

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 25, 1997
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:04 a.m.

Mayor Golding and Council Member Stevens introduced and welcomed five individuals from the Old Negro League; Pepper Sharp, Neal Henderson, Gene Richardson, Bo Campbell and Walter McCoy. Council Member Stevens expressed the strife they suffered being unable to play on a Major League Baseball Team until Jackie Robinson broke the color barrier in 1947. Mayor Golding and Council Member Stevens recognized their contributions to the City of San Diego and to our heritage; and in celebration of Black History Month, proclaimed February 25, 1997 to be Negro Baseball Day in the City of San Diego.

Mayor Golding recessed the regular meeting at 10:40 a.m. to convene the Housing Authority. Mayor Golding reconvened the regular meeting at 10:42 a.m. with Council Member Kehoe and Council Member Warden not present. The meeting was recessed by Mayor Golding at 12:05 p.m. to reconvene at 2:00 p.m.

Mayor Golding reconvened the regular meeting at 2:07 p.m. with Council Member Kehoe, Council Member Stevens, and Council Member Warden not present. Mayor Golding recessed the regular meeting at 2:08 p.m. to convene the Housing Authority. The regular meeting was reconvened by Mayor Golding at 3:32 p.m. with Council Member Kehoe and Council Member Warden not present. Mayor Golding adjourned the regular meeting at 3:39 p.m. into closed session immediately following in the twelfth floor conference room to discuss existing and anticipated litigation and property acquisition.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present

- (3) Council Member Kehoe-excused by R-288422
(City business in Washington, D. C.)
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-excused by R-288390
(City business in Washington, D.C.)
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour (pr/lh)

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

ITEM-10: INVOCATION

Invocation was given by Pastor Doug Jordan from Lighthouse Independent Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell commented on "Rules." Mr. Stillwell expressed public speakers should not be limited to two minutes, but should be allowed three minutes to speak and feels it is an oversight.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A032-058.)

PUBLIC COMMENT:

ITEM-PC-2:

Sky commented on hidden forces in City Government, the "Letter of the Law" versus "Purpose of the Law," and oppression of the media.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A066-088.)

PUBLIC COMMENT:

ITEM-PC-3:

Reg Finch commented for the San Diego Flight Museum thanking the Council for the temporary hanger and expressing he hoped a permanent site will be found for the museum.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A089-101.)

PUBLIC COMMENT:

ITEM-PC-4:

Rudolph Hochevar commented on the elderly having difficulty as well as fearing crossing Sports Arena Boulevard and Midway; and that he felt something should be done.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A101-119.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

2/10/97
2/11/97

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A256-261.)

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

* ITEM-50:

SUBJECT: San Diego Municipal Code Amendments Required to Implement the Retirement System Proposal.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/10/97.
(Council voted 7-0. Councilmember Kehoe and Mayor Golding not present):

(0-97-75) ADOPTED AS ORDINANCE O-18383 (New Series)

Amending Chapter II, Article 4, of the San Diego Municipal Code, relating to Retirement Regulations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A263-B038.)

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

* ITEM-51:

SUBJECT: North City Cogeneration Project (Privatized).

(University Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/10/97.

(Council voted 8-0. Councilmember Kehoe not present):

(O-97-69) ADOPTED AS ORDINANCE O-18384 (New Series)

Authorizing a 20-year amendment to the agreement with Minnesota Methane, LLC, and authorizing a 20-year agreement with NEO Corporation, regarding the Miramar Landfill Cogeneration Project.

NOTE: 6 votes required.

FILE LOCATION: LEAS-Minnesota Methane, LLC LeasFY97-1

COUNCIL ACTION: (Tape location: A263-B038.)

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

* ITEM-52:

SUBJECT: First Amendment to the Reimbursement Agreement with the Museum of Natural History.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-85) INTRODUCED, TO BE ADOPTED ON MARCH 4, 1997

Introduction of an Ordinance authorizing and approving a First Amendment to the Reimbursement Agreement with the San Diego Society of Natural History for reimbursement of renovation improvements to the Museum of Natural History in Balboa Park.

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

CITY MANAGER SUPPORTING INFORMATION:

On March 29, 1993, the San Diego City Council adopted a resolution authorizing the City Manager to execute a Reimbursement Agreement with the San Diego Society of Natural History to fund space conditioning, fire suppression, and structural improvements to the Museum of Natural History building in Balboa Park. Reimbursement of the improvement costs by the City was provided from Balboa Park and Mission Bay Park Capital Improvement Program Certificates of Participation (COP) Phase 1A and 1B proceeds. The building improvements have been completed and the City has disbursed the total amount of reimbursement from the COP proceeds stipulated under the terms and conditions of the agreement. On November 21, 1996, the Committee on Natural Resources and Culture considered the distribution of \$5.7 million in additional proceeds from the Phase 1C Certificates that were issued in July of this year. Under consideration was a priority list of underfunded and unfunded projects in Balboa Park and Mission Bay Park that would receive an allocation from the available proceeds. The Committee's approved list of priority projects include funding for building renovation work to the Museum of Natural History. City funds to reimburse Museum renovation project costs were allocation from available COP 1C additional proceeds and future Transient Occupancy Tax (TOT) revenue. A reimbursement amount not to exceed \$600,000 in COP 1C additional proceeds was allocated to partially fund the renovation work. The balance of City funding for the project was in the form of a \$300,000 annual allocation from the Facility Improvement category of the TOT over an eight year period beginning in the 1997/98 Fiscal Year.

The renovation work to receive City reimbursement includes the installation of code compliant structural systems, required ADA accessibility, plumbing and fire sprinkler upgrades, building code emergency exiting requirements and state compliant energy efficient lighting systems. The Museum of Natural History will continue building renovation efforts upon City Council authorization to execute this first amendment to the Reimbursement Agreement. It is anticipated that the renovation work to be reimbursed by the City will be completed according to the schedule outlined in the First Amendment to the Reimbursement Agreement.

Aud. Cert. 9700529.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A263-B038.)

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

* ITEM-100:

SUBJECT: FY98 Park Trailer Bill.

(See City Manager Report CMR-97-27.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-835) ADOPTED AS RESOLUTION R-288355

Approving the list of park projects for potential consideration by the State Legislature in the park trailer bill regarding State grant funds;

Authorizing the City Manager or his designated representative to submit the list of park projects to the City's representative in Sacramento;

Authorizing the City Manager or his designated representative to conduct all negotiation and execute and submit all documents;

Authorizing the City Manager or his designated representative to accept and expend funds, if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish separate interest bearing accounts for each project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A263-B038.)

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

* ITEM-101:

SUBJECT: Easement Grant to Pacific Bell for Telecommunication Service in Pamo Valley.

(Located on Pamo Road. Pamo Valley Community Area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-808) ADOPTED AS RESOLUTION R-288356

Authorizing the execution of a deed conveying to Pacific Bell an easement for telecommunication service to the Turner residence at 22735 Pamo Valley Road in Ramona, California.

CITY MANAGER SUPPORTING INFORMATION:

Pacific Bell has requested an easement over the existing SDG&E easement to provide telecommunication service to the Turner residence at 22735 Pamo Valley Road in Ramona. Pacific Bell will be using the existing SDG&E facilities. No new poles or anchors will be placed in the easement. The easement is 9,648 feet in length and 6 feet wide. The easement has been reviewed and approved by the City's Water Department. City staff appraisers have approved the \$2,150 value of the easement.

FILE LOCATION: DEED F-6935 DEEDFY97-1

COUNCIL ACTION: (Tape location: A263-B038.)

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

*ITEM-102:

SUBJECT: Hazardous Materials Equipment Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-820) ADOPTED AS RESOLUTION R-288357

Authorizing the City Manager to accept and expend grant funds from the State of California Department of Toxic Substances Control, for the acquisition of materials and supplies to be used by the Fire and Life Safety Services Hazardous Materials Response Team.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Fire Department has applied for and been awarded grant funding from the State of California Department of Toxic Substances Control for the purchase of materials and supplies to be used in the training of Hazardous Materials Response team and in the mitigation of incidents involving hazardous materials. This is the second amendment to the original agreement dated May 31, 1995 which will provide additional grant funding for the purchase of tools and supplies.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A263-B038.)

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

* ITEM-103:

SUBJECT: Amending the Fiscal Year 1997 Capital Improvements Program Budget - East Clairemont Athletic Area - Phase II.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-805) ADOPTED AS RESOLUTION R-288358

Authorizing the addition of CIP-29-440.0, East Clairemont Athletic Area - Phase II to the FY 1997 Capital Improvement Program;

Authorizing the Auditor and Comptroller to transfer not to exceed \$75,950 from CIP-29-418.0, South Clairemont

Recreation Center Parking Lot, Clairemont Mesa Development Impact Fees, Fund No. 79521; \$130,000 from unexpended Clairemont Mesa Development Impact Fees, Fund No. 79521; and \$88,650 from East Clairemont Athletic Area Public Resources Account, Fund No. 38052 to CIP-29-440.0, East Clairemont Athletic Area - Phase II;

Authorizing the City Manager or his designated representative to conduct all negotiations, execute and submit all documents (including, but not limited to, applications, agreements, amendments, payments request, etc.) which may be necessary for the completion of the East Clairemont Athletic Area project and to accept and expend the grant funds;

Authorizing the Auditor and Comptroller to establish a special interest-bearing fund for the grant;

Certifying that the City has or will have sufficient funds to operate and maintain the East Clairemont Athletic Area - Phase II.

CITY MANAGER SUPPORTING INFORMATION:

During the Fiscal Year 1997 budget process, the State of California allocated \$88,650 from the Public Resources Account for improvements at the East Clairemont Athletic Area - Phase II. Improvements will include the addition of a tiny tot lot, a tee ball field, landscaping and security lighting on the undeveloped 2.5 acres on the northeast corner of the site.

On November 20, 1996, the Clairemont Recreation Council conceptually approved the Phase II improvements with minor modifications. Staff will return to the Recreation Council with preliminary design schematics prior to pursuing approval from the Park and Recreation Board and its subcommittees for the General Development Plan (GDP) revision. This action will allow the City Manager to enter into an agreement with the State and proceed with the design and construction of this project.

Aud. Cert. 9700777.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A263-B038.)

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

McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Settlement of the Personal Injury Claim of Ruth Quinn.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-796) ADOPTED AS RESOLUTION R-288359

A Resolution approved by the City Council in Closed Session on Tuesday, January 28, 1997 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$57,500 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Ruth Quinn (Superior Court Case No. 695578, Ruth Quinn v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$57,500 made payable to Ruth Quinn and her attorney, Edward Beberman, in full settlement of the lawsuit and all claims;

Declaring that the funds are to be payable from Fund No. 81144.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Personal Injury Claim of Ruth Quinn against the City of San Diego, its agents and employees, as a result of an incident which occurred on December 30, 1994.

Aud. Cert. 9700755.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A263-B038.)

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

* ITEM-105:

SUBJECT: Lease Renewal for Public Safety Communications
Facilities on Mount Soledad.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-334) ADOPTED AS RESOLUTION R-288360

Authorizing the City Manager to execute Modification
Three to Government Lease N6871191RP00P16 for
communication facilities consisting of 841 square feet
of land on Mount Soledad, at an annual rental of
\$25,000 per year for an additional term of five years.

CITY MANAGER SUPPORTING INFORMATION:

In December of 1990, the City entered into a five year lease agreement with the United States Navy for 841 square feet of land on Mount Soledad. The agreement is currently on holdover. The City has maintained communication facilities on Mount Soledad since 1955 under various agreements. The lease allowed the City to construct and operate a public safety communications system. Rent was established by appraisal at \$25,000 per year. The system consists of a 288-square-foot radio equipment shelter, which is an integral part of the City's overall safety communication network. To maintain the current level of City communication capabilities, renewal of the agreement is necessary. The renewal is for a term of five years. The City will continue to pay rent of \$25,000 per year.

Aud. Cert. 9700731.

FILE LOCATION: LEAS-Navy-The Dept. of Mount Soledad
LEASFY97-1

COUNCIL ACTION: (Tape location: A263-B038.)

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

* ITEM-106:

SUBJECT: Participation Agreement for the Design and Construction
of the South San Diego Pipeline No. 2.

(Otay Mesa-Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-830) ADOPTED AS RESOLUTION R-288361

Authorizing a participation agreement with TMP Homes,
Inc. for the design and construction of the South San
Diego Pipeline No. 2;

Authorizing the expenditure of not to exceed \$206,000
from Water Revenue Fund 41500, CIP-73-249.0.

CITY MANAGER SUPPORTING INFORMATION:

TMP Homes, Inc. a California Corporation, is a partner in the ownership of the Remington Hills development project located in the Otay Mesa area of the City of San Diego. A second water pipeline is needed to provide the South San Diego and Otay Mesa areas with a second supply of potable water. This participation agreement will provide funding for the design and construction of the needed water improvements in three phases as follows: Phase I-A will commence a study for up to four alternative pipeline alignments; Phase I-B will finalize the alignment study; Phase II will involve design and development of the final alignment, Phase III will encompass construction of the second water transmission pipeline between the South San Diego Reservoir and Palm Avenue adjacent to Interstate 805.

These public water system improvements are necessary and are for the benefit of the City as a whole. Final payment for the Phase III improvements shall be made upon the City's acceptance of the completed project and submission of the original mylar as built-drawings.

Aud. Cert. 9700749.

WW-F-DSD-97-276.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A263-B038.)

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

* ITEM-107:

SUBJECT: Two actions related to the North City Water Reclamation Plant Final Site Work Contract.

(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-824) ADOPTED AS RESOLUTION R-288362

Approving Change Order No. 3, dated January 6, 1997, issued in connection with the contract with L.R. Hubbard Construction Company, Inc., amounting to a net increase in the contract price of \$426,655;

Authorizing the expenditure of an amount not to exceed \$426,655 from Fund No. 41509, CIP-42-910.1, North City Water Reclamation Plant Final Site Work, Job Order No. 194567.

Subitem-B: (R-97-825) ADOPTED AS RESOLUTION R-288363

Stating for the record that the City Council has reviewed and considered Environmental Negative Declaration DEP-95-0657, previously certified by Resolution R-288095 on November 27, 1996, in connection with the approval of the North City Water Reclamation Plant Final Site Work.

CITY MANAGER SUPPORTING INFORMATION:

On November 26, 1996, under Council Resolution R-288094, the City Council authorized the City Manager to execute an agreement with SDG&E to design, construct and operate the North City Water Reclamation Plant (NCWRP)-Eastgate Electrical Substation. Per the agreement the City is to pre-grade and develop the site for SDG&E to construct the substation. This change order authorizes the contractor, L.R. Hubbard Construction Company, Inc., to

perform the site development work consisting of site clearing, grubbing, grading, installation of sub-drains, storm drains, drainage ditches, grounding trenches, rip-rap, construction of the chain link fencing, asphalt paving, and substation grounding system.

Aud. Cert. 9700136.

FILE LOCATION: CONT-L.R. Hubbard Construction Company,
Inc. CONFY97-1

COUNCIL ACTION: (Tape location: A263-B038.)

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

* ITEM-108:

SUBJECT: Revised Conflict of Interest Code for the Office of the San Diego City Attorney.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-97-798) ADOPTED AS RESOLUTION R-288364

Adopting the Revised Conflict of Interest Code for the Office of the San Diego City Attorney.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A263-B038.)

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

* ITEM-109:

SUBJECT: Revised Conflict of Interest Code for the Civil Service Commission.

PERSONNEL DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-799) ADOPTED AS RESOLUTION R-288365

Adopting the Revised Conflict of Interest Code for the Civil Service Commission.

SUPPORTING INFORMATION:

The City of San Diego Civil Service Commission Conflict of Interest Code was last revised by Council Resolution No. R-281378 on January 25, 1993. The present changes have revised the disclosure categories. These changes were discussed by the Civil Service Commission on January 16, 1997.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A263-B038.)

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

* ITEM-110:

SUBJECT: Appointments and Reappointment to the San Diego County Water Authority Board of Directors.

(See memorandum from Mayor Golding dated 2/13/97.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-840) ADOPTED AS RESOLUTION R-288366

Council confirmation of the following appointments and reappointment by the Mayor to serve as members of the San Diego County Water Authority Board of Directors for terms commencing and expiring as indicated:

Reappointment:

Francesa M. Krauel, for a term commencing January 31, 1997 and ending January 30, 2003.

Appointments:

Michael D. Madigan, for a term commencing March 6, 1997 and ending March 5, 2003, replacing Marilyn Hardebeck, whose term expires March 5, 1997.

John Fowler, for a term commencing March 6, 1997 and ending March 5, 2003, replacing Harold Throckmorton, whose term expires March 5, 1997.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A263-B038.)

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

ITEM-200: RETURNED TO THE CITY MANAGER

(Continued from the meeting of January 27, 1997, Item 100, at the City Manager's request, for further review.)

SUBJECT: First San Diego River Improvement Project (FSDRIP) Natural Resource Management Plan.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-725)

Adopting the First San Diego River Improvement Project (FSDRIP) Natural Resource Management Plan, dated November 1996.

CITY MANAGER SUPPORTING INFORMATION:

The First San Diego River Improvement Project (FSDRIP) is a 45-acre mitigation project located within San Diego's Mission Valley area along a 7,000-foot section of the San Diego River. FSDRIP is the mitigation required for a 100-year flood control project proposed by local land owners.

Specifically, 26.8 acres of riparian woodland, 9.7 acres of freshwater marsh, and 8.7 acres of open water were required by the U.S. Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) to be planted and maintained in perpetuity within the project limits. Although, initially intended to be implemented under a partnership of owners who would benefit from the flood control, the City of San Diego took on final responsibilities for building and maintaining the project. A special tax assessment district was established to pay for project construction, monitoring, and maintenance activities. The flood control project was completed in 1988. The vegetation planted to meet mitigation requirements progressed well, and in 1995, the CORPS and CDFG signed the project off as meeting success criteria. The Natural Resource Management Plan is the last requirement of the CORPS for final permit approval. The Natural Resource Management Plan outlines guidelines for perpetual project maintenance and management and for the monitoring of continued project success in meeting permit requirements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A263-B038.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Execution of a Contract with Daley Corporation and California Commercial Asphalt Corporation for Resurfacing Various City Streets City-Wide - Group F.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-356) ADOPTED AS RESOLUTION R-288367 DISTRICT 7
PORTION CONTINUED TO MARCH 4, 1997

Accepting the low base bid and authorizing the City Manager to execute a contract with Daley Corporation and California Commercial Asphalt Corporation for resurfacing various streets City-Wide, Group F (Option Contract);

Authorizing the expenditure of \$4,675,000 (\$3,500,000 from Gas Tax Fund 302191, \$70,000 from Water Utility Operating Fund 41500, \$105,000 from Sewer Revenue Fund 41506, and \$1,000,000 from CIP-59-001.0, Annual Allocation Resurfacing City Streets, Fund 30300;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K97050C)

CITY MANAGER SUPPORTING INFORMATION:

On June 26, 1995 the City Council approved specifications and authorized Contract Services to invite bids for Resurfacing Various Streets City Wide Group E, Resolution R-285969. The bid specification offered bidders the option of increasing the total contract to resurface City Streets. The low bidder, Daley Corp. and California Commercial Asphalt Corp., a joint venture, has indicated that they are willing to exercise this option and do additional resurfacing at the same price, terms and conditions. We have had favorable results in the current contract and now wish to exercise the option and increase the contract. This proposed contract is part of the City's annual street maintenance program. It provides for the repair and resurfacing of approximately 68 miles of asphalt streets citywide. Streets to be resurfaced are selected based on their age, surface condition, amount of patching, amount of traffic carried, and to avoid conflicts with underground utility work. The contract continues to require that asphalt adjacent to curbs and gutters is ground down prior to resurfacing to maintain current curb height and proper drainage. The contract also requires that failed areas of pavement be removed and repaired prior to resurfacing. Locations for resurfacing are chosen through use of the City's new Pavement Management System. The system uses surveys of City Streets to determine their current condition, and to provide data to predict their future condition with different types of maintenance practices. The system finds the best method to maintain each section of street and then looks at the entire city street system to find the most cost effective schedule over a ten year period. This system is currently being tested, and the proposed schedules checked for accuracy and reasonableness. The large amount of utility trenching now occurring citywide has forced us to postpone our utility clearances, and our final selection of streets to be resurfaced until just prior to the start of work. In addition, the list does not fully account for adjustments being made in installing our Pavement Management System. The Mayor and Council will be provided a final list of streets, and any subsequent changes, as soon as they are available. Construction for this project is expected to begin in early 1997.

Aud. Cert. 9700728.

FILE LOCATION: CONT-Daley Corporation and California
Commercial Asphalt Corporation
CONTFY97-2

COUNCIL ACTION: (Tape location: A006-B430.)

CONSENT MOTION BY MATHIS TO ADOPT THIS ITEM AND TO CONTINUE DISTRICT 7 PORTION AT THE REQUEST OF COUNCIL MEMBER McCARTY TO MARCH 4, 1997 FOR FURTHER REVIEW OF STREET LISTS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

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

(See City Manager's Update. San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-812) ADOPTED AS RESOLUTION R-288368

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

FILE LOCATION: Gen'l-State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A263-B038.)

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

ITEM-330:

SUBJECT: Two actions related to the City Heights Village/City Link Inv. Corp., Phase I, Landis Street (43rd Street to Chamoune Avenue) Underground Utility District.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-732) ADOPTED AS RESOLUTION R-288369

Establishing the City Heights Village/City Link Inv. Corp., Phase I, Landis Street (43rd Street to Chamoune Avenue) Underground Utility District.

Subitem-B: (R-97-733) ADOPTED AS RESOLUTION R-288370

Authorizing the expenditure of an amount not to exceed \$80,000 from CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, for the purpose of administering the Underground Utility District, minor City force work and other related work.

CITY MANAGER SUPPORTING INFORMATION:

This proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on Landis Street (43rd Street to Chamoune Avenue). The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their 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. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

Aud. Cert. 9700630.

FILE LOCATION: STRT-K-24

COUNCIL ACTION: (Tape location: A263-B038.)

Hearing began at 10:23 a.m. and halted at 10:39 a.m.

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

ITEM-331:

SUBJECT: Two actions related to City Heights Village/City Link Inv. Corp., Phase II, Wightman Street (43rd Street to Chamoune Avenue) Underground Utility District.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-735) ADOPTED AS RESOLUTION R-288371

Establishing the City Heights Village/City Link Inv. Corp., Phase II, Wightman Street (43rd Street to Chamoune Avenue) Underground Utility District.

Subitem-B: (R-97-736) ADOPTED AS RESOLUTION R-288372

Authorizing the expenditure of an amount not to exceed \$97,000 from CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, for the purpose of administering the Underground Utility District, minor City force work and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on Wightman Street (43rd Street to Chamoune Avenue). The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric

Company's Annual Allocation Funds (Case-8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their 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. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

Aud. Cert. 9700631.

FILE LOCATION: STRT-K-242

COUNCIL ACTION: (Tape location: A263-B038.)

Hearing began at 10:23 a.m. and halted at 10:39 a.m.

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

ITEM-332:

SUBJECT: Black Mountain Ranch Second Amended and Restated Development Agreement.

(Case-95-0173.1 NCFUA-Subarea I. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt subitem A, and introduce subitem B:

Subitem-A: (R-97-836 Cor.Copy) ADOPTED AS RESOLUTION
R-288373

Adoption of a Resolution certifying that the information contained in Environmental Impact Report Addendum DEP-95-0173.1 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report reflects the independent judgement of the City of San Diego as Lead

Agency, and that the document has been reviewed and considered by the Council pursuant to California Administrative Code Section 15000 et seq. and California Public Resources Code Section 21000 et seq.

Subitem-B: (O-97-83) INTRODUCED, TO BE ADOPTED ON MARCH 4, 1997

Introduction of an Ordinance adopting the Second Amended and Restated Development Agreement Between the City of San Diego, and Black Mountain Ranch Limited Partnership.

OTHER RECOMMENDATIONS:

Planning Commission voted 4 - 0 to approve.

Ayes: Anderson, Butler, Skorepa, White
Nays: None
Not present: Neils, Quinn, Watson

The Planning Commission serves as the planning group for the North City Future Urbanizing Area.

SUPPORTING INFORMATION:

The project proposes to amend the existing Black Mountain Ranch Development Agreement which encompasses the approved development of 1,121 dwelling units (942 single-family market rate units and 179 affordable housing units) in addition to: two 18 hole golf courses; various public facilities including 3 park sites and large open space system with wildlife corridors. The Black Mountain Ranch Development Project consisting of Vesting Tentative Map, Planned Residential Development Ordinance Permit, Development Agreement and Findings for an Interim Habitat Loss Ordinance Permit/4(d) permit was approved by the City Council on October 31, 1995. Changes proposed to the BMR Project include deletion of all references to the PGA TOUR, a signatory to the existing agreement, and deletion of the requirement that the PGA TOUR hold a certain number of golf tournaments at the BMR Project over a fixed time period. (These changes do not preclude PGA TOUR events from being held at the BMR Project, and all mitigation measures contained in the Final EIR with respect to holding PGA TOUR events at the BMR Project remain in effect) in addition to administrative, fiscal and phasing issues which reflect changes in circumstances and City policies including editorial corrections since the Development Agreement was approved.

LEGAL DESCRIPTION:

The project is more particularly located to the east of Fairbanks Ranch and to the northwest of Rancho Penasquitos within the northeast portion of the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

On February 6, 1997 the Planning Commission voted 4-0 (Anderson, Butler, Skorepa, White voted yea) - (Absent Neils, Quinn, Watson) to recommend approval of the amendments to the Black Mountain Ranch Second amended and Restated Development Agreement. Based upon on-going discussions with the applicant since the Planning Commission Hearing, the City Manager recommends adding the following language to the Development Agreement.

6.13 Proposition C and Hotel Development. On March 26, 1996, the citizens of San Diego voted in favor of Proposition C. Proposition C authorizes development of two hotels in the NCFUA, one of which is located within the Project and the other in Subarea V of the NCFUA. Prior to approving development of a hotel authorized by Proposition C, the City must be guaranteed a financing or funding mechanism over a ten-year period of Six Million Three Hundred Thousand Dollars (\$6,300,000), by the hotel being developed that could support bonding for acquisition of open space. In addition to authorizing development of two hotels, Proposition C authorizes development of 60,000 square feet of limited commercial accessory uses within the Project. City is in the process of negotiating with the owner of the hotel site in Subarea V for the development of a hotel consistent with Proposition C. Owner contemplates entering into similar negotiations with City during the term of this Amended Agreement. City agrees that in the event Owner seeks approval for development of a hotel in the Project consistent with Proposition C, City will negotiate in good faith for the development of the hotel as authorized under Proposition C.

NOTE: Environmental Impact Report No. DEP-95-0173 was reviewed and considered by Council on October 31, 1995, Resolution No. R-286501.

FILE LOCATION: Subitem A: LAND-Black Mountain Ranch
Second Amended and Restated Development
Agreement NCFUA-Subarea I
Subitem B: NONE

COUNCIL ACTION: (Tape location: A263-B038.)

Hearing began at 10:23 a.m. and halted at 10:39 a.m.

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION AND INTRODUCE THE ORDINANCE TO INCLUDE MAYOR GOLDING'S STATEMENT THAT WE ARE APPROVING THIS IN A MANNER THAT WOULDN'T CREATE A MATERIAL COMPETITIVE DISADVANTAGE WITH OTHER HOTELS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-not present, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-S500:

SUBJECT: Three actions related to San Diego Jack Murphy Stadium Agreements.

MAYOR GOLDING'S RECOMMENDATION:

Consider the following:

Subitem-A: REPORT GIVEN

Report from the City Manager on the terms of the offer from Qualcomm Corporation and the status of negotiation with the San Diego Chargers.

Subitem-B: (R-97-889 Rev.) ADOPTED AS RESOLUTION
R-288374

Adoption of a Resolution authorizing the City Manager to sign a term sheet with Qualcomm Corporation on behalf of the City and directing the City Attorney to prepare the necessary actions to implement the term sheet.

Subitem-C: (R-97-888 Rev.) ADOPTED AS RESOLUTION
R-288375

Adoption of a Resolution authorizing the City Manager to enter into certain agreements with the San Diego Chargers, the San Diego Padres and the National Football League.

FILE LOCATION: MEET #61 - STADIUM CONFY97-4

COUNCIL ACTION: (Tape location: B040-D215.)

MOTION BY VARGAS TO ADOPT THE RESOLUTION FOR SUBITEM B WITH DIRECTION TO THE CITY MANAGER TO (A) SIGN A TERM SHEET WITH QUALCOMM; (B) NEGOTIATE AN AGREEMENT WITH QUALCOMM THAT

IMPLEMENTS TERMS AND CONDITIONS OF THE TERM SHEET; AND (C) AUTHORIZING THE MANAGER TO MAKE A FINAL DEAL WITH QUALCOMM CONTINGENT UPON CITY COUNCIL APPROVAL, AND TO COME BACK TO COUNCIL TO ENABLE THE PUBLIC AN OPPORTUNITY TO COME FORWARD. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-not present, Stallings-yea, McCarty-ineligible, Vargas-yea, Mayor Golding-yea.

MOTION BY VARGAS TO ADOPT THE RESOLUTION FOR SUBITEM C WITH DIRECTION TO THE CITY MANAGER AND CITY ATTORNEY TO (A) SIGN A TERM SHEET WITH THE CHARGERS; (B) NEGOTIATE AN AGREEMENT WITH THE CHARGERS THAT IMPLEMENTS THE ITEMS, AND CONDITIONS OF THE TERMS SHEET; (C) AUTHORIZING THE MANAGER TO NEGOTIATE NECESSARY AGREEMENTS WITH THE PADRES, THE NFL, AND ANY OTHER PERSONAL ORGANIZATION TO IMPLEMENT THE QUALCOMM AGREEMENT; AND (D) DIRECT THE CITY MANAGER AND CITY ATTORNEY TO DRAFT FINAL DOCUMENTS AND MAKE THEM AVAILABLE FOR THE CITY COUNCIL AND PUBLIC AT THE NEXT COUNCIL MEETING OF MARCH 4, 1997. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:39 p.m. in honor of the memory of:

Ron Trenton as requested by Council Member Wear;

Nini Lowrey and Cindy Zhi as requested by Council Member Mathis and Council Member McCarty;

Meris Pittman as requested by Council Member McCarty; and

Morton Semelmaier as requested by Council Member Stallings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G036-096.)