

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 26, 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 10:08 a.m. City Manager McGrory announced the awards from the Public Technology Institute for technology achievement. They give out 22 different awards; 12 winners and 10 honorable mentions. The City received two of those awards. An "Honorable Mention Award" went to the Metropolitan Waste Water Department's wraparound insurance program which is saving over a million dollars a year. This program has cut costs and given more control over safety, worker's compensation, and related efforts. The City also received a "Winner Award" for sustainable development. This went to the Environmental Services Department for the "Green Building" which saves a hundred thousand dollars a year in electrical costs because of the technology used.

City Manager McGrory gave a presentation in honor of 26 employees from the Employee Services Department who gave their off-duty time at numerous community events to provide public education about recycling and other landfill waste diversion programs. In 1996, these volunteers collectively donated 256 hours at 24 different events. The City Manager commended them for their unselfish contribution to the citizens of San Diego.

Deputy Mayor Stallings recessed the regular meeting at 10:42 a.m. to convene the Redevelopment Agency. The regular meeting was reconvened at 10:43 a.m. with Mayor Golding not present. Deputy Mayor Stallings recessed the regular meeting at 10:43 a.m. to convene the Housing Authority. The regular meeting was reconvened by Deputy Mayor Stallings at 10:45 a.m. with Mayor Golding not present. Deputy Mayor Stallings recessed the regular meeting at 11:17 a.m. to convene the Special Joint Meeting with the Redevelopment Agency. The meeting was reconvened by Deputy Mayor Stallings at 11:29 a.m. with Mayor Golding and Council Member Warden not present. The meeting was recessed by Deputy Mayor Stallings at 11:30 a.m. to meet in Closed Session in the twelfth floor conference room to discuss the agreement between the Chargers and Padres and to reconvene the regular

meeting at 2:00 p.m. The meeting was reconvened by Deputy Mayor Stallings at 2:20 p.m. with Mayor Golding not present. Deputy Mayor Stallings adjourned the meeting at 4:18 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-not present
 - (1) Council Member Mathis-present
 - (2) Council Member Wear-present
 - (3) Council Member Kehoe-present
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour (lh/ms)

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-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

ITEM-10: INVOCATION

Invocation was given by Pastor Philip Teran of the Church of Grace.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wear.

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO CITY ATTORNEY

Don Stillwell commented on the truth in advertising. He said the federal government doesn't indicate the proper procedure to use when your vehicle is stolen. Mr. Stillwell had a document which he said indicated a person would be paid \$2,500 if his or her vehicle was stolen. Mr. Stillwell's vehicle was stolen and he asked if he could use the money for a down payment. After he did this, his stolen vehicle was recovered and the money was not paid to him. He believes he should be paid this money.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A036-058.)

ITEM-PC-2:

Sky commented on the City Council's malfeasance. He said the rules state a person has three minutes to speak. He is cutoff at two. Sky also said the eleventh floor is being ornately decorated by outside contributions and he didn't think that was legal. He said this needs to be investigated, but he doesn't think the Council can judge themselves.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A069-082.)

ITEM-PC-3: REFERRED TO CITY ATTORNEY

Ruby Watson commented on unlawful acts. She contacted the State Bar of California for a license and history on a judge who signed and executed an order regarding her residence. She said this judge was not authorized to sign this order and she wants the money back from her property.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A083-112.)

ITEM-PC-4: REFERRED TO CITY ATTORNEY

Dorothy Cartwright commented on events that happened after her house burned down in 1994. In trying to rebuild her home, she had two contractors who committed fraud. One contractor forged a check, while the other one collected money but never bought any supplies nor did any work. One of the contractors has since put a lien against her property. Ms. Cartwright recently received a "notice to quit" on her door from the mortgage company.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A123-149.)

ITEM-PC-5: REFERRED TO CITY MANAGER

Marc Lindshield commented on damages to his business. Mr. Lindshield has a Christmas tree farm which is due to open this Friday. There was some work done in the area and a road was put in, but a downflow drainage was put right in his parking lot. He said it was a mess and he was having a hard time finding somebody to clean it up because it is a county road. He said he has exhausted all avenues and urged the City Manager for help.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A157-175.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Wear commented on the architectural workshop he attended on Saturday at the Main Library. Over 400 citizens attended and he wanted to thank them for taking the time to attend and for getting involved with the project.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A194-198.)

ITEM-CC-2:

Deputy Mayor Stallings commented on the new bikes received for the police department from District 6. She said bike patrol will start right away in the Mission Valley shopping centers and in the residential area. She thanked the people who made it possible.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A199-213.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:
10/29/96 Special Joint Meeting

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A297-306.)

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

ITEM-31:

SUBJECT: Roger and Lucille Patrick Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-527) ADOPTED AS RESOLUTION R-288077

Proclaiming November 25, 1996 to be "Roger and Lucille Patrick Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A307-361 / A362-463.)

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

* ITEM-50:

SUBJECT: Corporate Research Park Rezoning.

(RZ-96-0265. Mira Mesa Community Area. District-5.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/12/96) (Council voted 7-0. Councilmember Wear and Mayor Golding not present):

(O-97-62) ADOPTED AS ORDINANCE O-18363 (New Series)

Rezoning a 32.8 acre portion of property into the M1-B and M1-B (HR) Zones.

FILE LOCATION: ZONE - O-18363

COUNCIL ACTION: (Tape location: A362-463.)

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

not present.

* ITEM-100:

SUBJECT: Two actions related to Water Easement Exchange - Carmel Mountain Plaza and Easement Acquisitions.

(Carmel Mountain Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-42 Cor.Copy) ADOPTED AS RESOLUTION
R-288079

Approving the acceptance of the deed of Homart Development Company, conveying to the City water easements in Parcels 4,6 and 7 of Parcel Map No. PM-17260;

Authorizing the execution of a quitclaim deed, quitclaiming to Homart Development Company all of the City's right, title, and interest in water easements in portions of Parcels 9 and 11 of Parcel Map No. PM-17261.

Subitem-B: (R-97-521 Cor.Copy) ADOPTED AS RESOLUTION
R-288080

Approving the acceptance of the deeds of Texaco Refining and Marketing, Inc., Chevy's, Inc., and Mervyn's, granting to the City water easements in portions of Parcel 2 of Parcel Map PM-17260, Parcel 1 of Parcel Map PM-16848 and Parcel 5 of Parcel Map PM-17261.

FILE LOCATION: DEED F-6874 DEEDFY97-5

COUNCIL ACTION: (Tape location: A362-463.)

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

* ITEM-101:

SUBJECT: Two actions related to the Final Subdivision Map of Carmel Valley Neighborhood 1 Unit 13B.

(A 7-lot subdivision, located on the east side of Carmel Country Road, north of Carmel Creek Road. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-508) ADOPTED AS RESOLUTION R-288081

Approving the final map.

Subitem-B: (R-97-509) ADOPTED AS RESOLUTION R-288082

Authorizing a Subdivision Improvement Agreement with Brookfield Palermo, Inc., for the installation and completion of public improvements.

FILE LOCATION: SUBD - Carmel Valley Neighborhood 1 Unit
13B CONFY97-1

COUNCIL ACTION: (Tape location: A362-463.)

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

* ITEM-102:

SUBJECT: Excusing Mayor Susan Golding from the Council Meeting of 11/12/96.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-532) ADOPTED AS RESOLUTION R-288083

Excusing Mayor Susan Golding from attending the regularly Council meeting of November 12, 1996, due to illness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A362-463.)

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

* ITEM-103:

SUBJECT: Excusing Councilmember Wear from the Council meeting of 11/12/96.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-504) ADOPTED AS RESOLUTION R-288084

Excusing Councilmember Wear from the regularly scheduled Council meeting of Tuesday, November 12, 1996, due to his attendance at the Coastal Commission meeting.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A362-463.)

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

* ITEM-104:

SUBJECT: Children's Museum.

(See Councilmember Wear's 11/8/96 memo; City Manager Report CMR-96-228.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-410) ADOPTED AS RESOLUTION R-288085

Authorizing the City Manager or designee to apply for a United States Department of Housing and Urban Development Section 108 Loan in the amount of \$765,000 and an Economic Development

Initiative Grant in the amount of \$428,000 for the expansion of the Children's Museum facility with Community Development Block Grant Funds pledged for the loan repayment;

Authorizing the City Manager or designee to publish a notice which informs the public of the City's intent to apply for a Section 108 Loan and an EDI Grant for the expansion of the Children's Museum facility, and that any interested persons shall have 30 days to respond to the notice;

Authorizing the City Manager to designee to accept the Section 108 Loan and EDI Grant on behalf of the Children's Museum.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/13/96 NR&C voted 4-0 to approve the City Manager's recommendation on consent. (Councilmembers Mathis, Warden, Stallings and McCarty voted yea; Councilmember Kehoe not present.)

Aud. Cert. 9700380.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A362-463.)

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

* ITEM-105:

SUBJECT: Two actions related to the Countywide Integrated Waste Management Summary Plan and Countywide Siting Element.

(See City Manager Report CMR-96-229.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-184 Cor. Copy) ADOPTED AS RESOLUTION
R-288086

Approving the County of San Diego Integrated Waste Management Plan, consisting of Countywide Summary Plan and Countywide Siting Element, dated Revised February 23, 1996.

Subitem-B: (R-97-183 Cor. Copy) ADOPTED AS RESOLUTION
R-288087

Certifying that Negative Declaration (State Clearinghouse No. 96021059, prepared by the County of San Diego, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Countywide Summary Plan and Countywide Siting Element.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/13/96 NR&C voted 4-0 to approve the City Manager's recommendation on consent. (Councilmembers Mathis, Warden, Stallings, and McCarty voted yea; Councilmember Kehoe not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A362-463.)

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

Vargas-yea, Mayor Golding-not present.

* ITEM-106:

SUBJECT: Reappointment of Linda Legerrette to the Civil Service Commission.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-565) ADOPTED AS RESOLUTION R-288088

Confirming the reappointment by the Mayor of Linda Legerrette to serve as a member of the Civil Service Commission, for a term ending January 9, 2002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A362-463.)

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

ITEM-150:

SUBJECT: Two actions related to Gated Communities Policy.

(See City Manager Report P-96-235; Councilmember Warden's 12/13/95 memo; Michael Stepner's 10/7/96 and 10/8/96 memos; Craig S. Benedetto's 10/8/96 letter.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-483 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-288089

Establishing Council Policy 600-42 regarding Controlled

Access Development (Gated Communities).

Subitem-B: (R-97-484 Cor.Copy) ADOPTED AS RESOLUTION
R-288090

Initiating an amendment to the North City Future Urbanizing Area Framework Plan, which would potentially delete or modify the prohibition of controlled access developments in the North City Future Urbanizing Area.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION::

On 10/9/96, LU&H voted 4-0 (Councilmembers Mathis, Stevens, Warden, and McCarty voted yea; Councilmember Wear not present) to: (1) Approve Alternative 2 of the Gated Communities City Policy as attached to the October 8, 1996 memo from Mike Stepner, City Urban Design Coordinator, to Doug Sain, LU&H Committee Consultant, with the following modifications: (a) revise the Purpose from "...Permit or street vacation." to "...Permit, street vacation, or other approval processes determined by the City Manager."; (b) Revise Criteria # 1 from "...provides a community benefit or satisfies a specific community need, such as..." to "...provides an internal project benefit or specific internal community need, such as..."; (c) delete Criteria #4 corresponding footnote; d) revise Criteria #5 from "...have been specifically designated..." to "...are available..." (2) Recommend the City Council approve the initiation of an amendment to the North City Future Urbanizing Area Framework Plan to delete the restriction on developing gated communities in that area, so the Council Policy will prevail.

FILE LOCATION: Subitems A,B: MEET

COUNCIL ACTION: (Tape location: A489-B348.)

MOTION BY MATHIS TO APPROVE STAFF'S RECOMMENDATION AND ACCEPT McCARTY'S AMENDMENT, SECOND BY WARDEN, TO INCLUDE AS PART OF THE POLICY THAT THE CONTROLLED ACCESS PROJECT PROVIDES A COMMUNITY AND/OR AN INTERNAL PROJECT BENEFIT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-not present.

ITEM-200:

SUBJECT: Two actions related to the Demineralization Facility - North City Water Reclamation Plant. (University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-523) ADOPTED AS RESOLUTION R-288091

Inviting bids for the Demineralization Facility - North City Water Reclamation Plant on Work Order No. 194584;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$4,602,150 from Sewer Fund No. 41508, CIP-42-910.1, North City Water Reclamation Plant, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

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

Authorizing the City Manager to apply for and accept grant funds that may be available to assist in the funding of this project;

Authorizing contingency in Fiscal Year 1997 to be funded from the new Annual Allocation for Pooled Contingency in an amount not to exceed 5 percent of the construction amount.

Subitem-B: (R-97-524) ADOPTED AS RESOLUTION R-288092

Certifying that the information contained in Environmental Impact Report Addendum LDR-96-0664, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the report reflects the independent judgement of the City of San Diego as Lead Agency; and that the information contained in the

report, together with any comments received during the public review process, has been reviewed and considered by the Council prior to approval of the design-build contract for the North City Water Reclamation Plant.

CITY MANAGER SUPPORTING INFORMATION:

The North City Water Reclamation Plant (NCWRP) and its associated Reclaimed Water Distribution System (RWDS) will be operational in August 1997. Initially the reclaimed water will be available for non-potable users such as irrigation of golf course, parks, freeway landscaping and greenery surrounding businesses. In order to ensure that the reclaimed water meets irrigation needs with regards to salinity levels, a demineralization facility to reduce the Total Dissolved Solids (TDS) of the water must be constructed and operating prior to delivery to customers beginning in August 1997. The City Manager recommends approval to advertise construction of this project and authorization to award the contract to the lowest responsible bidder. This facility will be located within the footprint of the NCWRP, and is covered by the Addendum to the NCWRP Environmental Impact Report approved by City Council in February 1993.

FILE LOCATION: Subitems A,B: W.O. 194584 CONT - Earth Tech
Inc. CONFY97-1

COUNCIL ACTION: (Tape location: A362-463.)

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

ITEM-201:

SUBJECT: Point Loma - Power Generation Upgrade, Cogeneration Package and Switchgear Procurement.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-493 Cor.) ADOPTED AS RESOLUTION R-288093

Inviting bids for the Point Loma Wastewater Treatment Plant - Power Generation Upgrade, Cogeneration Package and Switchgear Procurement;

Authorizing the City Manager to establish contract funding phases with the lowest responsive and responsible bidder, based on the actual low bid submitted:

Authorizing the execution of a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$4,900,000 from Sewer Fund No. 41508, CIP-46-179.0, Point Loma - Power Generation and Distribution Upgrade, for the purpose of providing funds for this procurement, including tax, contingency, and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

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

CITY MANAGER SUPPORTING INFORMATION:

The scheduled expansion of the Point Loma Wastewater Treatment Plant (PLWTP) will result in power demands which exceed the capacity of the existing electrical power generation systems. The existing Gas Utilization Facility (GUF) consists of two engines which burn primarily digester gas to drive generators for the plant's electrical needs. The existing engines require frequent maintenance. Also, additional digester gas will be generated with the increase in wastewater flows. These factors and increased power requirements warrant upgrades to the GUF and the plant electrical distribution system. The Cogeneration Package consists of two new digester gas fueled engine generator sets, rated at approximately 2250 Kw, and their associated heat recovery systems. The new engine generators will replace the existing 1350 Kw engine generators. The heat recovery systems will be interconnected to the plant-wide hot water system and

will heat the return water prior to reaching the proposed Central Boiler Facility. The boilers will provide supplemental heating to bring the hot water to full supply temperature for the digesters. To accommodate future PLWTP electrical demand loads and comply with EPA's design criteria, new split bus switchgear will be installed to replace the existing single bus switchgear which has several operational and maintenance deficiencies. Council action at this time is for preapproval of the Cogeneration Package and Switchgear procurement. This equipment will be installed as part of a future construction contract, the GUF Upgrade, which is currently under design. In order to provide the increased electrical generation capacity needed for upcoming expansion projects, the GUF Upgrade must be completed by Fall 1998. Due to the long lead time required for delivery of the Cogeneration Package and Switchgear (approximately 9 months to 1 year), prepurchase of this equipment under a separate procurement contract is critical to achieving schedule objectives.

FILE LOCATION: W.O. 193700 CONFY97-1

COUNCIL ACTION: (Tape location: A362-463.)

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

ITEM-202:

SUBJECT: Two actions related to the North City Water Reclamation Plant - Eastgate Substation.

(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-465) ADOPTED AS RESOLUTION R-288094

Authorizing an agreement with San Diego Gas & Electric Company, for design services, construction and operation of the North City Water Reclamation Plant - Eastgate Substation; Authorizing the execution of a

deed conveying to San Diego Gas and Electric Company, an easement on the City-owned Eastgate Mall site for construction and operation of the North City Water Reclamation Plant - Eastgate Substations;

Authorizing the expenditure of not to exceed \$2,600,000 from Fund No. 41509, CIP-42-910.1, North City Water Reclamation Plant, to provide funds for the agreement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury.

Subitem-B: (R-97-466) ADOPTED AS RESOLUTION R-288095

Certifying that the information contained in Final Negative Declaration, DEP-95-0657, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City of San Diego as Lead Agency; that the information contained in the declaration, together with any comments received during the public review process, has been reviewed and considered by the Council prior to approval of the North City Water Reclamation Plant - Eastgate Substation Project;

Approving DEP-95-0657, based upon the initial study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment.

CITY MANAGER SUPPORTING INFORMATION:

The North City Water Reclamation Plant (NCWRP) was designed for electrical services from two separate 12KV utility sources (Primary and Stand-by), with automatic switching between the two sources in the event of a power failure. This approach was implemented to satisfy EPA's Class "1" Reliability criteria. For the past year the MWWDD has been working with the SDG&E to bring the necessary power to the NCWRP. The primary source of power will come from the existing Genesee Substation. It is currently connected to the plant and fully energized.

This agreement with SDG&E is for the Stand-by Service for the plant. The on-site substation included in the agreement provides the greatest operational flexibility and reliability with the

lowest life cycle cost. The estimated cost is not to exceed \$2,600,000. Approximately 55 percent of this cost is grant eligible. A Negative Declaration DEP-95-0657 was approved by City Council on January 3, 1996, for construction of the proposed substation. The proposed substation will be located 1,200 feet north of Eastgate Mall, on the east side of I-805 in the University Community.

Aud. Cert. 9700415.

FILE LOCATION: Subitems A,B: DEED F-6875
CONFY97-1/DEEDFY97-1

COUNCIL ACTION: (Tape location: A362-463.)

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

ITEM-203:

SUBJECT: Two actions related to Los Pegasquitos Canyon Preserve Trail Environmental Documents.
(Rancho Pegasquitos and Mira Mesa Community Areas. Districts-1 & 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-525) ADOPTED AS RESOLUTION R-288096

Authorizing the City Manager to accept and administer grant funds from the State of California Habitat Conservation Fund Program to build Los Pegasquitos Canyon Preserve Trans-County Trail Connector.

Subitem-B: (R-97-526) ADOPTED AS RESOLUTION R-288097

Certifying that the information contained in Mitigated Negative Declaration LDR-96-0651, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City as Lead

Agency; that the information contained in the declaration, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Los Peñasquitos Canyon Preserve Trans-County Trail Connector; adopting the Mitigation, Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

On October 7, 1996, Resolution No. R-287896 was adopted by City Council authorizing the City Manager to apply for grant funds from the State of California Habitat Conservation Fund Program to build the Los Peñasquitos Canyon Preserve Trans-County Trail Connector. This 1.6 mile multiple-use trail through the Preserve will complete an essential link of the Trans-County Trail System. The recreational trail will be open to the public and a portion will be accessible to persons with disabilities. After reviewing this project, the Land Development Review Division of the Development Services Department has prepared a Mitigated Negative Declaration LDR-96-0651 in compliance with the California Environmental Quality Act. The Mitigated Negative Declaration includes a Mitigation, Monitoring and Reporting Program which will be incorporated into the project. Particular care is taken to protect sensitive biological and cultural resources in the Preserve. This project will require a Resource Protection Ordinance (RPO) permit prior to authorization of construction. This project is consistent with the Los Peñasquitos Canyon Preserve Natural Resource Management Plan and is supported by the Citizen's Advisory Committee, Friends of the Los Peñasquitos Canyon Preserve, San Diego Trails Council and State of California Recreational Trails Committee.

FILE LOCATION: Subitems A,B: MEET

COUNCIL ACTION: (Tape location: A362-463.)

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

ITEM-204:

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-97-490) ADOPTED AS RESOLUTION R-288098

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

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

COUNCIL ACTION: (Tape location: A362-463.)

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

ITEM-325:

SUBJECT: Honoring John Witt.

MAYOR GOLDING'S AND COUNCILMEMBERS' RECOMMENDATION:

Adopt the following resolution:

(R-97-588) ADOPTED AS RESOLUTION R-288104

Honoring John Witt for his many years of service to
the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D007-120.)

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

ITEM-330:

SUBJECT: Two actions related to Support for Tax Exempt 501(c)(3) Nonprofit Lease Financing for Reuben H. Fleet Space Theater and Science Center.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-506) ADOPTED AS RESOLUTION R-288099

Approving a lease financing to be undertaken by the California Statewide Communities Development Authority to benefit San Diego Space and Science Foundation.

Subitem-B: (R-97-507) ADOPTED AS RESOLUTION R-288100

Approving the execution of an amendment to the lease between the City of San Diego and the San Diego Space and Science Foundation and authorizing a sublease between the San Diego Space and Science Foundation and the California Statewide Communities Development Authority.

CITY MANAGER SUPPORTING INFORMATION:

The City Council is requested to: 1) Hold a public hearing supporting issuance of tax exempt certificates of participation by the California Statewide Communities Development Authority (the "Authority"), of up to \$6.5 million for the San Diego Space and Science Foundation's Fleet facility expansion in Balboa Park; and 2) authorize the City Manager to execute amendments to the lease between the City and the Foundation extending the term from 30 to 35 years and permitting a sublease between the Foundation and the Authority. The Foundation, a 501(c)(3) nonprofit organization founded in 1957, will use financing proceeds to support a major expansion of the Reuben H. Fleet Space Theater and Science Center, which will double in size to 95,000 square feet and will offer new exhibits, media experiences and educational opportunities to City residents, tourists and convention visitors. The Authority has previously issued bonds for various San Diego nonprofits including the San Diego State

University Foundation; the Institute for Defense Analyses; and the Salk Institute. It is endorsed by the League of California Cities and the County Supervisors' Association of California. The City has been a member since 1991. As with previous JPA issues, the City's name will not appear on the bonds. By authorizing this financing by the Authority, the Council will be facilitating the expansion and enhancement of the cultural resources available in Balboa Park, thereby assisting the Foundation in obtaining the most cost-effective funding for its Fleet facility.

FILE LOCATION: Subitems A,B: LEAS - San Diego Space and Science Foundation LEASFY97-1

COUNCIL ACTION: (Tape location: A362-463.)

Hearing began at 10:33 a.m. and halted at 10:42 a.m.

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

ITEM-331:

(Continued from the meeting of 11/12/96, Item 151, at the Metropolitan Water District's request, to address the Audit that the Committee reviewed.)

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) RETURNED TO NATURAL RESOURCES AND CULTURE COMMITTEE

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: MEET

COUNCIL ACTION: (Tape location: D147-320; D327-F440.)

MOTION BY WARDEN TO REQUEST THE METROPOLITAN WATER DISTRICT COME BACK TO COUNCIL BY FEBRUARY 1, 1997 WITH WRITTEN RESPONSES TO THE NINE SUGGESTIONS BY THE BARRINGTON-WELLESLEY REPORT AND WITH RECOMMENDATIONS ON THE RESERVE FUND AND REFUNDS TO MEMBER AGENCIES. SUGGESTION BY MATHIS THAT THE METROPOLITAN WATER DISTRICT RESPOND BACK TO THE NATURAL RESOURCES AND CULTURE COMMITTEE BEFORE COMING BACK TO COUNCIL WAS ACCEPTED AS PART OF THE MOTION BY WARDEN. METROPOLITAN WATER DISTRICT IS REQUESTED TO RESPOND TO THE NR&C COMMITTEE BY FEBRUARY 1, 1997, WITH THIS ITEM TO BE HEARD AT THE FIRST NR&C COMMITTEE MEETING AFTER THAT DATE, AND THEN TO BE BROUGHT BACK TO COUNCIL. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-not present.

ITEM-S400:

(Trailed from the meetings of November 18, 1996 and November 19, 1996, Item 200, for the Chargers and the Padres to reach agreement.)

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

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-97-61) INTRODUCED, TO BE ADOPTED DECEMBER 9, 1996

Introduction of an Ordinance approving amendments to the agreements with the San Diego Chargers regarding and related to the use and occupancy of San Diego Jack Murphy Stadium.

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

Subitem-B: (R-97-497) ADOPTED AS AMENDED AS RESOLUTION

R-288105

Adoption of a Resolution authorizing a Letter Agreement
between the City and the Padres, L.P.

FILE LOCATION: SUBITEM A: NONE; SUBITEM B: LEAS-San Diego
National Baseball Club, Inc. CONT FY97-1
Stadium #61

COUNCIL ACTION: (Tape location: D121-146.)

MOTION BY WARDEN TO INTRODUCE THE ORDINANCE FOR SUBITEM A,
AND TO ADOPT THE RESOLUTION FOR SUBITEM B WITH A
MODIFICATION TO GIVE THE CITY MANAGER THE AUTHORITY TO
EXECUTE A LETTER AGREEMENT BETWEEN THE CITY AND THE PADRES
WITHIN THE TERMS AND CONDITIONS AS AUTHORIZED BY COUNCIL, AS
REQUESTED BY THE CITY MANAGER. Second by Wear. Passed by
the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-nay, McCarty-nay,
Vargas-yea, Mayor Golding-not present.

ITEM-S401: (Trailed from the meetings of November 18,
1996 and November 19, 1996, Item 201, for the
Chargers and the Padres to reach agreement.)

SUBJECT: San Diego Jack Murphy Stadium Expansion - Public
Facilities Financing Authority Lease Revenue Bonds.

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-480 Corr.Copy) ADOPTED AS RESOLUTION R-288106

Reauthorizing and reapproving the Official Statement
(in preliminary and final form) and the Continuing
Disclosure Agreement relating to the Public Facilities
Financing Authority of the City of San Diego Taxable
Lease Revenue Bonds, Series 1996A (San Diego Jack
Murphy Stadium) and approval of certain documents and
actions.

CITY MANAGER SUPPORTING INFORMATION:

Due to the delay in the financing caused by the litigation, portions of certain financing documents, originally approved by the City Council in January 1996 Ordinance (O-18253), contain information which is out of date. It is requested that the City Council approve the revised versions of the Preliminary Official Statement and the Continuing Disclosure Agreement in conjunction with the Public Facilities Financing Authority's issuance of Lease Revenue Bonds to finance the Stadium Expansion and Training Facility.

FILE LOCATION: LEAS-San Diego Jack Murphy Stadium
Expansion Stadium #61
COUNCIL ACTION: (Tape location: D320-327.)

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

ITEM-CS-1: (R-97-603) ADOPTED AS RESOLUTION R-288102

A Resolution adopted by the City Council in Closed Session on November 26, 1996:

The City Manager is hereby authorized to pay the sum of \$33,413.00, in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the property damage claim of James P. and Gale H. Hill, individually and as trustees and beneficiaries of THE HILL FAMILY TRUST dated September 14, 1988, and restated June 25, 1993; the City Auditor and Comptroller is authorized to issue one check in the amount of \$33,413.00, made payable to James P. Hill and Gale H. Hill, individually and as trustees and beneficiaries of THE HILL FAMILY TRUST dated September 14, 1988, and restated June 25, 1993, in full settlement of all claims.

Aud. Cert. 9700528

FILE LOCATION: MEET

NON DOCKET ITEMS:
NONE

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Stallings at 4:18 p.m. in honor of the memory of Robert G. Meiners and Earl August Bauer, as requested by City Clerk Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F441-460).