

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, APRIL 14, 1997  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Warden at 2:15 p.m. The meeting was adjourned by Mayor Golding at 3:15 p.m. into Closed Session on Tuesday, April 15, 1997, at 9:00 a.m. in the twelfth floor conference room to discuss existing litigation, anticipated litigation, property acquisition, and Meet and Confer with employee organizations.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
  - (1) Council Member Mathis-present
  - (2) Council Member Wear-present
  - (3) Council Member Kehoe-present
  - (4) Council Member Stevens-present
  - (5) Council Member Warden-present
  - (6) Council Member Stallings-present
  - (7) Council Member McCarty-present
  - (8) Council Member Vargas-present
- Clerk-Abdelnour (mp)

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-not present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Assistant Pastor Dennis Nazarenkov of Horizon Christian Fellowship.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wear.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell on "signs of the times" which is moral decay; the Stadium bonds as an example.

FILE LOCATION: AGENDA

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

ITEM-PC-2:

Comment by Ronnie Lawson on racism and its effect on him.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A061-095.)

ITEM-PC-3:

Comment by James Hartman on the stadium agreement with Qualcomm referred to as a donation but really is not; the need for permission to use Qualcomm's trademark.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A097-114.)

ITEM-PC-4:

Comment by Maria Candeli on the City's approval of a permit for the remodeling of the coffeehouse next door to her and the problems she is encountering with that construction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A117-158.)

ITEM-PC-5:

Comment by Yova Kana El Shaday on the trouble he encountered riding the city buses.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A160-186.)

ITEM-PC-6: REFERRED TO CITY MANAGER AND CITY ATTORNEY

Comments by James Lambert and Vivian Elis on unsolicited exposure to porno on cable television, computer network, and the telephone. He referred to Section 505 of the Federal Telecommunications Act of 1996 and requested action be taken to uphold this federal code.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A189-243.)

ITEM-PC-7:

Comment by Art Salzberg on "Broadway" being the main street in downtown San Diego and the doubling of the homeless population.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A252-280.)

ITEM-PC-8:

Comment by Reynaldo Pisano on the Figi Graphics building development located between Boundary Street and Gateway Center Way, Building Permit No. A10391696. He stated that the Mt. Hope/Helix Heights Residents Association is requesting a thorough investigation of the violations in the development process and the questionable project management which have resulted in damages. He requested the findings of the investigation be given to the community and to the Council in a written report.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A282-290.)

ITEM-PC-9:

Comment by Sky (David Bruce Thompson) on gangs and kids.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A292-323.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Kehoe commented on the success of the recent annual fair in District 3. She expressed appreciation to all who participated and also that over 200 attendees were prequalified for home mortgages. She stated that two people won \$4,000 each as down payment toward their first home.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A329-345.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:  
03/31/97  
04/01/97  
04/02/97 Special Meeting

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A325-328.)

MOTION BY WEAR TO APPROVE. Second by Stallings. 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:

(Continued from the meeting of Monday, April 7, 1997, Item 109, at Councilmember Vargas's request.)

SUBJECT: Christmas in April Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-981) ADOPTED AS RESOLUTION R-288522

Designating Friday, April 19, 1997 to be "Christmas in April Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A347-438.)

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

\* ITEM-50:

SUBJECT: Amending the S.D. Municipal Code Relating to Cardrooms.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/31/97. (Council voted 7-2. Councilmembers Stevens and Vargas voted nay):

(O-97-89) ADOPTED AS ORDINANCE O-18399 (New Series)

Amending Chapter III, Article 3, Division 39, of the San Diego Municipal Code by changing Section 33.3917, relating to Charges Imposed by Cardrooms on Players for the Privilege of Playing in any Game.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A508-B122.)

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

\* ITEM-51:

SUBJECT: Amending the Business Code Tax - Alternative Calculation of Full-Time Employees.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/31/97. (Council voted 9-0):

(O-97-64) ADOPTED AS ORDINANCE O-18400 (New Series)

Amending Chapter III, Article 1, Division 3, of the San Diego Municipal Code by amending Section 31.0301, relating to Taxing Provisions.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A508-B122.)

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

ITEM-52:

SUBJECT: Establishing Two Hour Meter Parking at 700 West Washington Street.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-98) INTRODUCED, TO BE ADOPTED ON APRIL 28, 1997

Introduction of an Ordinance establishing a parking time limit of two hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the north side of 700 W. Washington Street, between Falcon Street and Eagle Street;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

Due to the needs of the surrounding businesses, the property owner representing 100 percent of the abutting property has signed a petition requesting the installation of two-hour parking meters to be installed on the north side of 700 W. Washington Street. The business owners expect that this change will improve the ability of their customers to access the businesses. Parking enforcement is customarily provided in this area, and there are other similar restrictions on the adjacent streets.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A508-B122.)

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

\* ITEM-100: REFERRED TO CLOSED SESSION

SUBJECT: Real Property Transaction - Conference with Real Property Negotiator - Eastgate Technology Park.

In the matter of directing the City Manager and Rick Sparks of CB Commercial, representing the City's interest, regarding offers from a major biomedical company and Biosite Diagnostics for Parcels 3.1, 3 and Por. Parcel 2, Eastgate Technology Park, and Sterling Partners for Lots 4B, C and D, Eastgate Technology Park.

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 April 15, 1997.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A508-B122.)

Mayor Golding opened the hearing.

CONSENT MOTION BY KEHOE TO CLOSE THE HEARING AND REFER THIS MATTER TO CLOSED SESSION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101:

SUBJECT: State Grant for Boating Safety Signs in Mission Bay Park.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-962) ADOPTED AS RESOLUTION R-288523

Authorizing the City Manager to apply to the State Department of Boating and Waterways for funds for boating safety signs in Mission Bay Park;

Authorizing the City Manager to accept and expend funds if the grant is secured;

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

CITY MANAGER SUPPORTING INFORMATION:

Mission Bay Park hosts millions of visitors annually, many of whom use boats in the parks. Safety signs near the boat launching ramps and docks are in need of replacement. The State Department of Boating and Waterways awards grants to agencies for boating safety signs at boat launching ramps and docks funded in whole, or part, by the Department of Boating and Waterways. The Park and Recreation Department will request \$3,200 to replace signs at Ski Beach, DeAnza Cove and place new signs at South Shores, all projects partially funded by the Department of Boating and Waterways.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A508-B122.)

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

\* ITEM-102:

SUBJECT: Council District 3 Fund Transfers.

(Normal Heights, Kensington, Uptown Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-747) CONTINUED TO APRIL 28, 1997

Authorizing the City Auditor and Comptroller to transfer \$60,000 in Community Development Block Grant (CDBG) funds within Fund 18532, Dept. 4111, from Org. 1101, Job Order 392050 (Adams Avenue Business Association - CIP-39-205.0) to Org. 1131, Job Order 392092 (El Cajon Boulevard Median Improvements - CIP-39-209.0);

Authorizing the transfer of \$60,000 in TransNet funds within Fund/Dept. 30244, Org. 106, from Job Order 392090 (El Cajon Boulevard Median Improvements - CIP-39-209.0), to Job Order 392051 (Adams Avenue Urban Forestry Project - CIP-39-205.0);

Authorizing the expenditure of an amount not to exceed \$60,000 for the Shiva Construction contract for the addition of sidewalk repairs and replacements to the contract for the expanded Forestry Project;

Authorizing the City Auditor and Comptroller to transfer and expend an amount not to exceed \$20,000 within Fund 18531, Dept. 4081, from Org. 8105, Job Order 000001 (Adams Avenue Sidewalks - CIP-39-205.0) to Org. 8119, Job Order 392051 (Adams Avenue Urban Forestry - CIP-39-205.0) for City administration, construction engineering, and other project costs related to the expanded Forestry Project.

CITY MANAGER SUPPORTING INFORMATION:

Due to additions to the scope of work requested by the Adams Avenue Business Association for the Adams Avenue Urban Forestry Project and the need to have all monies in the Shiva Construction contract in TransNet dollars, the transfers are recommended for approval. \$30,000 in CDBG from Adams Avenue Business Association is being requested for transfer to the 5th Avenue Sidewalk Renovation-Expanded and \$30,000 in TransNet for transfer into the Urban Forestry Project for sidewalks in a separate action. The current action requests transfer of the remaining \$60,000 in FY'97 Adams Avenue Business Association CDBG to the El Cajon Boulevard Median Improvements which is in turn transferring \$60,000 in TransNet to the Adams Avenue Urban Forestry Project. An additional \$20,000 in FY '96 CDBG funding for Adams Avenue Sidewalks is being recommended for expenditure for City

Administration and engineering costs, related to the expanded scope of work for the Adams Avenue Urban Forestry Project.

Aud. Cert. 9700869.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A508-B122.)

CONSENT MOTION BY KEHOE TO CONTINUE THIS ITEM FOR TWO WEEKS TO APRIL 28, 1997 AT HER REQUEST. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-103:

SUBJECT: Reverend Walter R. 'Papa' Huff Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-931) ADOPTED AS RESOLUTION R-288524

Proclaiming April 22, 1997 to be "Reverend Walter R. 'Papa' Huff Day" in San Diego, and congratulating him on the occasion of his 100th birthday.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A508-B122.)

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

\* ITEM-104:

SUBJECT: United States International University, International Friendship Festival Day.

DEPUTY MAYOR WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1017) ADOPTED AS RESOLUTION R-288525

Proclaiming April 26, 1997 to be "United States International University, International Friendship Festival Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A508-B122.)

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

\* ITEM-105:

SUBJECT: Week of the Young Child - April 14-19, 1997.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1004) ADOPTED AS RESOLUTION R-288526

Commending the San Diego Association for the Education of Young Children for their support and celebration of young children;

Proclaiming the week of April 14 through 19, 1997 to be "The Week of the Young Child" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A508-B122.)

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

\* ITEM-106:

SUBJECT: Fourth Amendment to the Agreement with Wheeler, Wimer, Blackman for Balboa Park Activity Center.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-995) ADOPTED AS RESOLUTION R-288527

Authorizing a fourth amendment to the agreement with Wheeler, Wimer, Blackman for professional services required for the development of the Balboa Park Activity Center;

Authorizing the expenditure of not to exceed \$294,425 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, Sublet Project CIP-21-840.4, San Diego Facilities and Equipment Leasing Corporation Construction Fund 91106.

CITY MANAGER SUPPORTING INFORMATION:

The City entered into an agreement with Wheeler, Wimer, Blackman on June 9, 1994, for professional services required to site the Balboa Park Activity Center on Inspiration Point and to prepare a preliminary schematic plan and cost estimate.

On March 20, 1995: Resolution No. R-285483, City Council authorized the First Amendment to the Agreement with Wheeler, Wimer, Blackman. It provided professional services needed to prepare the plans and specifications to be used for construction.

On January 22, 1996: Document No. C-06833, the City Manager authorized the Second Amendment to the Agreement with Wheeler, Wimer, Blackman. It provided for an hourly agreement to prepare a schematic plan and attend public meetings for the relocation of the proposed Activity Center to the north end of Inspiration Point in Balboa Park.

On October 23, 1996: Document No. C-07452, the City Manager authorized the Third Amendment to the Agreement with Wheeler, Wimer, Blackman. It provided for the preparation of 50 percent construction documents for the proposed Activity Center at Inspiration Point (Site No. 2) in Balboa Park.

The proposed Fourth Amendment to the Agreement will provide for the preparation of the remaining (50 percent to 100 percent) construction documents, permit processing assistance, bidding and award assistance and construction administration for the proposed Activity Center at Inspiration Point (Site No. 2) in Balboa Park.

Aud. Cert.9700943.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A508-B122.)

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

\* ITEM-107:

SUBJECT: Agreement with the City of Chula Vista for Use of the City of San Diego's 800 MHZ Communications Network.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-843) ADOPTED AS RESOLUTION R-288528

Authorizing an agreement with the City of Chula Vista for use of the City of San Diego's 800 MHZ Communications Network, in exchange for Chula Vista's payment of a system access charge of \$100,000 and an initial monthly user charge of \$29.50 per radio to the City;

Authorizing the Auditor and Comptroller to place \$100,000 in revenue derived from Chula Vista's payment of the system access charge into CIP-37-012.0, titled "Annual Allocation-Communication System Requirements," for the purpose of upgrading the San Ysidro Communications Facility;

Declaring that the monthly user charge per radio shall be allocated as follows:

- 1) \$25 per radio per month shall be allocated to the General Fund; and,
- 2) \$4.50 per radio per month, which may increase in accordance with the percentage increase in the All Urban Consumers Price Index for the San Diego Region for the most recent 12 months, shall be allocated to the Information Technology and Communication Department, Communications Division,

for maintenance and operation of the 800 MHZ system;

Authorizing the expenditure of not to exceed \$100,000 from CIP-37-012.0, for the purpose of providing funds for upgrading the San Ysidro Communications Facility.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego's 800 MHZ voice radio network was purchased in September 1990 and became operational in 1992. The City's 800 MHZ voice network provides a communications infrastructure for many general fund departments including Police, Fire, EMS, Lifeguards, and Park Rangers. The City's radio network also contracts voice radio services for various other non-general fund departments and agencies such as Building Inspection, MWWWD, Water Department, and San Diego Unified School District. The City of Chula Vista desires to utilize the City's 800 MHZ voice communications network for its Public Safety and Public Service operations. The City of Chula Vista will pay to San Diego a system access charge of \$100,000 and a monthly fee of \$29.50 per radio on the system. The \$29.50 fee consists of \$25.00 allocated to the General Fund and \$4.50 allocated to the Information Technology and Communications Department, Communications Division, for system maintenance. The \$4.50 variable user charge is for maintenance and operation of the 800 MHZ/microwave backbone and is subject to annual increase not to exceed the percentage increase of the All Urban Consumers Price Index for the San Diego Region for the most recent 12 months. Authorization is requested to budget the \$100,000 System Access Charge for the upgrade of the San Ysidro communications site. The Information Technology & Communications Department has an unfunded CIP project for the upgrade of the San Ysidro communication facility (CIP-37-012.0, Annual Allocation - Communications System Requirements). The upgrade will cost approximately \$500,000 and will add an additional ten radio channels to the San Ysidro site. The upgrade is considered to be vitally important to Police and Fire operations to reduce excessive channel loading in the Southern area. The \$100,000 System Access Charge from Chula Vista along with \$400,000 of San Diego Police Department grant money will fully fund this much needed project.

Aud. Cert. 9700715.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A508-B122.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed

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

\* ITEM-108:

SUBJECT: Marketing of Eastgate Technology Park.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-999) ADOPTED AS RESOLUTION R-288529

Authorizing an amendment to an exclusive brokerage agreement with CB Commercial Real Estate Group, Inc., to market Eastgate Technology Park, extending the agreement for a one-year term.

CITY MANAGER SUPPORTING INFORMATION:

In July of 1994 the City issued an RFP to solicit proposals to market Eastgate Technology Park. CB Commercial was one of 6 firms responding to the proposal. CB was selected because the firm has an excellent record of success, competent sales personnel and is the market leader in Commercial Real Estate Transactions in San Diego. A team of 2 brokers was assigned to market Eastgate, Richard Sparks and Neil Fox. Together they have 38 years experience in Real Estate sales and are among the top 5 producers in CB Commercial in the San Diego region. On November 1, 1994, the City entered into a one-year contract with CB Commercial to represent the City relative to sale and lease transactions at Eastgate Technology Park (ETP). The contract contained a provision for a one-year extension which has been exercised. Council action today would amend the original contract to allow for an additional one-year extension. Mr. Sparks and Mr. Fox have done an excellent job in representing the City. Working with City staff since 1994, they have attended Council and management meetings, prepared summaries of current sales and trends in the area, and contracted out to prepare a due diligence package for ETP. During the term of the contract Mr. Sparks and Mr. Fox represented the City in the sale of 9 lots, presently have 3 lots in escrow, offers pending on 4 lots and 7 lots available for sale. The question of renewal of the contract was discussed with the Real Estate Assets Advisory Committee. The Committee recommended an extension of the contract. The

Committee felt CB's presentations were very informative and it could not see any reason for making a change as CB was doing a good job for the City. Staff would also recommend renewal based on CB's performance, excellent service and competitive commission rates.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A508-B122.)

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

\* ITEM-109:

SUBJECT: Amendment No. 4 to the Agreement with Dudek & Associates for As-Needed Environmental Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1002) ADOPTED AS RESOLUTION R-288530

Authorizing a fourth amendment to the agreement of December 9, 1991 with Dudek & Associates, for as-needed environmental services;

Authorizing the expenditure of not to exceed \$55,000 from Sewer Fund 41509, CIP-45-910.3, Program Planning and Studies.

CITY MANAGER SUPPORTING INFORMATION:

This proposed Amendment No. 4 to the Agreement between the City of San Diego and Dudek and Associates is for completion of the MSCP Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS). Only one of ten task orders (Task Order No. 9) issued to Dudek under the agreement is for work on MSCP. The other task orders were issued to Dudek for environmental work on other Metropolitan Wastewater Department projects. The cost of Amendment No. 4 is \$55,000. The amount would bring the total cost of the agreement to \$632,523 and the total cost of work issued under Task Order No. 9 to \$357,559. The cost of the amendment is expected to be covered by Federal FY 1997 appropriations as described under "Financing" above. This

contract amendment is needed to increase the scope of work and budget of the agreement between the City and Dudek and Associates to provide for: 1) preparation of responses to a much larger number of letters of comment from the public than was expected; 2) additional analysis necessary to prepare responses; 3) participation in additional meetings to collect and coordinate the responses to comments being prepared and/or reviewed by the City of San Diego, County of San Diego, U.S. Fish and Wildlife Service and California Department of Fish and Game; and 4) preparation of the CEQA required Mitigation, Monitoring and Reporting Program. When certified by the local lead agency (City of San Diego) and approved by the Federal Lead Agency (U.S. Fish and Wildlife Service), the MSCP EIR/EIS will provide the CEQA/NEPA clearance necessary for the City of San Diego to receive permits from the wildlife agencies (U.S. Fish and Wildlife Service and California Department of Fish and Game). With these permits in hand, the City of San Diego will be able to authorize development of public and private projects affecting habitats of Covered Species in accordance with the City's MSCP Subarea Plan.

Aud. Cert. 9700932.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A508-B122.)

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

\* ITEM-110: TRAILED TO TUESDAY, APRIL 15, 1997

SUBJECT: Exclusive Broker Representation - City Leased Office Space.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1000)

Authorizing the City Manager to approve a one-year extension to an exclusive brokerage agreement with the Irving Hughes Group, Inc., to represent the City in negotiating lease transactions for office space in San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The Donovan/Irving Group, Inc., executed a contract with the City on December 1, 1990 to provide exclusive brokerage services. These services include negotiating lease transactions on behalf of the City for office space, providing project management services when needed, and representing the City on building acquisition transactions. In April 1993, John Donovan left the Company. Thereafter, the Irving Hughes Group, Inc. (Irving) took over and has been working with the City providing real estate services. Irving is one of the largest exclusive tenant representative companies in the county. Their staff consists of six experienced brokers, a veteran construction manager, and a financial analyst. Over the last seven years Irving has accomplished the following: a) successful arbitration against Executive Complex, b) assignment of purchase rights at 600 "B" Street resulting in a \$400,000 lump sum payment to the City, c) three ten-year leases with annual contractual rights penalty free, and d) lowered their commission fee below a market commission to 3.25 percent. Current market is around 4 percent. The agreement has been extended annually by the City Manager. It provides: a) Lease commissions are paid to Irving by the building owner for City lease transactions and renewals, b) Acquisition commissions are paid by the Seller to Irving at 2.25 percent of the purchase price, and c) Project management services are paid by the City at \$1 per useable square foot for construction management. Additionally, when appropriate, Irving receives a consultant fee of \$150 per hour. Today's action would approve a one-year extension of the agreement to March 31, 1998. The City's Real Estate Advisory Committee also recommended a one-year extension of the contract. The committee felt Irving's representation was good and could see no reason for making a change as Irving's performance, excellent services and competitive commission rates has saved the City money and time.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A508-B122.)

CONSENT MOTION BY KEHOE TO TRAIL THE ITEM TO TUESDAY, APRIL 15, 1997. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-111:

SUBJECT: Office Space Lease Amendment - Neighborhood Code Compliance.

(See City Manager Report CMR-97-62. Centre City  
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-935) ADOPTED AS RESOLUTION R-288531

Authorizing a lease amendment for the relocation of the  
Neighborhood Code Compliance Department to Civic Centre  
Plaza, 1200 Third Avenue, 8th Floor, of approximately  
14,777 square feet at a monthly rent of \$16,254.70 of  
\$1.10 per square foot, contingent upon approval of  
funding in the FY 98 budget.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B125-169.)

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

\* ITEM-112: TRAILED TO TUESDAY, APRIL 15, 1997

SUBJECT: Six actions related to Professional Services Agreement  
for the Central Area Police Substation.

(Southeast Community Area, Logan Heights Neighborhood.  
District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1012)

Authorizing a Design Development and Lease Agreement  
with CityLink Investment Corporation, Inc., for  
professional services required for the Central Area  
Police Substation, in an amount not to exceed \$950,000,  
provided that the City Auditor first furnishes a  
certificate demonstrating that the funds for the  
contract are or will be on deposit in the City  
Treasury.

Subitem-B: (R-97-977)

Authorizing the expenditure of \$950,000 previously approved 1997 State COPS Grant Funds for the Central Area Police Substation Design Development and Lease Agreement; and directing the City Manager to return to City Council for consideration of Phase II of the project.

Subitem-C: (R-97-979)

Authorizing the City Manager to amend the Community Development Block Grant Action Plan to include funding for the Central Area Police Substation.

Subitem-D: (R-97-1015)

Approving Application to the United States Department of Housing and Urban Development (HUD) for a Section 108 loan to fund property acquisition and relocation assistance for the Central Area Police Substation Project.

Subitem-E: (R-97-978)

Setting the legal authority and certifications necessary to make application for Section 108 loan guarantee funds for the Central Area Police Substation project.

Subitem-F: (R-97-1008)

Authorizing a Memorandum of Understanding with CityLink Investment Corporation, Inc., and the Redevelopment Agency of the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Police Substation site is 2509 Imperial Ave., southeast corner of 25th Street and Imperial Avenue. The proposed Police Substation will serve the Central Area, including Logan Heights, Barrio Logan, Sherman Heights, Golden Hill, Grant Hill and nearby areas. These neighborhoods will benefit greatly from the proximity to a neighborhood - based police facility that can respond rapidly to local calls. The community based policing made possible by this facility is strongly supported by local residents and business owners. The overall project budget not to exceed \$10.3 million (if the City Council chooses to proceed with Phase II) for the Central Area Police Station project from the following sources: 1) 1997 State COPS Grant funds (\$950,000 -

already authorized for expenditure); 2) 1998 State COPS Grant funds (\$1,000,000 - to be appropriated when received in FY 1998; 3) 1999 State COPS Grant funds (\$1,000,000 - to be appropriated when received in FY 1999); 4) HUD Section 108 loan funds of \$3.6 million - application and certifications authorized by this action, to be repaid annually from District 8 CDBG allocations); 5) Redevelopment Agency funds of \$1,000,000 - to be appropriated within two months of this action; 6) \$1,000,000 in donations to be sought by CityLink Investment Corporation for the project; 7) \$500,000 in Federal grant funds - to be sought by the Police Department; 8) \$1,250,000 in Capital Outlay Funds. The proposed agreement with CityLink Investment Corporation will provide the professional services required for the Central Area Police Substation.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A508-B122.)

CONSENT MOTION BY KEHOE TO TRAIL THE ITEM TO TUESDAY, APRIL 15, 1997, TO BE TAKEN WITH REDEVELOPMENT AGENCY ITEM NO. 2. Second by Mathis. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

(Continued from the meeting of March 31, 1997, Item 115, at Councilmember Kehoe's request, for a list of bus stop improvements from MTDB.)

SUBJECT: Transfer of \$70,000 to MTDB for Bus Stop ADA Improvements in the City.

(City-wide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-913) ADOPTED AS RESOLUTION R-288532

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$70,000 from TransNet Fund No. 30300, CIP-52-521.0, Annual Allocation for Street Enhancements and Revitalization to MTDB for bus stop ADA improvements in the City.

CITY MANAGER SUPPORTING INFORMATION:

The Federal Americans with Disabilities Act (ADA) of 1990 requires barrier-free passenger boarding/deboarding areas at bus stops. In order to comply with this guideline, the Metropolitan Transit Development Board (MTDB) has requested the City's assistance to help finance the required upgrades at bus stops located within the City of San Diego. MTDB has money for bus stop upgrades that requires a 20 percent local match by the local jurisdiction. \$350,000 is available to MTDB to implement bus stop improvements within the City of San Diego. \$70,000 is needed from the City to cover the 20 percent local match. Approval of the \$70,000 (City's match) is needed so that \$280,000 in federal funds can be acquired, making a grand total of \$350,000 available for bus stop upgrades in the City of San Diego by MTDB.

The \$70,000 will be transferred from TransNet Fund No. 30300, CIP-52-521.0, Annual Allocation for Street Enhancements and Revitalization, to MTDB. This annual allocation provides for curb, gutter, and sidewalk improvements. Upgrading bus stops to ADA requirements consists of these improvements as part of revitalizing the City streets.

Aud. Cert. 9700790.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A508-B122.)

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

ITEM-201: CONTINUED TO APRIL 28, 1997

SUBJECT: Street Slurry Seal/Resurfacing as Part of MWWP Pipeline Construction.

(University, Mira Mesa, Scripps Miramar Ranch, Miramar Ranch North, Linda Vista, Mission Valley, Clairemont Mesa, Kearny Mesa, and Mission Bay Park Community Areas. Districts-1,5 & 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1001)

Authorizing the Auditor and Comptroller to transfer not to not to exceed \$1,678,941 from Fund No. 41500, CIP-70-916.0, Miramar Road Subsystem Extension, to be transferred as follows:

\$327,998 to Fund No. 41500, CIP-70-911.0, Genesee Avenue Subsystem;

\$322,592 to Fund No. 41500, CIP-70-927.0, University City Subsystem;

\$679,014 to Fund No. 41500, CIP-70-912.0, Miramar Road Subsystem;

\$330,721 to Fund No. 41500, CIP-70-918.0, Scripps Ranch Boulevard/I-15 Subsystem;

\$18,616 to Fund No. 41500, CIP-70-921.0, Scripps Poway Parkway Subsystem;

Authorizing the expenditure of not to exceed \$2,935,275 to fund City force work and slurry seal contractual services, to be expended as follows:

\$327,998 from Fund No. 41500, CIP-70-911.0, Genesee Avenue Subsystem;

\$322,592 from Fund No. 41500, CIP-70-927.0, University City Subsystem;

\$679,014 from Fund No. 41500, CIP-70-912.0, Miramar Road Subsystem;

\$596,334 from Fund No. 41500, CIP-70-916.0, Miramar Road Subsystem Extension;

\$330,721 from Fund No. 41500, CIP-70-918.0, Scripps Ranch Boulevard/I-15 Subsystem;

\$18,616 from Fund No. 41500, CIP-70-921.0, Scripps Poway Parkway Subsystem;

\$100,000 from Fund No. 41506, CIP-46-120.0, Penasquitos Trunk Sewer Relief;

\$560,000 from Fund No. 41509, CIP-40-921.0, FIRP Phase II.

CITY MANAGER SUPPORTING INFORMATION:

Currently, the Metropolitan Wastewater Department (MWWD) is constructing over 50 miles of Reclaimed Water and Sewer Pipelines within the City's streets. Under City Council direction, MWWD is required to slurry seal or resurface the streets after the construction of the pipelines is complete. The MWWD goal is to have a finished product that leaves the streets in a functional and aesthetic condition that reflects good customer service. To accomplish this goal, the MWWD and the Transportation Department have reached an agreement which requires the MWWD to transfer adequate funds to the Transportation Department to slurry seal and resurface the streets after the MWWD pipelines construction is complete. Slurry seal funding for the reclaimed water projects is available in CIP-70-916.0, Miramar Road Subsystem Extension, and will be transferred to the respective reclaimed water projects with this action. In addition, slurry seal funding for the Penasquitos Trunk Sewer Relief and FIRP Phase II are available in CIP-46-120.0 and CIP-40-921.0, respectively.

Aud. Cert. 9700963.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A508-B122.)

CONSENT MOTION BY KEHOE TO CONTINUE THE ITEM TO APRIL 28, 1997, AT THE REQUEST OF JOSEPHINE A. BENNETT, PRESIDENT OF CLAIREMONT TOWN COUNCIL, FOR TIME TO RECEIVE A RESPONSE FROM MWWD AND TO DISCUSS THE ITEM AS DOCKETED. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: 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-97-967) ADOPTED AS RESOLUTION R-288533

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: A508-B122.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:15 p.m. in honor of the memory of:

Catherine Wachalec at the request of Mayor Golding, and Eileen Skindelien at the request of Deputy Mayor Warden.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B170-188).