for Uniformed Fire Fighters which provided pre and post incident trauma training, cholesterol screening and a fetal protection policy for female Fire Fighters.
- D. The Hepatitis B vaccination program for eligible employees. Occupational training classes, risk assessments and special one-time projects.

The majority of the funds are earmarked over the next four years for continuation of the above mentioned services including the Fire Department (Baseline, Annual and Exit) physical exams, the Health Management Program for Uniformed Fire Fighters, Hepatitis B vaccinations and the continuation of the City's Wellness Program.

FILE LOCATION: MEET CONT FY97-1

COUNCIL ACTION: (Tape location: A315-446.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-

yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-124:

SUBJECT: One-Year Extension of the Centre City Project Area
Committee.

(See CCDC's memorandum dated 8/23/96. Districts-2, 3 &
8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-286) ADOPTED AS RESOLUTION R-287874

Authorizing the extension of the Centre City Project
Area Committee for one year from October 1996 to
October 1997.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-125:

SUBJECT: Community Service Centers Proposed Implementation Plan
(Renaissance Commission Report).

(See City Manager Report CMR-96-173; Councilmember
Kehoe's 8/9/96 memorandum; Craig B. Jones' 8/28/96
letter.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-321) ADOPTED AS RESOLUTION R-287875

Approving Phase II of the Community Service Center Implementation Plan, and authorizing the City Manager to proceed with finding neighborhood areas for 4 new Community Service Centers from the list of 6 community clusters, and return to the Public Safety and Neighborhood Services Committee with a proposed site selection matrix that incorporates community needs in prioritizing where the Centers should be sited for Phase III and future phases;

Authorizing the City Manager to negotiate and execute leases for the 4 new Community Service Centers, with the leases being drawn up in accordance with the City's general lease standards, subject to compliance with all applicable City regulations, and at locations approved by the office of the City Council member for the Council District in which the Community Service Center is to be located;

Authorizing the expenditure of not to exceed \$375,000 for the purpose of providing funds for implementation of the Community Service Centers Implementation Plan.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 9/4/96, PS&NS voted 4-0 to: a) Approve Phase II of the Community Service Center Implementation Plan and authorize the City Manager to proceed with siting 4 new Community Service Centers from the list of 6 community clusters; and b) do not approve the long-term priorities as outlined in City Manager Report CMR-96-173, Attachment B: Proposed Site Selection Matrix and direct the City Manager to return to the Committee with a revised Site Selection Matrix that incorporates the community need in the prioritization scheme. (Councilmembers Wear, Kehoe, Stevens and Vargas voted yea. Councilmember McCarty not present.)

Aud. Cert. 9700311.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Warden.

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

* ITEM-126:

SUBJECT: Excusing Councilmember Byron Wear from the Land Use and Housing Committee and Public Safety and Neighborhood Services Committee meetings of 9/18/96.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-320) ADOPTED AS RESOLUTION R-287876

Excusing Councilmember Byron Wear from attending the Land Use and Housing and Public Safety and Neighborhood Services Committee meetings of September 18, 1996, due to attendance at the California Transportation Commission hearings being held in Sacramento, regarding Mission Beach Boardwalk.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

* ITEM-127:

There is no Item 127 on today's docket.

ITEM-150:

SUBJECT: Establishing Predictable Fees for the Development

Process.

(See City Manager Reports CMR-96-189 and CMR-96-162.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-136) ADOPTED AS RESOLUTION R-287877

Approving the conversion of the current Environmental Initial Study deposit account to a flat fee as follows:

- 1) Environmental Initial Study to a \$600 flat fee.
- 2) Environmental Negative Declarations to a \$1,200 flat fee.

Directing the City Clerk to amend the current City Ratebook to include the new fees.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/31/96, LU&H voted 4-0 to recommend approval of the City Manager's recommendations and directed the City Manager to consider a tier method for the Coastal Development Permit. The Committee also directed the City Manager to provide a comparison with other cities' permit fees, particularly the Coastal Development Permit and provide Council annual review of flat fees based on performance measures rather than average fees assessed. (Councilmembers Mathis, Wear, Stevens and Warden voted yea. Councilmember McCarty not present.)

NOTE: See Item 151 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A315-446.)

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

ITEM-151:

SUBJECT: Extraordinary Appeal Deposit.

(See City Manager Reports CMR-96-188 and CMR-96-113.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-102 Cor.Copy) ADOPTED AS RESOLUTION R-287878

Approving the City Manager's recommendation that a filing fee of \$100 be charged for Process Three Extraordinary Appeals, governed by San Diego Municipal Code Section 111.0507, when the appellant is a party other than the project or permit applicant, and the recognized Community Planning Group for the area does not support the extraordinary appeal;

In the event the City Council votes to hear the extraordinary appeal and votes to grant the appeal, the \$100 filing fee will be refunded to the appellant;

Directing the City Clerk to amend the current City Ratebook to include the filing fee.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 6/12/96, LU&H voted 3-0 to approve the City Manager's recommendation. (Councilmembers Mathis, Warden and McCarty voted yea. Councilmembers Wear and Stevens not present.)

NOTE: See Item 150 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B151-273.)

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

ITEM-200:

SUBJECT: Additional Contingency for Pump Station 65 Relocation and Force Main Project.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-263) ADOPTED AS RESOLUTION R-287879

Authorizing the Auditor and Comptroller to transfer not to exceed \$1,250,000 within Fund 41509 from Program Element 777210, Sewer Revenue Funds - Unallocated Reserve, to CIP-46-117.0, Pump Station 65 Relocation and Force Main Project;

Authorizing the City Manager to enter into negotiations with Parsons Engineering Science for an amendment to their contract in connection with Pump Station 65 Relocation Project, in an amount not to exceed \$325,000;

Authorizing the expenditure of not to exceed \$925,000 from Fund 41509, CIP-46-117.0, Pump Station 65 Relocation and Force Main Project, to provide additional 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.

CITY MANAGER SUPPORTING INFORMATION:

Council Resolutions R-283209/R-283210 authorized the City Manager to execute a contract with the lowest responsible bidder for the Pump Station 65 Relocation Project. Construction is currently under way with Mingus Construction, Inc. Additional contingency and related costs in the amount of \$1,250,000 for Pump Station 65 Relocation and Force Main Project are necessary for changes in the project including, for example: Removal of debris, additional dewatering and shoring at Los Peqasquitos Creek; jack and bore modifications at the Coaster Station/Sorrento Valley Road; repair of leak at Manhole No. 3 near Carmel Valley Road; additional re-vegetation, backfill for Roselle Street & Sorrento Valley Road along the Force Main due to unsuitable soils, and Force Main modifications. These changes are being negotiated

with Mingus Construction, Inc. An amendment to the Parsons Engineering Science Contract is also being negotiated for additional design for Pump Station No. 65 and its associated pipeline modifications. These changes for both contracts are estimated at \$1,250,000.

Aud. Cert. 9700260.

FILE LOCATION: MEET CCONT FY97-1

COUNCIL ACTION: (Tape location: A315-446.)

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

ITEM-201:

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

(San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-278) ADOPTED AS RESOLUTION R-287880

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

SUPPORTING INFORMATION:

For more than 60 years, raw sewage from the Republic of Mexico has flowed unabated into the United States plaguing the residents of San Diego. This flow is a serious threat to the region, creating health hazards, forcing the closure of beaches and impacting local businesses. For this reason, the City Council has continued to declare a State of Emergency in the Tijuana River Valley.

The solution to this long standing problem is the construction of

the International Treatment Facilities. The facilities consist of a 25 million gallon per day (mgd) secondary treatment plant in the United States, canyon collectors in Goat Canyon and Smuggler's Gulch to collect renegade sewage, and the South Bay Ocean Outfall. The status of these projects is as follows:

SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT

- A. Construction Contract 1 (CC-1) - Site Preparation.
Construction: Completed February 23, 1995 at a cost of \$4,873,615.
- B. Construction Contract 2 (CC-2) - Advanced Primary Facilities.
Construction: June 1995 - March 1997.

Construction completion is on target for December 1996, with startup testing projected for January 1997. As of July 31, 1996, the percent completion was 73 percent. Placement of concrete for all below ground structures and most above ground structures is complete, and backfilling of foundations is almost complete. Placement of concrete for remaining above ground structures, and installation of electrical conduit, piping, protective coating and mechanical equipment and piping is ongoing.

At the Unstabilized Sludge Storage Tank Area, the foundation, walls, and roof of the Unstabilized Sludge Storage Tank (USST) have been completed, as well as the surface preparation of the interior walls for coating. Installation of the pumps at the Sludge Mixing Pump Station, and scrubber and chemical tanks at the USST Odor Reduction Station is continuing.

At the Personnel Building and Main Switchgear Building, all installation of drywall, doors, windows, fire sprinkler piping, insulation, flashing, electrical wiring and HVAC ductwork is complete. Finish trim and final painting are ongoing. At the Solids Processing Building and Truck Loading Building, placement of concrete with surface coating is complete. Two scrubbers have been installed at the Solids Processing Odor Reduction Station. Placement of concrete for the sludge conveyor footings is complete.

At the Headworks, all placement of concrete for the upper walls is complete. Influent pumps and variable frequency drives are being prepared for in-place testing.

Placement of concrete for the Primary Sedimentation Tank

(PST), walkways, handrails, and coating of the tank walls is complete. Installation of piping and equipment at the PST gallery is complete. Installation of piping and equipment at the Primary Skimmings Pump Station is also in progress.

Work on all columns for the perimeter fence has been completed, except for placement of the gate. Work at the border to connect the primary influent pipeline to the existing junction structure in Mexico and construction of Junction Structure No. 1 in the U.S. is nearing completion. Approximately 90 percent of the Canyon del Sol collection facility has been completed.

C. Construction Contract 3 (CC-3) - Secondary Treatment Facilities.

Design: December 1993 - April 1996
Construction: On-hold

The design of the activated sludge secondary system was completed on May 1, 1996. Construction is on hold pending the completion of a Supplemental Environmental Impact Statement (SEIS) and a decision on the best alternative method for secondary treatment. A draft SEIS is expected to be released for public review in September 1996.

D. Construction Contract 4 (CC-4A) - Smugglers Gulch Interceptor Collection System.

Bid Solicitation: April 1996 - July 1996
Construction: August 1996 - September 1997

A notice to proceed is scheduled for September 23, 1996 and construction is scheduled for completion by September 1997.

E. Construction Contract 4 (CC-4B) - Goat Canyon Interceptor Collection System.

Bid Solicitation: April 1996 - July 1996
Construction: September 1996 - October 1997

A notice to proceed is scheduled for September 23, 1996 and construction is scheduled for completion by October 1997.

SOUTH BAY OCEAN OUTFALL

A. Package 1 - Special Structures.

Construction Contractor: Colich and Sons
Bid: \$9,950,000

Construction: April 1996 - July 1997

Excavation of the pipeline trench began the week of September 9, 1996. Colich and Sons must complete all work associated with laying the pipe, constructing all structures and backfilling the entire right-of-way to original grade by January 23, 1997 so the site can be turned over to the IBWC contractor for installation of the primary effluent discharge connection facilities.

B. Package 2 - Tunnel.

Construction Contractor: Traylor Brothers/Obayashi
Bid: \$88,285,000
Construction: September 1995 - May 1998
Startup: June 1998

Excavation of the drop shaft was down to about 125 feet as of September 12, 1996. The dewatering wells will not be drilled around the shaft as a contingency measure. The offshore platform associated with the installation of the riser has been erected. The tunnel riser was shipped from Vallejo, CA on September 17, 1996.

C. Package 3 - Marine Works.

Construction Contractor: Fletcher General, Inc.
Bid: \$36,442,000
Construction: November 1995 - October 1997

The wye structure was installed the week of September 9, 1996. Pipe laying began on September 17, 1996.

FILE LOCATION: WATER - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A315-446.)

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

ITEM-202:

SUBJECT: Two actions related to Amended Agreements with the Padres L.P.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-264 Cor. Copy) TRAILED TO OCTOBER 1, 1996
TO BE HEARD FIRST IN
CLOSED SESSION

Authorizing a Letter Agreement with Padres, L.P.,
amending the following agreements:

- 1) The Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium between the City of San Diego and the San Diego National League Baseball Club, Inc., dated November 30, 1987, Document No. RR-269870;
- 2) Supplement No. 1 to the Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium between the City of San Diego and the San Diego National Baseball Club, Inc., dated September 10, 1984, Document No. RR-261527-1;
- 3) The Third Amendment to the 1983 Agreement for Concession, Restaurant and Catering Services at San Diego Jack Murphy Stadium between Service America and the City of San Diego, and the Addendum, dated October 31, 1995, Document No. OO-18227-1;
- 4) The Flat Rate Lease for Administrative Offices between the City of San Diego and the San Diego National League Baseball Club, Inc., dated January 23, 1989, Document No. RR-272727-1;

Authorizing the Auditor and Comptroller to transfer not to exceed \$1,426,000 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, Fund No. 102244 to CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, Fund 10332, to provide funding for expenses to be incurred for Stadium Expansion purposes to be repaid upon the receipt of bond proceeds;

Authorizing the expenditure of not to exceed \$1,426,000

from CIP-34-121.0, San Diego Jack Murphy Stadium Improvements, Fund 10332, for providing funds for expenses to be incurred for Stadium Expansion purposes to be repaid upon the receipt of bond proceeds;

Authorizing the City Manager to grant rent credits to Stadium tenants for permanent improvements made to the Stadium facility up to an annual maximum of \$270,000, subject to the City Auditor's verification of available funds.

Subitem-B: (R-97-265 Cor. Copy) TRAILED TO OCTOBER 1,
1996 TO BE HEARD FIRST IN
CLOSED SESSION

Authorizing an Office Space Lease Agreement with Hyundai Precision America, Inc., for a not to exceed five-year period beginning November 1, 1996 through October 31, 2001, for 17,654 sq. ft. of office space at an average annual lease rate of approximately \$318,000 for a total not to exceed amount of \$1,240,000 for rental payments through March 31, 2000;

Authorizing the expenditure of not to exceed \$760,787 from Fund 10330, Stadium Operations, to pay for FY 1997 lease costs and expenses associated with the relocation of the Padres;

Authorizing a reduction of up to \$760,787 for appropriations from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements and an appropriation of not to exceed \$760,787 from Fund 102244 for transfer to the Stadium Operations Fund 10330;

Authorizing a Letter Agreement with the Padres, L.P. (Padres Office Space Lease), for the Padres' use and occupancy of certain off-site office space, to replace the Padres' existing office space at San Diego Jack Murphy Stadium, from November 15, 1996 through March 31, 2000.

Aud. Cert. 9700270.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A315-446.)

CONSENT MOTION BY STALLINGS TO TRAIL TO OCTOBER 1, 1996 TO BE HEARD FIRST IN CLOSED SESSION, AS REQUESTED BY THE CITY MANAGER. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:19 p.m. in honor of the memory of Golareh Akhgarnia, as requested by City Clerk Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B380-389).