

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 12, 1996
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Stallings at 10:06 a.m. Deputy Mayor Stallings convened the Redevelopment Agency to meet simultaneously with the City Council at 10:22 a.m. Council Member Warden acknowledged and welcomed the students from Ericson Elementary School. The meeting was recessed by Deputy Mayor Stallings at 12:04 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Stallings at 2:08 p.m. with Mayor Golding and Council Member Wear not present. Deputy Mayor Stallings adjourned the meeting at 4:32 p.m. into Closed Session, in the 12th floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-excused by R-288083
(ill)
 - (1) Council Member Mathis-present
 - (2) Council Member Wear-excused by R-288084
(Attended Coastal Commission meeting)
 - (3) Council Member Kehoe-present
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour (mc/pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-not 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 Brian Daly of the Pacific Beach Christian Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

FILE LOCATION: MINUTES

CLOSED SESSION ACTION:

Assistant City Attorney Kaheny announced that in Closed Session the City Council voted 7-0 with Mayor Golding and Council Member Wear absent, to appeal the Superior Court's decision in Higgins vs. City of San Diego in Superior Court Case No. 692149. The Council also voted to appeal the Superior Court's decision in Wentz vs. City of San Diego, Superior Court Case No. 684760 by a 5-2 vote, with Mayor Golding and Council Member Wear absent.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Sky regarding drug use at the Sports Arena.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A071-095.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member McCarty thanking the Council Members of the City of San Diego and Council Members of other cities, the County Board of Supervisors, contributors to Prop A, and all the supporters who worked for their neighborhood libraries in the support of Proposition A.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A112-136.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

10-21-96

10-22-96

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-50:

SUBJECT: Rezoning for The Villas at Stallions Crossing Project.

(RZ-95-0197. North City Future Urbanizing Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/22/96. (Council voted 6-3. Councilmembers Kehoe, Warden, and Deputy Mayor Stallings voted nay.):

(O-97-57) ADOPTED AS ORDINANCE O-18355 (New Series)

Rezoning a 13 acre portion of property located in the North City Future Urbanizing Area into the R1-5000/R1-5000 (HR) Zone.

FILE LOCATION: ZONE - Ord. No. 18355

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-51:

SUBJECT: Extending City Issued Permits to Coincide with Assembly Bill AB771.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/21/96. (Council voted 9-0):

(O-97-27) ADOPTED AS ORDINANCE O-18356 (New Series)

Amending Chapter X, Article 2, Division 3, of the San Diego Municipal Code by amending Section 102.0310, relating to

Tentative Maps - Expiration and Discretionary Permits
Approved Concurrently with Tentative Maps.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-52:

SUBJECT: Downtown Parks Curfew.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/21/96. (Council voted 9-0):

(O-97-55) ADOPTED AS ORDINANCE O-18357 (New Series)

Amending Chapter VI, Article 3, Division 1, of the San Diego Municipal Code by adding Section 63.0120, relating to Curfews in Downtown Parks, to establish a one year pilot curfew from midnight to 6:00 a.m. for Children's Park, Gaslamp Square Park, Pantoja Park and Washington Elementary School Park.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-53:

SUBJECT: Establishing a Two-Hour Metered Parking Zone on Sutherland Street.

(Midway/Pacific Highway Corridor Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/21/96. (Council voted 9-0):

(O-97-52) ADOPTED AS ORDINANCE O-18358 (New Series)

Establishing a two-hour parking meter zone on the south side of 3400 Sutherland Street east of Pacific Highway, between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted;

Authorizing the installation of the necessary signs and markings.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-54:

SUBJECT: Awarding 17 Nonexclusive Franchise Agreements to Licensed Commercial Waste Haulers.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/21/96. (Council voted 7-2. Councilmember Vargas and Mayor Golding voted nay):

(O-97-50 Corr.Copy)
Series)

ADOPTED AS ORDINANCE O-18360 (New

Awarding nonexclusive franchises to and authorizing the City Manager to execute nonexclusive franchise agreements with 17 currently licensed haulers upon completion of application and all requirements contained in the nonexclusive franchise ordinance and agreement.

FILE LOCATION: FRAN-Commercial Waste Haulers
CONFY97-17

COUNCIL ACTION: (Tape location: E270-427.)

MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-not present.

ITEM-55:

SUBJECT: Proposed Lease Agreement with Brown Field Aviation Ventures.

(Otay Mesa Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on 10/28/96. (Council voted 7-1. Councilmember Stevens voted nay. Mayor Golding not present):

(O-97-31) ADOPTED AS ORDINANCE O-18361 (New Series)

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

FILE LOCATION: LEAS-Brown Field Aviation Ventures
LEASFY97-1

COUNCIL ACTION: (Tape location: F414-G130.)

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

ITEM-56:

SUBJECT: Proposed Lease Agreement with Paladin Aviation.

(Otay Mesa Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/28/96. (Council voted 7-1. Councilmember Stevens voted nay. Mayor Golding not present):

(O-97-32) ADOPTED AS ORDINANCE O-18362 (New Series)

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

FILE LOCATION: LEAS-PALADIN AVIATION LEASFY97-1

COUNCIL ACTION: (Tape location: F414-G130.)

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

* ITEM-57:

SUBJECT: Rezoning Villages at Stallions Crossing.

(RZ-95-0196. North City Future Urbanizing Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 10/28/96. (Council voted 5-3. Councilmembers Wear, Kehoe, and Deputy Mayor Stallings voted nay. Mayor Golding not present):

(O-97-58 Rev. 2) ADOPTED AS ORDINANCE O-18359 (New Series)

Rezoning a 32.8 acre portion of property located in the North City Future Urbanizing Area into the CR (FPF) Zone.

FILE LOCATION: ZONE - Ord. No. 18359

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-100:

SUBJECT: Two actions related to Point Loma - North Shoreline Protection Improvements.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-467) ADOPTED AS RESOLUTION R-287990

Awarding a contract to Nielsen-Dillingham Builders in the amount of \$1,754,000 for the construction of Point Loma - North Shoreline Protection Improvements;

Authorizing the City Auditor and Comptroller to transfer \$269,000 within Sewer Fund No. 41508, from CIP-42-924.0, Point Loma - Parking Facility, to CIP-46-185.0, Point Loma - North Shoreline Protection Improvements;

Authorizing the additional expenditure of an amount not to exceed \$269,000 from Sewer Fund No. 41508, CIP-46-185.0,

Point Loma - North Shoreline Protection Improvements, to supplement the amount previously authorized by Council Resolution R-287112, adopted on April 1, 1996, based on the actual low bid submitted.

Subitem-B: (R-97-468) ADOPTED AS RESOLUTION R-287991

Authorizing the execution of an agreement with the State of California, State Lands Commission, to amend Lease PRC 7029.9, to provide additional shoreline protection known as the Point Loma - North Shoreline Protection Improvements Project.

CITY MANAGER SUPPORTING INFORMATION:

The North Shoreline Protection Improvements (NSP) project includes construction of a tied back wall and rip rap along approximately 100 feet of coastal bluff at the northern boundary of the Point Loma Wastewater Treatment Plant (PLWTP) and improvements to the existing parking and construction staging area on the 4.2 acres immediately north of the PLWTP boundary. The existing dirt parking and construction staging area will be graded to improve construction staging access and partially paved to provide approximately 50 parking spaces for plant personnel. Landscaping and drainage improvements for the new parking lot will also be provided. The advertisement and award of this contract was adopted by the City Council on April 1, 1996 under Resolution R-287112. This construction contract was advertised for bids on June 27, 1996. The bids were opened on August 29, 1996. The lowest responsible bidder is Nielsen-Dillingham Builders, San Diego, with a bid amount of \$1,754,000. This bid is \$228,724 over the estimated amount of this construction project. This action is being processed to increase the funding originally requested for the NSPI and award the construction contract to Nielsen-Dillingham.

Aud. Cert. 9700417.

FILE LOCATION: Subitem A: CONT - Nielsen-Dillingham Builders;

Subitem B: MEET CONFY97-2

COUNCIL ACTION: (Tape location: A137-394.)

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

yea, Vargas-yea, Mayor Golding-not present.

* ITEM-101:

SUBJECT: Two actions related to Awarding a Contract to Ortiz Corporation for Construction of Sewer and Water Group 78.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-353) ADOPTED AS RESOLUTION R-287992

Awarding a contract to Ortiz Corporation for Construction of Sewer and Water Group 78, in the amount of \$1,341,534.50, which is 21 percent under the engineer's estimate of \$1,695,478, 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, in Fiscal Year 1997;

Authorizing the additional expenditure of not to exceed \$284,090.50 from Water Revenue Fund 41500, Water Construction Outlay 70592, CIP-73-083.0, to supplement funds previously authorized by Resolution No. R-287641, adopted on July 15, 1996, 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 in Fiscal Year 1997;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K96207C)

Subitem-B: (R-97-354) ADOPTED AS RESOLUTION R-287993

Authorizing the use of City Forces to make connections and perform operational checks involving Construction of Sewer and Water Group 78; declaring that the cost of the work shall not exceed \$75,000 from Water Revenue Fund 41500.

CITY MANAGER SUPPORTING INFORMATION:

On July 15, 1996, pursuant to Resolution No. R-287641, Council approved the plans and specifications and authorized the City Manager to execute a contract for the construction of Sewer and Water Main Replacement Group Job 78 with the lowest responsible bidder. The project was advertised on July 11, 1996, and had a bid opening on August 8, 1996. Seventeen bid packages were issued to prospective bidders, and four bids were received. The project was advertised for construction with two alternate bids. The first alternate was for the construction of the sewer main only. The second alternate was for the construction of both the sewer and water mains. City Council authorized funding for the sewer part only on July 15, 1996, (R-287641). Bids were received for both alternates. The apparent lowest reliable bid by Ortiz Corporation, for the construction of both the water and sewer mains replacement was \$1,341,534.50, which is 21 percent under the engineer's estimate of \$1,695,478. Due to the low bid received for the construction of both the water and sewer mains, City staff determined that it is in the City's best interest to include the replacement of approximately 850 feet of 12-inch deteriorated cast iron water main within the same right-of-way as the sewer replacement. This project will also relocate an old deteriorated 16" water main from St. Augustine School yard. This addition would minimize disruptions to the community, improve safety and save the City money by avoiding a duplication of work efforts within the same right-of-way.

Aud. Certs. 9700403/9700405.

WWF-97-262.

FILE LOCATION: CONT - Ortiz Corporation CONFY97-1

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-102:

SUBJECT: Cancellation of Contract/Debarment of Soundsmith
Industrial.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-192) ADOPTED AS RESOLUTION R-287994

Declaring Soundsmith Industrial to be in default of its contract with the City of San Diego to provide and install audiovisual equipment at the Rancho Bernardo Branch Library and terminating the contract; Directing the City Manager to complete the improvements required;

Authorizing the City Attorney to complete the actions to recover costs associated with the termination in accordance with the terms of the contract;

Declaring Soundsmith Industrial and its officers and principals, including Barry Diamond, to be a non-responsible contractor, and directing the Purchasing Agent to not consider any future bids submitted by or on behalf of this contractor for a period of three years.

CITY MANAGER SUPPORTING INFORMATION:

In October, 1995, Soundsmith Industrial was awarded a contract to provide and install audiovisual equipment at the Malcom X Branch Library. This project was completed on March 25, 1996, and a payment of \$32,633.88 was made on May 6, 1996. Due to an error, a duplicate payment of \$32,633.88 was made on May 9, 1996. Both payments were accepted by Soundsmith Industrial. To date, a refund of the overpaid amount has not been received and the City Library is referring the matter to City Treasurer's Collections. In March, 1996, Soundsmith Industrial was awarded a contract to provide and install audiovisual equipment at the Rancho Bernardo Branch Library. Soundsmith Industrial was notified that the audiovisual equipment ordered could be scheduled for delivery the first week of October. However, to date, no equipment has been received, nor has staff been given a firm delivery date. Staff made every effort to resolve this situation, but to no avail, and therefore request a Council Resolution declaring Soundsmith Industrial and Barry Diamond to be non-responsible bidders.

FILE LOCATION: Purchase

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.

Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-103:

SUBJECT: Nine actions related to the Final Subdivision Map of Coral Gate Unit No. 1.

(A 185-lot subdivision. Tijuana River Valley and San Ysidro Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-338 Corr.1) ADOPTED AS RESOLUTION R-287995

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

Subitem-B: (R-97-337) ADOPTED AS RESOLUTION R-287996

Approving the final map.

Subitem-C: (R-97-339 Corr.1) ADOPTED AS RESOLUTION R-287997

Authorizing a Coral Gate Neighborhood Park Acquisition and Reimbursement Agreement (DIF credits) with SDCG Associates, for acquisition and construction of the park within the Coral Gate Subdivision.

Subitem-D: (R-97-340 Corr.1) ADOPTED AS RESOLUTION R-287998

Authorizing a San Ysidro Athletic Field Extension Acquisition and Reimbursement Agreement (DIF credits) with SDCG Associates, for acquisition and construction of the San Ysidro athletic field extension.

Subitem-E: (R-97-381) ADOPTED AS RESOLUTION R-287999

Authorizing a Memorandum of Agreement with the United States Section International Boundary and Water Commission, for construction of Camino de la Plaza on

federal land.

Subitem-F: (R-97-473) ADOPTED AS RESOLUTION R-288000

Accepting a grant deed of Mosdell Inc., granting to the City an easement for public street purposes in portions of Lot 1 and Lot 48, Block 11 of Tia Juana City Map-562, and a portion of Willow Street;

Dedicating and naming the same Camino de la Plaza.

Subitem-G: (R-97-474) ADOPTED AS RESOLUTION R-288001

Accepting a grant deed of Mosdell Inc., granting to the City an easement for drainage facilities in portions of Lot 9 and Acre Lot 10 of Tia Juana City Map-562.

Subitem-H: (R-97-475 Rev.1) ADOPTED AS RESOLUTION R-288002

Accepting a grant deed of Mosdell Inc. for drainage facilities in portions of the southwest quarter and the southeast quarter of the northeast quarter of Section 2, Township 19 South, Range 2 West, San Bernardino Meridian, and in a portion of Lot 14 of Tia Juana City Extension Map-612.

Subitem-I: (R-97-476) ADOPTED AS RESOLUTION R-288003

Setting aside portions of Acre Lot 1 and Acre Lot 3 of Tia Juana City Map-562 for public street purposes; Dedicating and naming the same Camino de la Plaza and Sipes Lane;

Setting aside an easement for drainage purposes in portions of Acre Lot 2 and Acre Lot 3 of Tia Juana City Map-562.

CITY MANAGER SUPPORTING INFORMATION:

On December 10, 1991, the City Council approved a Planned Residential Development and a Vesting Tentative Map (PRD/VTM-89-1391), for the Coral Gate Subdivision. Condition No. 17 of the VTM requires the developer to provide off-site improvements for Camino de la Plaza as a four lane major street within a 92 foot wide right-of-way. The United States Section International Boundary and Water Commission (IBWC) administers certain federally owned land on which lies the alignment of

Camino de la Plaza. The U.S. Section IBWC is authorized under 22 U.S.C. 277e to convey interests in federal land to government subdivisions for public purposes under certain conditions identified in the Memorandum of Agreement between the United States Section of IBWC and the City. Condition No. 22 of the VTM requires the developer to reserve Lots 177 and 183 of this subdivision for park purposes. The developer is required to grade and construct improvements to City Park and Recreation Department specifications. Condition No. 22 also allows the developer to enter into agreements with the City for acquisition of land, design, and construction of the park sites prior to or concurrent with the recordation of the final map.

FILE LOCATION: Subitems A-E: SUBD - Coral Gate Unit No. 1;
Subitems F-I: DEED F-6863 DEEDFY97-4
CONFY97-4

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-104:

SUBJECT: Terminating the Subdivision Improvement Agreement with
Pardee Construction Company for Westview Unit No. 6.
(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-448) ADOPTED AS RESOLUTION R-288004

Terminating the Subdivision Improvement Agreement of July 26,
1993 with Pardee Construction Company, subdivider of Westview
Unit No. 6;

Releasing Performance Bond No. 400JJ3865, issued by St. Paul
Fire and Marine Insurance Company, guaranteeing the
improvements in Westview Unit No. 6.

FILE LOCATION: SUBD - Westview Unit No. 6

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-105:

SUBJECT: Two actions related to Water and Sewer Easement
Acquisition and Sewer Easement Abandonment - Navajo Shopping
Center.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-330) ADOPTED AS RESOLUTION R-288005

Approving the acceptance by the City Manager of the grant
deed of Cal First Properties, Inc., conveying to the City a
water and sewer facilities easement in a portion of Lot 4 of
Navajo Shopping Center, Map-4721;

Approving the acceptance by the City Manager of the grant
deed of Burnham Pacific Properties, Inc., conveying to the
City a water and sewer facilities easement in a portion of
Lot 2 of Navajo Shopping Center, Map-4721, and in a portion
of Parcel A of Parcel Map PM-245;

Authorizing the execution of a quitclaim deed, quitclaiming
to Burnham Pacific Properties, Inc., all the City's right,
title and interest in a sewer easement in a portion of Lot 2
of Navajo Shopping Center, Map-4721.

Subitem-B: (R-97-331) ADOPTED AS RESOLUTION R-288006

Authorizing an Indemnity Agreement with Burnham Pacific
Properties, Inc., in connection with an exchange of water
and sewer easements in Lots 2 and 4 of Navajo Shopping
Center, Map-4721, and in Parcel A of Parcel Map PM-245.

FILE LOCATION: DEED F-6864 CONTFY97-1 DEEDFY97-3

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-106:

SUBJECT: Street Dedication - "G" Street and First Avenue.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-472) ADOPTED AS RESOLUTION R-288007

Authorizing the acceptance by the City Manager of a grant deed of Oliver McMillan Market Street, L.P., granting to the City easements for public street purposes in portions of Lots "A" and "L" of Block 91, of Horton's Addition to San Diego, and in portions of Lots "E" and "F" of Block 91, of Horton's Addition of San Diego; dedicating said land as and for public streets and naming the same "G" Street and First Avenue.

FILE LOCATION: DEED F-6865 DEEDFY97-1

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-107:

SUBJECT: Sewer Easement Abandonment in Map Nos. 11067, 11068, 11069 and 11070. (Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-389) ADOPTED AS RESOLUTION R-288008

Vacating the City's interest in an unneeded sewer easement in portions of Map Nos. 11067, 11068, 11069 and 11070.

FILE LOCATION: DEED F-6866 DEEDFY97-1

COUNCIL ACTION: (Tape location: A137-394.)

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

ITEM-108:

SUBJECT: Miramar Ranch North Community Facilities District (CDF) No. 1 - Amendment to the Agreement with Willdan Associates.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-404) ADOPTED AS RESOLUTION R-288047

Authorizing the City Manager to execute a fifth amendment to the agreement with Willdan Associates for special tax engineering services in an amount not to exceed \$42,856.

CITY MANAGER SUPPORTING INFORMATION:

On September 7, 1990, the City entered into an agreement with

Willdan Associates for consultant services involving the preparation of an initial feasibility study to evaluate the proposed Miramar Ranch North Community Facilities District No. 1. A subsequent Council action authorized execution of a first amendment to the agreement for Special Tax Engineering Services to form the district, to confirm construction of the facilities to be financed by the district, and to verify costs associated with the completed improvements. The amendment was executed with the understanding that the documentation of improvements and verification of project costs would be a single step process at the completion of all construction. This process would have resulted in a single lump sum reimbursement payment to the developer at the time the City acquired the improvements. Pursuant to the terms and conditions of the Council-adopted Acquisition and Funding Agreement for the district, this single step process was revised to provide for monthly progress payments to the developer. As a result, the City Council has authorized subsequent amendments to the agreement with Willdan Associates to perform monthly construction and incidental cost administration. The fourth such amendment expired on December 31, 1995. The developer is continuing to provide district funded public improvements. Therefore, a fifth amendment to the agreement is required to authorize Willdan Associates to continue performing construction and incidental cost administration on a monthly basis through December 31, 1997.

FILE LOCATION: STRT - CF-1 CCONTFY97-1

COUNCIL ACTION: (Tape location: G135-235.)

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

* ITEM-109:

SUBJECT: Conversion of the Utility Lines from Overhead to Underground in Del Mar Terraces (1911 Improvement Act).

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following Resolution:

(R-97-439) ADOPTED AS RESOLUTION R-288009

Granting the petition for the undergrounding of overhead utility lines within Del Mar Terraces, under the provisions of the Improvement Act of 1911;

Directing the City Manager to prepare plans, drawings, typical cross-sections, profiles and specifications for undergrounding of overhead utilities within Del Mar Terraces, together with estimates of the costs and expenses of such work and to furnish the Council with a description of the district to be included in the assessment for the work and improvements.

CITY MANAGER SUPPORTING INFORMATION:

This request for Council action, if approved, will provide for the formation of a special assessment district under the provisions of the Improvement Bond Act of 1911. This act provides the means to install public improvements, apportion the cost of such improvements to the benefitting parcels of land and issue ten year, fully amortized bonds repaid in semiannual installment payments of principal and interest. The proposed improvements will convert the utility lines for electric, telephone and cable television from overhead to underground. This work will include the removal of the existing overhead lines and poles. San Diego Gas & Electric may administer the planning, scheduling and installation of these improvements within two Del Mar Terrace neighborhoods identified as Zone 1 and Zone 2. In Zone 1, Pacific Bell plans to install an underground fiber optic cable. The property owners in this zone (Zone 1) can probably take advantage of Pacific Bell's trench for electric and cable television. In Zone 2, the property owners will pay for all trenching work. This is a property owner initiated district supported by a petition signed by owners of 78 percent of the proposed district area.

FILE LOCATION: STRT D-2302

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-110:

SUBJECT: Two actions related to the 6th Avenue (Robinson Avenue to University Avenue) Underground Utility District.

(Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-456) ADOPTED AS RESOLUTION R-288010

Designating December 31, 1996 as the date upon which all property in the 6th Avenue (Robinson Avenue to University Avenue) Underground Utility District must be ready to receive underground service, and January 31, 1997 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-97-457) ADOPTED AS RESOLUTION R-288011

Authorizing the City Auditor and Comptroller to open Fund No. 78080 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds for the 6th Avenue (Robinson Avenue to University Avenue) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all property owners in the 6th Avenue (Robinson Avenue to University Avenue) Underground Utility District as reimbursement for electrical service underground conversion work done on private property whenever the required length of trenching exceeds one foot;

Authorizing the City Auditor and Comptroller to return to San Diego Gas & Electric Company any undisbursed funds upon written notice from San Diego Gas & Electric Company to the City that all electric service conversions within a particular district have been completed.

CITY MANAGER SUPPORTING INFORMATION:

The 6th Avenue (Robinson Avenue to University Avenue) Underground Utility District was created by the City Council on November 28,

1995. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set December 31, 1996, as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish January 31, 1997 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300-\$1,500.

FILE LOCATION: STRT K-232

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-111:

SUBJECT: Two actions related to the Fairmount Avenue (Ridge View Drive to Home Avenue) Underground Utility District.

(Mid City Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-460) ADOPTED AS RESOLUTION R-288012

Designating December 31, 1996 as the date upon which all

property in the Fairmount Avenue (Ridge View Drive to Home Avenue) Underground Utility District must be ready to receive underground service, and January 31, 1997 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-97-461) ADOPTED AS RESOLUTION R-288013

Authorizing the City Auditor and Comptroller to open Fund No.78081 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds for the Fairmount Avenue (Ridge View Drive to Home Avenue) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all property owners in the Fairmount Avenue (Ridge View Drive to Home Avenue) Underground Utility District as reimbursement for electrical service underground conversion work done on private property whenever the required length of trenching exceeds one foot;

Authorizing the City Auditor and Comptroller to return to San Diego Gas & Electric Company any undisbursed funds upon written notice from San Diego Gas & Electric Company to the City that all electric service conversions within a particular district have been completed.

CITY MANAGER SUPPORTING INFORMATION:

The Fairmount Avenue (Ridge View Drive to Home Avenue) Underground Utility District was created by the City Council on July 9, 1991. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set December 31, 1996, as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish January 31, 1997 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility

districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300-\$1,500.

FILE LOCATION: STRT - K-197

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-112:

SUBJECT: Two actions related to the Mission Gorge Road
(Fairmount Avenue to Zion Avenue) Underground Utility District.
(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-458) ADOPTED AS RESOLUTION R-288014

Designating January 31, 1997 as the date upon which all property in the Mission Gorge Road (Fairmount Avenue to Zion Avenue) Underground Utility District must be ready to receive underground service, and April 30, 1997 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-97-459) ADOPTED AS RESOLUTION R-288015

Authorizing the City Auditor and Comptroller to open Fund No. 78082 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds for the Mission Gorge Road (Fairmount Avenue to Zion Avenue) Underground Utility District;

Authorizing the City Treasurer to receive these funds from

the San Diego Gas & Electric Company; Authorizing payment to all property owners in the Mission Gorge Road (Fairmount Avenue to Zion Avenue) Underground Utility District as reimbursement for electrical service underground conversion work done on private property whenever the required length of trenching exceeds one foot;

Authorizing the City Auditor and Comptroller to return to San Diego Gas & Electric Company any undisbursed funds upon written notice from San Diego Gas & Electric Company to the City that all electric service conversions within a particular district have been completed.

CITY MANAGER SUPPORTING INFORMATION:

The Mission Gorge Road (Fairmount Avenue to Zion Avenue) Underground Utility District was created by the City Council on April 24, 1990. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set January 31, 1997, as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish April 30, 1997 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300-\$1,500.

FILE LOCATION: STRT - K-193

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-113:

SUBJECT: Adams Avenue, North Park and City Heights Streetscape Improvements.

(City Heights, Normal Heights and Greater North Park Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-478) ADOPTED AS RESOLUTION R-288016

Authorizing the closure of the Bank of America Mid-City Commercial Facade Improvement Loan Program Warehouse Account, and appropriating those funds in the Warehouse Account as CDBG Program Income for the following projects:

a. \$3,000 for Adams Avenue Streetscape Improvements-Felton Street to Mansfield Street, CIP-39-205.0;

b. \$14,000 for City Heights University Avenue Streetscape Improvements, CIP-39-210.0;

c. \$14,000 for North Park Streetscape Improvements, CIP-39-207.0;

d. Any remaining funds, estimated to be \$20,000 to be placed in the District 3 Unallocated Reserve.

Authorizing the expenditure of CDBG Program Income funds as follows:

a. \$3,000 for Adams Avenue Streetscape Improvements-Felton Street to Mansfield Street, CIP-39-205.0;

b. \$14,000 for City Heights University Avenue Streetscape Improvements, CIP-39-210.0;

c. \$14,000 for North Park University Avenue

Streetscape Improvements, CIP-39-207.0.

CITY MANAGER SUPPORTING INFORMATION:

On June 22, 1987 City Council adopted Resolution R-268613, which approved an agreement with Bank of America to set up the Mid-City Commercial Facade Improvement Loan Program. Under this program the City encumbered Community Development Block Grant funds to serve as loan guarantee collateral for private commercial improvements in Mid-City. Two loans were made before the program was closed out, leaving CDBG funds in a Bank of America account in the amount of the two guaranteed loans. The two loans have been repaid by the private parties and the need for the guarantees no longer exists. As of June 30, 1996 a reported \$50,570.91 was in the Bank of America warehouse account available to be re-appropriated as CDBG program income. Since June 30, that amount has increased nominally with interest earnings and is now estimated to total \$51,000. It is proposed that these funds be appropriated to three Mid-City Public Improvement Projects to offset projected construction funding shortfalls. The proposed appropriations are: \$3,000 to Adams Avenue Streetscape Improvements--Felton Street to Mansfield Street (CIP-39-205.0); \$14,000 to City Heights University Avenue Streetscape Improvements-I-805 to Wilson Avenue, CIP-39-210.0; \$14,000, to North Park University Avenue Streetscape Improvements, CIP-39-207.0; and all of the remaining funds in the Warehouse Account, an estimated \$20,000 to the Council District 3 Unallocated Reserve. The Bank of America Warehouse Account would then be closed out.

Aud. Cert. 9700294.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-114:

SUBJECT: Clairemont Mesa Boulevard Median Improvements.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-479) ADOPTED AS RESOLUTION R-288017

Accepting the generous donation of \$25,000 from Clairemont Square Developers (LGD Asset Management, Inc.) to supplement the previously approved TransNet Funds for the Clairemont Mesa Boulevard Median Improvement Project for the purpose of adding plant material and enhanced paving in the asphalt median on the south side of Clairemont Mesa Boulevard between Clairemont Drive and Kleefeld;

Authorizing the Auditor and Comptroller to increase CIP-39-218.0 by \$25,000 to utilize the donation previously deposited into Fund 63022, Private and Other Contributions/CIP;

Thanking Clairemont Square Developers (LGD Asset Management, Inc.) for its generous donation.

CITY MANAGER SUPPORTING INFORMATION:

This new Public Improvement Project (CIP-39-218.0) was adopted as part of the FY 97 CIP Budget for the amount of \$105,000 in TransNet Funds. The project proposes to add plant material and enhanced paving in the asphalt medians on the south side of Clairemont Mesa Boulevard between Clairemont Drive and Kleefeld. Since adoption of the project, the Clairemont Square Developers (LGD Asset Management, Inc.) have contributed an additional \$25,000 in cash to the project. The actions requested include accepting this donation of \$25,000 and authorizing an increase in CIP-39-218.0 of \$25,000. The new project total is \$130,000.

Aud. Cert. 9700423.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

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

yea, Vargas-yea, Mayor Golding-not present.

* ITEM-115:

SUBJECT: Mission Bay Parking Lot Lighting.

(Mission Bay Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-438) ADOPTED AS RESOLUTION R-288018

Authorizing the expenditure of an amount not to exceed \$100,000 from CIP-22-939.0, Crown Point Shores Parking Lot Safety Lights, and an amount not to exceed \$100,000 from CIP-22-934.0, De Anza Cove Parking Lot Safety Lighting, using City Forces to install lights in parking lots at Crown Point Shores and De Anza Cove, Fund 10507 - Fiesta Island Sludge Mitigation.

CITY MANAGER SUPPORTING INFORMATION:

CIP-22-939.0 Crown Point Shores Parking Lots Safety Lights and CIP-22-934.0, De Anza Cove Parking Lot Safety Lighting can be done sooner and at less cost if done by City Force labor (Transportation Department/Street Division.) San Diego Municipal Code Section 22.0212, Public Works - Use of City Forces, requires Council approval when cost of City Force use exceeds \$15,000. Council approval of the use of City Forces is recommended for this project. City Forces have been previously used to install and upgrade safety lighting in Mission Bay Park parking lots in the Bonita Cove area and the lots along the east shoreline of the Park. This will save the engineering design, administration, and inspection costs which would be about \$60,000.

Aud. Cert. 9700375.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.

Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-116:

SUBJECT: Settlement of the Personal Injury Claim of Andrea Dreadin.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-450) ADOPTED AS RESOLUTION R-288019

A Resolution approved by the City Council in Closed Session on Tuesday, October 22, 1996 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-not present; McCarty-yea; Vargas-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$30,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury of a police dog bite to Andrea Dreadin (Superior Court Case No. 698244, Andrea Dreadin v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$30,000 made payable to Andrea Dreadin and her attorneys of record, Steven W. Haskins and Brent O'Malley Barnes, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Andrea Dreadin against the City of San Diego, its agents and employees, as a result of an incident which occurred on March 16, 1995.

Aud. Cert. 9700421.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-117:

SUBJECT: Commending Michael M. Lorch.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-443) ADOPTED AS RESOLUTION R-288020

Recognizing the accomplishments of Michael M. Lorch and
commending him for his outstanding and continuing
contributions to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-118:

SUBJECT: Commending John G. Rebelo.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-442) ADOPTED AS RESOLUTION R-288021

Recognizing the accomplishments of John G. Rebelo and
commending him for his outstanding and continuing
contributions to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-119:

SUBJECT: Commending Marion Ross.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-441) ADOPTED AS RESOLUTION R-288022

Recognizing the accomplishments of Marion Ross and
commending her for her outstanding contributions to the
Dramatic Arts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-120:

SUBJECT: Christ United Presbyterian Church Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-452) ADOPTED AS RESOLUTION R-288023

Commending Christ United Presbyterian Church for their commitment and devotion; Proclaiming December 15, 1996 to be "Christ United Presbyterian Church Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-121:

SUBJECT: Tayari African-American Adoptions 25th Anniversary and National Adoption Awareness Month.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-453) ADOPTED AS RESOLUTION R-288024

Commending Tayari African-American Adoptions on its 25th Anniversary and for the years of dedicated and unequalled service not only to the community but also to the entire City of San Diego;

Proclaiming the month of November 1996 to be "Tayari African-American Adoptions Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-122:

SUBJECT: Second Amendment to the Agreement with Access, Inc.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-440) ADOPTED AS RESOLUTION R-288025

Authorizing a second amendment to the agreement with Access, Inc. for design and additional renovation of their buildings at 2612 Daniel Avenue;

Authorizing the expenditure of not to exceed \$25,000 from CDBG Fund 18532, Dept. 4112, Org. 1201, JO 112455.

CITY MANAGER SUPPORTING INFORMATION:

Access, Inc. is a non-profit organization. The agency provides a program for high school drop outs in partnership with San Diego Schools. In order to continue operating education, job training, and social services programs at this site, Access must improve its facility to comply with Americans With Disability Act (ADA) fire safety and security improvements. The improvements consist of adding additional exits and widening stairways. On March 21, 1994, City Council adopted Resolution No. R-283554 authorizing the expenditure of \$24,500 of CDBG funding for this project, and on April 1, 1996, City Council adopted Resolution No. R-287098 authorizing the expenditure of an additional \$25,000. On April 23, 1996, City Council adopted Resolution No. R-287238 granting an additional \$25,000 of Fiscal

Year 1997 CDBG funds for this project. This action will authorize the expenditure of an additional \$25,000 for additional design and construction costs of the existing building.

Aud. Cert. 9700388.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-123:

SUBJECT: Expansion of AIDS/HIV Resources Outreach Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-431) ADOPTED AS RESOLUTION R-288026

Authorizing the City Manager or his representatives to accept and administer grant funds from the National Library of Medicine to expand materials at the Central Library and two existing branch satellite centers, to establish a third branch satellite center, and to provide community specific workshops at thirteen sites in connection with the AIDS/HIV Resources Outreach Program;

Authorizing the City Manager or his designated representative to apply for, accept, and administer available grant funds from the National Library of Medicine for the AIDS/HIV Resource Outreach Program in successive years.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Public Library (SDPL) requests approval to accept funding from the National Library of Medicine (NLM) for a second year of funding for the AIDS/HIV Outreach Program. In 1992, SDPL established an AIDS Resource Center in the Science and Industry section of the Central Library, which was expanded through a grant from the NLM in 1994. Today AIDS related materials total over 300 circulating books, which can be transferred among all of the branches, 40 reference books for on-site use, and almost 200 audio-visual materials, also transferable.

In addition, the grant funded a computer with Internet access that provides updated information, and allowed the establishment of two satellite resource centers at Malcolm X Library and

Performing Arts Center/Valencia

Park Branch and Logan Heights Branch Library. This additional funding will allow the establishment of a third satellite resource center at Mira Mesa Branch Library which will include a computer with Internet access; the system wide updating of circulating and reference materials, updating of bibliographies and pamphlets; and presentation of 28 site specific community workshops at 14 library sites throughout the City. These workshops will provide lectures, videos, and printed materials geared to be sensitive to the needs of each community and tailored to the special needs of target groups including youth at high risk, women, ethnic communities, as well as the general public.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-124:

SUBJECT: Contribution Agreement with CalTrans for Construction of a Sidewalk on Rosecrans Street.
(Midway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-432) ADOPTED AS RESOLUTION R-288027

Authorizing an agreement with the California Department of Transportation (CalTrans), for the construction of a portland cement concrete sidewalk on the east side of Rosecrans Street between Rosecrans Place and Sellers Drive.

CITY MANAGER SUPPORTING INFORMATION:

City staff responded to a request from residents in the Midway area to install a sidewalk on the east side of Rosecrans Street

between Rosecrans Place and Sellers Drive. Although Rosecrans Street is part of State Route 209 and therefore under the jurisdiction of the California Department of Transportation (CalTrans), the City and CalTrans agreed to work cooperatively to install the sidewalk at this location. Costs for the installation of sidewalks adjacent to City streets is generally the responsibility of the fronting property owners. This location is unusual in that there are no fronting properties along this segment of Rosecrans Street.

The City's Annual Allocation for Safety All-Weather Walkways (CIP-52-327.0) is used to install walkways along streets in areas where children are required to walk to school. Rosecrans Street between Rosecrans Place and Sellers Drive is used by children who attend Dewey Elementary School and St. Charles Academy. CalTrans has agreed to contribute \$8,000 to upgrade the sidewalk from asphaltic concrete to Portland Cement Concrete. The sidewalk will conform to Americans with Disabilities Act (ADA) standards. This Contribution Agreement will authorize the City to install the sidewalk with financial assistance from CalTrans.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-125:

SUBJECT: Agreement with Engineering and Research International, Inc.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-437) ADOPTED AS RESOLUTION R-288028

Authorizing an agreement with Engineering and Research International, Inc. for testing and evaluating utility cut patches on pavements in San Diego;

Authorizing the expenditure of not to exceed \$140,000 from Gas Tax Fund 302191.

CITY MANAGER SUPPORTING INFORMATION:

Engineering Research International, Inc. (ERI) is a Pavement Management Solutions firm who performs pavement evaluations worldwide. They propose to use a mechanistic approach to the project which utilizes a Nondestructive Testing (NDT) method through the use of a Falling Weight Deflectometer (FWD) to test the various public right-of-way streets in the four basic San Diego street classifications. Each of the identified pavement sections will be inspected visually for any sign of distress by ERI's technically trained staff. The Pavement Condition Rating will be performed using the PCI method developed by the U.S. Army Corps of Engineers and published in Report M-268. The project will document the difference between pavements with utility cut patching from those which have not been cut. ERI was selected from a group of qualified professionals familiar with our testing needs and their prior performance.

Through our RFP, one public agency and four private consultants responded. This unique and sensitive project requires a consultant with the professional expertise that ERI has to perform the testing, evaluation, and ability to document the loss of service life as a result of utility cut patched pavements. ERI has successfully performed this type of testing in Phoenix, Arizona and is available to commence with our project. Schedules will be developed based on project test results. The current Pavement Management System consultant (PMSI, now known as ITX Stanley) was scheduled to be used for the project. However, after months of complications and the company being consolidated, they have informed us that they are unable to provide the services necessary for the project. City forces will be utilized for some traffic control, since their use will reduce the overall project cost due to staff's flexibility where they do not need to charge a full day's time when they are only used for a portion of the day. The City does not have the equipment or software necessary to perform the actual tests. This action will authorize the expenditure of a base fee of \$102,435 with an additional \$29,850 allocated should City staff be unavailable to perform the traffic control required for testing. Unforeseen additional services, should they be necessary, are identified as \$7,715. Actual cost with not to exceed amounts for each project task is the basis for payment.

Aud. Cert. 9700422.

FILE LOCATION: MEET CCONTFY97-1

COUNCIL ACTION: (Tape location: A137-394.)

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

ITEM-126: NOTED AND FILED

SUBJECT: Electing Patricia L. Roscoe to the San Diego Convention
Center Corporation Board of Directors.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:
(R-97-428)

Electing Patricia L. Roscoe to serve as a member of the
Board of Directors of the San Diego Convention Center
Corporation, Inc., to fill the unexpired term ending
December 1, 1998, replacing Su-Mei Yu, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO NOTE AND FILE THIS ITEM. Second
by Stevens. Passed by the following vote: Mathis-yea,
Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not
present.

* ITEM-127:

SUBJECT: Reappointments to the Park and Recreation Board.

(See memorandum from Mayor Golding dated 10/22/96.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-463) ADOPTED AS RESOLUTION R-288029
Council confirmation of the following reappointments by the
Mayor to serve as members of the Park and Recreation Board
for two-year terms ending March 1, 1998:

Booker T. Crenshaw, Jr.
Celeste Weinsheim
Peggy Lacy
Helen Duffy
Stuart L. Glassman
Sally Ortega Madaffer

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

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

ITEM-128:

SUBJECT: Reappointments to the San Diego Unified Port District
Board of Commissioners.

(See memorandums from Mayor Golding dated 10/24/96 and
10/14/96; memorandum from Deputy Mayor Stallings,
Councilmember McCarty and Councilmember Vargas dated
10/9/96; memorandum from Councilmember Warden dated
10/16/96; memorandum from Councilmember Stevens dated
10/25/96.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-477) ADOPTED AS RESOLUTION R-288030

Reappointing Susan Lew and Patricia A. McQuater to the San Diego Unified Port District Board of Commissioners for terms ending January 2, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B059-067.)

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

* ITEM-129:

SUBJECT: Appointments and Reappointments to the Senior Citizens' Advisory Board.

(See memorandum from Mayor Golding dated 10/22/96 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-464) ADOPTED AS RESOLUTION R-288031

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Senior Citizens' Advisory Board, representing districts and for terms ending as indicated:

Terms ending July 1, 1997:

Wilbur K. McCracken (reappointment)
(Council District 1)

Arlene R. "Joy" Whitehurst (replacing Lisa J. Boykin, whose term has expired) (Council District 2)

Abraham David Krems (replacing Leonard J. Zanville, whose term has expired) (City at Large)

Terms ending July 1, 1998:

Patricia A. Laughlin (replacing Virginia Nash,
whose term has expired) (Council District 3)

Jacquelin Ander (reappointment)
(Council District 6)

Janet M. Brown (reappointment)
(Council District 7)

Valentin Guerra (reappointment)
(Council District 8)

Evelyn S. Herrmann (reappointment)
(City at Large)

June Sandford (replacing David B. Dreiman, whose
term has expired) (City at Large)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-130:

SUBJECT: Personal Services Agreement with Copeland, Lowery &
Jacquez. (See Intergovernmental Relations Department Report
IRD-96-9).

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-481) ADOPTED AS RESOLUTION R-288032

Authorizing a Personal Services Agreement with Copeland, Lowery Jacquez for legislative advocacy services in Washington, DC for the period of January 1, 1997 through December 31, 1998.

RULES COMMITTEE'S RECOMMENDATION:

On 10/21/96, RULES voted 5-0 to approve renewal of legislative representation contracts for Sacramento, CA and Washington, DC. (Councilmembers Mathis, Kehoe, Warden, Stallings and Mayor Golding voted yea.)

Aud. Cert. 9700434.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A137-394.)

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

* ITEM-131:

SUBJECT: Personal Services Agreement with The Flannery Group.

(See Intergovernmental Relations Department Report IRD-96-9).

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-482) ADOPTED AS RESOLUTION R-288033

Authorizing a Personal Services Agreement with The Flannery Group for legislative advocacy services in Sacramento, CA for the period of October 1, 1996 through September 30, 1998.

RULES COMMITTEE'S RECOMMENDATION:

On 10/21/96, RULES voted 5-0 to approve renewal of legislative representation contracts for Sacramento, CA and Washington, DC. (Councilmembers Mathis, Kehoe, Warden, Stallings and Mayor Golding voted yea.)

Aud. Cert. 9700433.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A137-394.)

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

ITEM-150:

SUBJECT: Incentives for the Business Cooperation Program.

(See City Manager Report CMR-96-206.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-400) ADOPTED AS RESOLUTION R-288034

Approving the following incentives for participation in the Business Cooperation Program and directing staff to take all actions necessary to implement them:

- 1) A credit, measured by the amount of sales/use tax returned to the City as a result of a company's participation in the BCP, to be applied against future City fees or taxes;
- 2) A cash rebate of half the amount of sales/use tax returned to the City as a result of a company's participation in the BCP;
- 3) A deferral of the City's development fees

until final inspection, in exchange for the company's participation in the BCP.

RULES COMMITTEE'S RECOMMENDATION:

On 10/21/96, RULES voted 5-0 to approve the incentives and forward to Council. (Councilmembers Mathis, Kehoe, Warden, Stallings and Mayor Golding voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-B058.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION APPROVING THE PROGRAM AND TO: 1) DIRECT STAFF TO CONTINUE WORKING AT THE STATE LEVEL TO CHANGE THE PLAN SO THAT THE CITY CAN RECEIVE THE TOTAL DOLLARS THAT CAN BE RECEIVED THROUGH THIS PLAN; 2) EVALUATE THIS PROGRAM IN TWO YEARS; AND 3) DIRECT THE CITY MANAGER TO PROVIDE COUNCIL WITH THE TOTAL AMOUNT OF REVENUE THAT THIS PROGRAM GENERATES PER YEAR, SO THAT COUNCIL CAN DETERMINE HOW THE PROGRAM IS WORKING. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-151: CONTINUED TO NOVEMBER 26, 1996

SUBJECT: Financial Planning and Management Practices of the Metropolitan Water District.

(See Barrington-Wellesley Group Inc. Report dated 7/15/96.)

TODAY'S ACTION IS:

Adoption of the following resolution:
(R-97-347)

Strongly encouraging the Metropolitan Water District of Southern California to implement the nine recommendations contained in the Barrington-Wellesley, Group Inc. Report relating to its assessment of the financial planning and management practices of the MWD; Urging the MWD to return the City of San Diego's proportionate share of the MWD's

\$300 million excess cash reserve, as identified by Barrington-Wellesley Group, Inc.;

Authorizing the Mayor to apprise other MWD member cities and water districts of the San Diego City Council's response to the Barrington-Wellesley Group, Inc.'s assessment of the financial planning and management practices of the MWD and encouraging these MWD member agencies to carefully review the assessment.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/11/96, NR&C voted 5-0 to approve the following actions relative to the financial planning and management practices of the Metropolitan Water District of Southern California (MWD). (Councilmembers Mathis, Kehoe, Warden, Stallings and McCarty voted yea):

a. Request that the City Attorney draft and the City Council adopt a resolution to do the following:

1. Strongly encourage the MWD to promptly implement the nine recommendations relating to financial planning and management contained in the July 15, 1996 report by the Barrington-Wellesley Group, Inc. for the Burbank City Council relating to an assessment of the financial planning and management practices of the MWD.

2. Request that the MWD return the City of San Diego's proportionate share of the MWD's \$300 million excess cash reserve, as identified by Barrington-Wellesley Group, Inc.

3. Authorize the Mayor to apprise other MWD member cities and water districts of the San Diego City Council's response to the Barrington-Wellesley Group, Inc.'s assessment of the financial planning and management practices of the MWD and to encourage these MWD member agencies to carefully review the assessment.

b. Direct the City Manager to take appropriate action to reclaim the City of San Diego's proportionate share of the MWD's \$300 million excess cash reserve, and to seek the support of the San Diego County Water Authority in this effort.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO CONTINUE TO NOVEMBER 26, 1996, AT THE REQUEST OF THE METROPOLITAN WATER DISTRICT SO THAT THEY CAN ADDRESS THE AUDIT THAT THE COMMITTEE REVIEWED. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-200:

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

(Continued from the meeting of October 28, 1996, Item 200, at Councilmember Stevens's request, to allow time to find out why the company (Nixon-Egli) has not hired any African-Americans.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-436) ADOPTED AS RESOLUTION R-288048

Awarding a contract to Nixon Egli Equipment Company (Santa Fe Springs, CA) for lease/purchase of ten mechanical street sweepers (Athey Model AHL-2, Mobile M-9D, "Top Gun" Sweeper), for a total estimated cost of \$1,496,000, including tax and terms;

Authorizing the City Manager to finance the total acquisition under the Master Lease Program;

Authorizing the expenditure of not to exceed \$231,500 from the following: Fund No. 500311, Dept. 500311, Org. 534, Account No. 6019, Job Order No. 000534 - \$91,000; Fund No. 100, Dept. 534, Org. 2554, Account No. 6019, Job Order No. 007340 - \$49,100; and Fund No. 100, Dept. 534, Org. 2554, Account No. 6019, Job Order No. 007342 - \$91,400;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted

funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The City has begun the implementation of a plan to increase scheduled residential street sweeping from once per year to a minimum of once per month. Existing street sweeping equipment has experienced extensive downtime while attempting to carry out the new schedule. This has prevented the successful completion of the transition to the monthly sweeping schedule, and has resulted in many areas being missed on a typical scheduled sweeping day. It is clear that a solution to this problem is needed as soon as possible. As part of our competition assessment, we researched which equipment is utilized by those cities who have the most cost-effective programs. These cities were found to have better equipment availability and lower operating costs. We estimate that the cost to maintain the proposed sweepers, when compared to the existing sweepers, will be a total of \$11,400 less per month for the ten vehicles. While looking at available sweeping equipment, we became aware of a purchase made by the City of Inglewood. Their purchase was of equipment that met all of our specifications, was at a good price, and had a clause opening the acceptance of the bid to other California cities. This process of utilizing another city's bid will shorten the time to acquire the vehicles by 60 to 90 days. This time saved will result in maintenance cost savings of approximately \$25,000, and will hasten the provision of improved sweeping to the residents of San Diego. Therefore we recommend that Council approve the purchase using the City of Inglewood's Bid Number B-0633, as authorized under Municipal Code Section 22.0504.

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

Aud. Cert. 9700389.

FILE LOCATION: Purchase CONFY97-1

COUNCIL ACTION: (Tape location: F103-G405.)

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

ITEM-201:

SUBJECT: City Heights Urban Village Wightman Street Widening - 43rd Street to Highland Avenue.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-299) ADOPTED AS RESOLUTION R-288035

Authorizing the City Manager to request advance funding for CIP-52-631.0, City Heights Urban Village Wightman Street Widening, from SANDAG through the debt financing program in an amount not to exceed \$3,500,000, for property acquisition and construction of the above-named public improvements;

Authorizing the City Manager to execute all necessary documents related to the receipt of the advance funding for CIP-52-631.0 from SANDAG;

Authorizing the City Manager to pay the City's proportionate share of the issuance costs and overall annual debt service requirements of the SANDAG debt financing program and that these costs shall be the first priority use of the City of San Diego's annual allocation of TransNet revenues;

Authorizing the expenditure of not to exceed \$3,500,000 from TransNet Bond Fund 30302, Capital Improvements Project CIP-52-631.0, for the City Heights Urban Village Wightman Street Widening, from 43rd Street to Highland Avenue.

CITY MANAGER SUPPORTING INFORMATION:

On March 12, 1996, the City Council took action to amend the

Capital Improvements Program (CIP) Budget to include the City Heights Urban Village Wightman Street Widening - 43rd Street to Highland Avenue, CIP-52-631.0 for \$3,620, and approved an advance of \$120,000 for design and appraisal services. The balance of funding, \$3,500,000, will be used for property acquisition and construction of public improvements.

Aud. Cert. 9700320.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea (Nay on Transnet portion of Mid City Link), Vargas-yea, Mayor Golding-not present.

ITEM-202:

SUBJECT: Additional Contingency for Carmel Valley - Trunk Sewer Replacement Project.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-420) ADOPTED AS RESOLUTION R-288036

Authorizing the Auditor and Comptroller to transfer not to exceed \$757,000 from Fund 41509, Program Element 777210, Sewer Revenue Funds - Unallocated Reserve, to Fund 41506, CIP-46-122.0, Carmel Valley - Trunk Sewer Replacement Project;

Authorizing the expenditure of not to exceed \$757,000 from Fund 41506, CIP-46-122.0, Carmel Valley - Trunk Sewer Replacement Project, for providing additional contingency, 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-283212 and R-283213 authorized the City Manager to execute a contract with the lowest responsible bidder of the Carmel Valley - Trunk Sewer Replacement Project. Additional funding in the amount of \$757,000 is necessary for the Carmel Valley - Trunk Sewer Replacement Project. This additional funding request is for the following items:

Delay costs to the re-vegetation contractor:	\$145,000
Additional costs for detailed pipe line inspection of the 54" trunk sewer:	\$190,000
Additional funding for Construction Management Services and for the owner controlled insurance program:	\$439,033
Additional contingency to settle outstanding claims from the contractor:	\$200,000

The contractor has outstanding claims for this project. These include claims for additional cost of maintenance of temporary pavement on Sorrento Valley Road, differing geologic conditions for 30" force main, over excavation of 42" sewer, additional manhole work for tie in of existing sewer and time impacts.

Total anticipated to date:	\$974,033
Remaining contingency:	(\$217,033)
Additional funding request:	\$757,000

Aud. Cert. 9700386.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

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

ITEM-203:

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-97-449) ADOPTED AS RESOLUTION R-288037

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

FILE LOCATION: GEN'1 - State of Emergency Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A137-394.)

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

ITEM-330: RETURNED TO CITY MANAGER

(Continued from the meeting of 5/14/96, Item 330, at Councilmember Mathis's request, until after the Traffic Study has been completed.)

SUBJECT: Two actions related to the North University City FY 1996 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report No. P96-044. University Community Planning Area. District-1.)

NOTE: Hearing open. No testimony taken on 5/14/96.

CITY MANAGER'S RECOMMENDATION:

Adoption of the following resolutions:

Subitem-A: (R-96-1007)

Designating an area of benefit in North University City and the boundaries thereof; confirming the description of Public

Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto; and ordering the proposed Public Facilities Project in the matter of the North University City Facilities Benefit Assessment Area.

Subitem-B: (R-96-1008)

Declaring that the assessment fee schedule contained in the North University City Public Facilities Financing Plan and the Errata dated February 21, 1996, as adopted and approved in Resolution No. R-287043, is an appropriate and applicable development impact fee.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 2/21/96, LU&H voted 5-0 to approve the City Manager's recommendation to accept the Facilities Financing Plan "Option B - 3 year all" and to adopt the resolutions. (Councilmembers Mathis, Wear, Stevens, Warden and McCarty voted yea.)

FILE LOCATION: STRT - FB-1

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST UNTIL THE TRAFFIC STUDY HAS BEEN COMPLETED. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-331:

(Continued from the meeting of October 22, 1996,

Item 336; trailed as Unfinished Business from the meeting of October 29, 1996, Item S500, due to a lack of five affirmative votes - Yeas - Districts 1,2 & 7; Nays - Districts 3,4,5 & 6; Not Present - District 8 and Mayor Golding.)

SUBJECT: The Ranch at Stallions Crossing Project.

Consideration of an amendment to the General Plan, NCFUA Framework Plan and Local Coastal Program; a Vesting Tentative Map; a Planned Residential Development Permit; a Resource Protection Ordinance Permit and a Public Facilities Financing Plan. (NCFUA Subarea II.)

The project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on the project will be with the California Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

(Case-GPA/FPA/LCP/RZ/VTM/RPO/PFFP-93-0441.
District-1.)

NOTE: The public testimony portion of the hearing is closed. Testimony taken on 10/29/96. (Councilmember Vargas and Mayor Golding not present.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-AA: (R-97-418) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-93-0441 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines. Directing the City Manager to return with appropriate findings, and if necessary, Statement of Overriding Considerations, and Mitigation, Monitoring, and Reporting Program.

Subitem-BB: (R-97-434) DENIED

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

Subitem-CC: (R-97-417) DENIED

Adoption of a Resolution approving a reduced project alternative for the Vesting Tentative Map, and requiring the applicant to work with Development Services in the appropriate revision of said map, with appropriate findings to support Council action.

Subitem-DD: (R-97-419) DENIED

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

Subitem-EE: (O-97-59) DENIED

Introduction of an Ordinance approving the transfer of 37 dwelling units of existing development rights from City Water Utilities owned land in San Pasqual.

SUPPORTING INFORMATION:

The project site is located immediately west of El Camino Real, south of Via de la Valle between San Dieguito Road and Derby Downs Road, and north of the community of Carmel Valley in the City of San Diego. The zoning on this property is A1-10.

FILE LOCATION: Subitems AA,BB,EE: LAND - NCFUA-Subarea II; Subitem CC: SUBD - Ranch at Stallions Crossing; Subitem DD: PERM - RPO-93-0441

COUNCIL ACTION: (Tape location: C341-505.)

Hearing began at 11:54 a.m. and halted at 12:03 p.m.

Motion by Mathis to approve the City Manager's Reduced Development Option 1. Second by McCarty. Failed. Yeas-1,7. Nays-3,4,5,6,8. Not present-2,M.

MOTION BY KEHOE TO DENY THE PROJECT. Second by Vargas.

Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-not present.

MOTION BY WARDEN TO DIRECT THE CITY MANAGER TO RETURN TO COUNCIL WITH OPTIONS FOR THE TRANSFER OF DEVELOPMENT RIGHTS WITHIN THE SAN PASQUAL VALLEY. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-332: RETURNED TO CITY MANAGER

(Continued from the meeting of October 22, 1996, Item 334; trailed as Unfinished Business from the meeting of October 29, 1996, Item S501, to be heard after Item S500 regarding the Ranch at Stallions Crossing Project.)

SUBJECT: Three actions related to the North City Future Urbanizing Area Subarea II Public Facilities Financing Plan and Development Impact Fees.

(See City Manager Report No. P96-239; Councilmember Mathis's memo dated October 8, 1996; Theodore Griswold's letter dated 10/9/96; Roy Collins's letter dated 10/8/96. North City Future Urbanizing Area. District-1.)

NOTE: The public testimony portion of the hearing is closed. Testimony taken on 10/29/96.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-394 Corr.Copy)

Approving the document entitled "North City Future Urbanizing Area Subarea II Public Facilities Financing Plan and Development Impact Fee, October, 1996" and ordering fees to be imposed and collected; Declaring that the fees shall not be imposed or collected until such time as one of the following tentative maps is fully and finally approved:

TM-93-0441, TM-95-0197 or TM-95-0196, which approval includes a Phase Shift, if necessary.

Subitem-B: (R-97-395 Corr.Copy)

Rescinding the existing Interim North City Future Urbanizing Development Impact Fees within Subarea II;

Declaring that effective at such time as any one of the following tentative maps are fully and finally approved: TM-93-0441, TM-95-0197 or TM-95-0196, which approval includes a Phase Shift, if necessary.

Subitem-C: (R-97-396)

Authorizing the City Auditor to establish the Subarea II North City Future Urbanizing Area Development Impact Fee fund.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/9/96, LU&H voted 4-0 to accept the City Manager's report, forward the matter to the City Council with no recommendation, and direct the City Manager to address Councilmember Mathis's and the public's concerns at the City Council hearing. Motion made by Councilmember Stevens, Second by Councilmember Warden. (Councilmembers Mathis, Stevens, Warden and McCarty voted yea. Councilmember Wear not present.)

NOTE: This is a companion item to the Stallions Crossing Projects.

FILE LOCATION: LAND - North City Future Urbanizing Area Subarea II

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST DUE TO THE PROPOSITIONS FAILING. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-333:

(Continued from the meeting of October 22, 1996, Item 332, at the request of the City Manager to work on the Shaw Ridge Road issue.)

SUBJECT: Three actions related to the Del Mar Mesa (Subarea V of the North

City Future Urbanizing Area) Facilities Benefit Assessment.

(See City Manager Report P96-177; LU&H Committee Consultant Analysis LUH-96-5; Public Facilities Financing Plan and Facilities Benefit Assessment Draft; Errata. North City Future Urbanizing Area. District-1.)

NOTE: Hearing open. No public testimony taken on 10/22/96.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-86 Cor. Copy) ADOPTED AS RESOLUTION
R-288049

Designating an area of benefit in Del Mar Mesa (Subarea V of the North City Future Urbanizing Area) and the boundaries thereof; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto; and ordering the proposed Public Facilities Project in the matter of the Del Mar Mesa (Subarea V of the North City Future Urbanizing Area) Facilities Benefit Assessment Area.

Subitem-B: (R-97-87) ADOPTED AS RESOLUTION R-288050

Rescinding the existing North City Future Urbanizing Area Interim Development Impact Fees within the Del Mar Mesa (Subarea V); Declaring that the assessment fee schedule contained in the Del Mar Mesa (Subarea V of the North City Future Urbanizing Area) Public Facilities Financing Plan, as

adopted and approved in Resolution No. R-287766, is an appropriate and applicable development impact fee.

Subitem-C: (R-97-93) ADOPTED AS RESOLUTION R-288051

Authorizing the Auditor and Comptroller to establish the Del Mar Mesa Facilities Benefit Assessment Fund.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/17/96, LU&H voted 4-0 to approve the City Manager's option 2b, which includes:

- a. Approve the City Manager's recommendations;
- b. Reduce by 20 percent the Open Space Acquisition Fee for any projects in the A-1-1 zone developing at a density no greater than their underlying zone;
- c. Revise Project 43-3 "Shaw Ridge Road - Carmel Country Road to Camino Santa Fe" from "Subdivider" to "FBA" obligation;
- d. Delete Project 43-11 "Hiking/Equestrian Trail - Shaw Valley."

(Councilmembers Mathis, Wear, Stevens and McCarty voted yea. Councilmember Warden not present.)

FILE LOCATION: STRT - FB-16

COUNCIL ACTION: (Tape location: E460-F092.)

Hearing began at 3:24 p.m. and halted at 3:38 p.m.

Testimony in favor by Matt Peterson, Jan Hudson, Thomas Steinke and Stephen Coury.

MOTION BY MATHIS TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B AND C, INCLUDING APPROVAL OF THE CITY MANAGER'S RECOMMENDATIONS TO: 1) INCLUDE SHAW RIDGE ROAD AS AN FBA FUNDED PROJECT BASED ON RURAL-LOCAL STREET STANDARDS, AND WITH NO ACCESS TO THE ROAD BY THE BOUGAINVILLEA RESORT FORSERVICE VEHICLES, (WITH THE EXCEPTION OF EMERGENCY VEHICLES) AND WITH THE CLARIFICATION THAT ACCESS FOR OTHER VEHICLES ARE SUBJECT TO DISCUSSIONS BETWEEN THE RESIDENTS AND THE BOUGAINVILLEA RESORT; 2) REDUCE THE DEL MAR MESA SHARE OF THE CAMINO SANTA FE/STATE ROUTE 56 INTERCHANGE

(PROJECT NO. 43-6) BASED ON THE DISTRIBUTION OF PROJECTED TRAFFIC VOLUMES; 3) REVISE THE ASSESSMENT RATE AS STATED IN CITY MANAGER'S REPORT P96-269. ADDITIONALLY, WITH REGARDS TO SHAW RIDGE ROAD DIRECT THE CITY MANAGER TO: 1) PROVIDE SIGNS ON SHAW RIDGE ROAD INDICATING THAT THE ROAD IS DESIGNATED AS A POTENTIAL CUL-DE-SAC IN THE SPECIFIC PLAN, SO THE PUBLIC, SUCH AS HOME BUYERS, ARE AWARE THAT DURING PHASE 2 OF THE TRANSPORTATION PLAN THE ROAD WILL BE CONSIDERED FOR CUL-DE-SAC; 2) TAKE THE NECESSARY STEPS TO ENSURE CONSTRUCTION PERMITS ARE CONDITIONED TO RESTRICT THE HOURS CONSTRUCTION TRAFFIC CAN USE SHAW RIDGE ROAD, SO SAFETY HAZARDS AND DISRUPTION TO RESIDENTS ARE MINIMIZED; 3) CONTINUE WORKING WITH PROPERTY OWNERS AND RESIDENTS DURING THE DESIGN OF SHAW RIDGE ROAD TO ADDRESS SAFETY CONCERNS ALONG THE ROAD BY WAY OF TRAFFIC CALMING MEASURES AND THREE-WAY STOP SIGNS; 4) INSTALL STREET LIGHTS ONLY AT LOCATIONS WHERE PUBLIC SAFETY REQUIRES A STREET LIGHT, SUCH AS AT INTERSECTIONS OR SHARP CURVES, IN ORDER TO MINIMIZE STREET LIGHT INTRUSION ON RESIDENTS OR THE MSCP PRESERVE AS NOTED IN SECTION III.D.17 (STREET LIGHTS) OF THE SPECIFIC PLAN; 5) AMEND PROJECT NO. 43-3 DESCRIPTION STATEMENT FOR SHAW RIDGE ROAD TO IDENTIFY THE \$1.5 MILLION COST ASSUMES DEDICATION OF THE RIGHT-OF-WAY FOR THE ROAD; 5) WORK WITH PROPERTY OWNERS AND RESIDENTS TO ENSURE ADEQUATE WATER AND SEWER SERVICE; AND 6) WORK WITH RESIDENTS TO FORM A CITY RECOGNIZED COMMUNITY PLANNING GROUP FOR DEL MAR MESA SUBAREA.

Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-334:

SUBJECT: Request by the appellants, for an appeal from the decision of the Planning Commission in approving the request for the Hick's Residence; Coastal Development/Sensitive Coastal Resource/La Jolla Shores Planned District Permit No. 95-0348.

(CDP/SCR/LJPDO-95-0348. La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; and adopt Subitem B to deny the appeal and grant the permits:

Subitem-A: (R-97-596) ADOPTED AS RESOLUTION R-288038

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-95-0348 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council, and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-97-597) DENIED APPEAL, GRANTED PERMIT, ADOPTED AS RESOLUTION R-288039

Adoption of a Resolution granting or denying the appeal and granting or denying the permits, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

The appeal is being requested in regard to a Coastal Development/Sensitive Coastal Resource/La Jolla Shores Planned District Permit (CDP/SCR/LJPDO) 95-0348 for the demolition of an existing single-family residence and construction of a new 10,920 total square-foot residence (3,900 square-feet of basement area not included per Municipal Code) in the La Jolla Shores Planned District.

LEGAL DESCRIPTION:

The subject property is more particularly described as located at 8504 El Paseo Grande (a portion of Pueblo Lots 1281 and 1297).

FILE LOCATION: PERM - CDP/SCR/LJPDO-95-0348

COUNCIL ACTION: (Tape location: B068-C340.)

Hearing began at 10:51 a.m. and halted at 10:53 a.m.

Testimony in opposition by Dick Dahlberg, Rick Mosher, Charles Gill, Stephen Corrigan, and Sara Mosher.

Testimony in favor by Matt Peterson and Tom Hicks.

MOTION BY MATHIS TO ADOPT THE RESOLUTIONS TO DENY THE APPEAL, APPROVE THE PROJECT, APPROVE THE ENVIRONMENTAL DOCUMENTS AND MAKE THE NECESSARY FINDINGS. ACCEPT THE HICK FAMILY'S GOOD FAITH OFFER TO BRING THEIR BACK PROPERTY LINE INTO CONFORMANCE AND TO DEDICATE FOR PUBLIC PARK USE THAT PORTION OF THEIR LOT WHICH EXTENDS BEYOND OTHER LOTS ON THE BEACH SIDE. INCLUDE A DISCLOSURE THAT "I HAVE MET WITH REPRESENTATIVES OF BOTH THE APPELLANTS AND THE APPLICANTS IN THIS CASE AND THAT I HAVE LEARNED NOTHING THAT IS NOT A MATTER OF RECORD AND HAS NOT BEEN COVERED IN THE TESTIMONY." ATTACH A CONDITION THAT THERE WILL BE NO FINDING OF SUBSTANTIAL CONFORMANCE FOR ANY DESIGN MODIFICATIONS WHICH MAY OCCUR PRIOR TO THE COMPLETION OF THE HOUSE WHICH WOULD RESULT IN ANY INCREASE IN THE VOLUME OR HEIGHT OF THE STRUCTURE OR ANY DECREASE IN THE PROPOSED SETBACKS. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-335:

SUBJECT: Appeal of Scott Intrabartolo from the decision of the Planning Commission in approving a Conditional Use Permit to construct a 60-foot monopole with nine PCS panel antennas, GPS antenna, and 6 BTS cabinets located behind the shopping center. (Serra Mesa Plan Area)

(CUP-95-0351-41. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A and adopt Subitem B to deny the appeal and approve the permit:

Subitem-A: (R-97-535) ADOPTED AS RESOLUTION R-288052

Adoption of a Resolution certifying that the information contained in Negative Declaration DEP-95-0351-41 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been

reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-97-536) DENIED APPEAL, GRANTED PERMIT,
ADOPTED AS RESOLUTION R-288053

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

This project proposes the construction, operation and maintenance of a wireless communication facility located at 9190 Gramercy Drive in the Serra Mesa Community which designates this site for commercial use and is zoned CA for area shopping center.

The project site is currently developed with an "L" shaped, single-store shopping center on 8.43 acres. The site is surrounded by multi-family residential development to the north and west, and commercial development to the south and east.

LEGAL DESCRIPTION:

The project site is located at 9190 Gramercy Drive, and is more particularly described as Lot 2 of Mission Village Center, Map-8791, in the C1 Zone of the Serra Mesa Community.

FILE LOCATION: PERM-CUP-95-0351-41

COUNCIL ACTION: (Tape location: D035-347.)

Hearing began at 2:11 p.m. and halted at 2:35 p.m.

Testimony in opposition by Scott Intrabartol.

Testimony in favor by Marty Zajic, and Ted Shaw.

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS FOR SUBITEM A AND SUBITEM B, AND TO DENY THE APPEAL AND GRANT THE PERMIT.

Second by Mathis. Passed by the following vote:
Mathis-yea, Wear-not present, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-336:

SUBJECT: Corporate Research Park: A Rezone, Vesting Tentative Map, Street Vacations and Realignment, Planned Industrial Development, Resource Protection, Hillside Review and Coastal Development Permits and Approval of Findings in support of an Interim Habitat Loss Permit within the Mira Mesa Community Plan.

(RZ/VTM/PID/RPO/HRP/CDP/SV/Findings for 4d Permit-96-0265. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A and E; adopt the resolutions in Subitems C and D to grant the map and permits; and introduce the ordinance in Subitem B:

Subitem-A: (R-97-) ADOPTED AS RESOLUTION R-288040

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-96-0265 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-97-) INTRODUCED, TO BE ADOPTED NOVEMBER 26, 1996

Introduction of an Ordinance for M1-B/M1-B(HR) Zoning within the Mira Mesa Community.

Subitem-C: (R-97-) GRANTED MAP, ADOPTED AS RESOLUTION R-288041

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-D: (R-97-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-288042

Adoption of a Resolution granting or denying the permits, with appropriate findings to support Council action.

Subitem-E: (R-97-) ADOPTED AS RESOLUTION R-288043

Adoption of a Resolution authorizing the vacation of Headquarters Point Water Ridge, Vista Drive, and Directors Place as provided for under Section 66499.20-1/2 of the State Map Act.

Subitem-F: (R-97-522) ADOPTED AS RESOLUTION R-289666

Adoption of a resolution making finding in support of an Interim Habitat Loss Permit (4D).

SUPPORTING INFORMATION:

The proposed project consists of 104.2 acres of vacant land in the western portion of the Mira Mesa Community which is known as Sorrento Mesa. The site would be subdivided for the development of 57.3 acres of industrial park use, improvements to Vista Sorrento Parkway, and 46.9 acres of natural open space to be offered as dedication to the City of San Diego. The majority of the project site is located in the Coastal Zone within the City's jurisdiction. It is zoned R-1-40000 with Hillside Review Overlay and is mapped with sensitive coastal slopes and viewshed areas.

LEGAL DESCRIPTION:

The project site is located on the east side of Interstate 805 and north of Mira Mesa Boulevard, and is more particularly described as Corporate Research Park Map-12745, in the City of San Diego.

FILE LOCATION: Subitems A & D:
PERM - PID/RPO/HRP/CDP-96-0265;
Subitem B: NONE; Subitem C,F:
SUBD - Corporate Research Park;
Subitem E: STRT - J-2857 DEEDFY97-1

COUNCIL ACTION: (Tape location: A137-394.)

Hearing began at 10:16 a.m. and halted at 10:34 a.m.

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE AND

ADOPT THE RESOLUTIONS. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-337:

SUBJECT: North Park Redevelopment Plan.

(See City Manager Report CMR-96-219. North Park Community Area District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-447) ADOPTED AS RESOLUTION R-288044

Consenting to a Joint Public Hearing on the proposed Redevelopment Plan for the North Park Redevelopment Project;

Authorizing the establishment of a date, time, and place, and authorizing publication and mailing of notice of the Joint Public Hearing.

NOTE: See the Redevelopment Agency Agenda of 11/12/96 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A137-394.)

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

ITEM-338:

SUBJECT: Request for Initiation of an Amendment to the University Community Plan for The Lodge at Torrey

Pines.

(University Community Planning Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to grant the request for initiation:

(R-97-615) ADOPTED AS RESOLUTION R-288054

Adoption of a Resolution granting or denying the request to initiate the proposed amendment to the University Community Plan and Progress Guide and General Plan, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

Approval of the initiation does not obligate staff, the Planning Commission or the City Council to support the proposed amendment to the Community Plan and General Plan. Approval of the initiation will simply allow the staff to begin the process of reviewing and analyzing the proposed project. If the project is initiated, it will provide the applicant with the opportunity to demonstrate that the project is compatible with goals and policies of the University Community Plan and the NAS Miramar Comprehensive Land Use Plan.

FILE LOCATION: LAND-University Community Plan

COUNCIL ACTION: (Tape location: D358-E261.)

Hearing began at 2:36 p.m. and halted at 3:16 p..

Testimony in opposition by Fred Pierson, and Colonel Dan Pender.

Testimony in favor by Bill Evans.

Motion by Mathis to deny the request for initiation. No second.

MOTION BY KEHOE TO GRANT THE REQUEST FOR INITIATION. Second by Vargas. Passed by the following vote: Mathis-nay, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-S400: REFERRED TO THE AFTERNOON CLOSED SESSION ON
TUESDAY, NOVEMBER 12, 1996

SUBJECT: In the matter of authorizing Robert J. Collins of the City of San Diego, to represent the City Manager in discussing the matter of marketing Eastgate Technology Park, presentation by Rick Sparks of CB Commercial regarding Council direction for offers from LPL Financial Services, Inc. for Lots 5A, B & C and an option on Lot 6B and an offer from Stratagene (Joe Sorge) for Lots 5A, B & C. As a requirement of the Brown Act (California Government Code Section 54956.8) this issue must be listed on the docket for public testimony prior to Council discussion in Closed Session.

TODAY'S ACTION IS:

1) Open the Public Hearing and accept testimony from any members of the public who wish to address the Council on this subject; 2) Close the public hearing; and 3) Refer the matter to Closed Session on Tuesday, November 12, 1996.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A137-394.)

CONSENT MOTION BY WARDEN TO REFER THIS ITEM TO THE AFTERNOON CLOSED SESSION ON TUESDAY, NOVEMBER 12, 1996. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-CS-1: (R-97-498) ADOPTED AS RESOLUTION R-288045

A Resolution adopted by the City Council in Closed Session on November 12, 1996:

Authorizing the City Manager to pay the sum of \$49,670.15 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from property damage claim of Milton Blackstone, as a result of an incident which occurred on December 14, 1995; authorizing the City Auditor and Comptroller to issue one check in the

amount of \$49,670.15, made payable to Luth & Turley, Inc.,
in full settlement of all claims.

FILE LOCATION: MEET

Aud. Cert. 9700394

Nov-12-1996 RECORDER=mc

ITEM-CS-2: (R-97-462) ADOPTED AS RESOLUTION R-288046

A Resolution adopted by the City Council in Closed Session
on November 12, 1996:

Authorizing the City Manager to pay the sum of \$38,500 in
the settlement of each and every claim against the City of
San Diego, its agents and employees resulting from the
personal injury claim of Jane Schimpff, et al.; authorizing
the City Auditor and Comptroller to issue one check in the
amount of \$13,500, made payable to Jane Schimpff and her
attorney of record, James Frantz, in full settlement of Jane
Schimpff's personal injury claim; authorizing the City
Auditor and Comptroller to set aside and expend an amount
not to exceed \$25,000 for the purpose of settlement of the
personal injury claim of Mr. and Mrs. Krupsaw.

FILE LOCATION: MEET

Aud. Cert. 9700402

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Stallings at 4:32
p.m. in honor of the memory of John Mendez as requested by
Council Member Vargas and Allan Chapin as requested by
Council Member Kehoe.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G-239.)