

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 3, 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 11:17 a.m. Mayor Golding announced that Budget Process Brochures are available to the public and can be obtained from the Mayor's Office, the City Council offices, City libraries, City Park and Recreation Centers, Community Service Centers, Police Storefronts, Police Stations, the City Clerk's office and other City offices as well. The brochure was created to provide the public with a better understanding of the budget process. The brochure also includes the time, date, and location of all the budget hearings. Mayor Golding encouraged everyone to take part in the budget process.

City Manager Jack McGrory introduced and welcomed members of the Disabled Parking and Enforcement Team. The team consists of approximately thirty volunteers who spend numerous hours working with the business community ensuring that the State Disabled Parking Regulations are being enforced throughout the City of San Diego.

Mayor Golding convened the Special Joint Council Meeting with the Redevelopment Agency to meet simultaneously with the City Council at 11:43 p.m. Mayor Golding recessed the regular meeting at 11:51 a.m. to convene the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 11:54 a.m. with all Council Members present. Mayor Golding recessed the regular meeting at 12:43 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:17 p.m. Mayor Golding recessed the regular meeting at 2:51 p.m. to convene the Redevelopment Agency. Mayor Golding reconvened the Council to meet simultaneously with the Redevelopment Agency with all Council members present at 2:53 p.m.

Mayor Golding adjourned the meeting at 3:27 p.m. into Closed Session immediately following in the twelfth floor conference room to discuss anticipated litigation and property acquisition.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Imam Sharif Battikhi of the Islamic Services Foundation.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding the new environmental program "Border Region XXI" which Mr. Stillwell stated will eliminate the sovereignty as well as the borders of the United States. He also commented on public access programming.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A050-070.)

ITEM-PC-2: REFERRED TO CITY MANAGER

Comment by Jean Chenh regarding her concern for her safety and the safety of other residents at the 939 Coast Boulevard high-rise building in La Jolla. Her concern pertains to the installation of twelve gas fireplaces that are currently being constructed by Carl Davis in the annex portion of the 939 building.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A072-112.)

ITEM-PC-3:

Comment by Sky regarding the subject of living by principles versus living by the love of money.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A113-137.)

ITEM-PC-4:

Comment by Scott Barnett regarding Prop 218 and the impact it will have on Landscape Maintenance Districts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A138-193.)

ITEM-PC-5: REFERRED TO CITY MANAGER

Comment by Paul Steiger regarding a letter that the San Diego Police Department sent to the Bureau of Alcohol, Tobacco and Firearms which provided information that disqualified Mr. Steiger from obtaining a Federal Firearms license.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A194-229.)

ITEM-PC-6:

Comment by Bruce Skane regarding the Police Chief's appearance at an anti-gun rally on December 11, 1995. Mr. Skane filed a protest letter with Mayor Golding and received a reply from City Manager Jack McGrory. He is resubmitting his request with his comments on Mr. McGrory's letter. He also commented on public comments during PS&NS meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A232-260.)

ITEM-PC-7:

Comment by Alfred Weber regarding the homeless issue and social justice in law enforcement today.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A261-300.)

ITEM-PC-8:

Comment by Carolyn Chase regarding the subject of "Environmental Terrorism."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A301-327.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Warden requesting that the Mayor consider in Rules Committee the issue of moving the public comment portion of Council meetings to the end of the meeting.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A331-365.)

ITEM-CC-2: REFERRED TO CITY MANAGER

Council Member Kehoe commended the Fire Chief for dedicating a lot of resources to the fire in Mission Valley which threatened nearby homes. Ms. Kehoe said it was the right way to respond and thanked the fire department in University Heights and the other community.

Council Member Kehoe also requested an update from the Manager on the Brush Abatement Program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E289-295.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

5-12-97 Adjourned
5-13-97
5-15-97 Special Meeting
5-19-97 Adjourned
5-20-97 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B096-100.)

MOTION BY STEVENS TO ADOPT ITEMS 30, 31, 32, AND 33. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: National Trails Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1207) ADOPTED AS RESOLUTION R-288720

Recognizing National Trails Day, the City of San Diego Park and Recreation Department, Park Rangers and volunteers for their stewardship of the City's trail systems;

Proclaiming June 7, 1997 to be "National Trails Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B096-100.)

MOTION BY STEVENS TO ADOPT ITEMS 30, 31, 32, AND 33. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: The Daughters of Isis, Isis Court No. 104 Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1245) ADOPTED AS RESOLUTION R-288721

Commending the Daughters of Isis, Isis Court No. 104 for paving a road for our youth of San Diego, and helping to make this world a better place for all;

Proclaiming June 8, 1997 to be "The Daughters of Isis,
Isis Court No. 104 Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B096-100.)

MOTION BY STEVENS TO ADOPT ITEMS 30, 31, 32, AND 33. 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-33:

SUBJECT: MEA Adopt-A-Family Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1242) ADOPTED AS RESOLUTION R-288722

Proclaiming June 2, 1997 to be "MEA Adopt-A-Family Day"
in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B096-100.)

MOTION BY STEVENS TO ADOPT ITEMS 30, 31, 32, AND 33. 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-100:

SUBJECT: Two actions related to Torrey Pines Summit Final Map
and Subdivision Agreement.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1187) ADOPTED AS RESOLUTION R-288723

Authorizing the execution of a Subdivision Improvement Agreement with Buie Torrey Summit, LLC, for the installation and completion of public improvements.

Subitem-B: (R-97-1186) ADOPTED AS RESOLUTION R-288724

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

On October 1, 1992 the Planning Commission of the City of San Diego approved Tentative Map TM-91-0713 for Torrey Pines Summit. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28175-1-D through 28175-20-D, filed in the office of the City Clerk under Micro Number 139.29. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$755,092 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$3,750,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks) at the time of building permit issuance.

This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding Between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development." The City was compensated \$40,500 for abandonment of the slope easement, held in trust.

FILE LOCATION: SUBD - Torrey Pines Summit Final Map and
Subdivision Agreement CONFY97-1

COUNCIL ACTION: (Tape location: A391-458.)

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

* ITEM-101:

SUBJECT: State of California Natural Community Conservation
Planning Grant Program.

(Carmel Valley, University City, Mission Trails,
Clairemont Mesa, and Otay Mesa Community Areas.
Districts-1,5,7 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-897) ADOPTED AS RESOLUTION R-288725

Approving the applications for grant funding to the
State of California Natural Community Conservation
Planning Grant Program for the following projects:
Carmel Valley/Carmel Mountain Acquisition, San Diego
Ambrosia Management and Autecological Studies, Otay
Vernal Pool/Coastal Sage Scrub Acquisition and
Restoration, and the Rose Canyon Open Space Riparian
Habitat Enhancement.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego's Multiple Species Conservation Program (MSCP) is the equivalent of the State's Natural Community Conservation Planning (NCCP) Program of which the City is a participating member. The following four grant proposals are critical for the successful implementation of the City's MSCP. Four projects will be submitted to the Natural Community Conservation Planning (NCCP) Program for funding, they are: 1) Carmel Valley/Carmel Mountain Acquisition - grant funds would help the City acquire several key parcels within the proposed regional wildlife linkage connecting Torrey Pines State Park to Los Pe asquitos Canyon; 2) The San Diego Ambrosia Management and Autecological Studies - Ambrosia pumila is a low perennial herb endemic to Riverside and San Diego Counties and Baja California.

The proposed project consists of a two-part proposal of management and basic Autecological studies of the San Diego Ambrosia within the Mission Trails Regional Park; 3) The Otay Vernal Pool/Coastal Sage Scrub Acquisition and Restoration Project proposes the acquisition of a six-acre parcel and restoration of three parcels within the Otay Mesa. These parcels contain degraded vernal pool and coastal sage scrub habitat and

are critical for maintaining a wildlife corridor from Dennergy Canyon to Spring Canyon; 4) The Rose Canyon Open Space Park Riparian Habitat Enhancement Project will remove large stands of invasive non-native plants and replace them with native plants to ensure the ecological health of this urban open space park.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A391-458.)

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

* ITEM-102:

SUBJECT: Boat Launching Facility Grant - Restoration of Ski Beach Boat Launching Ramp and Parking Area.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1156) ADOPTED AS RESOLUTION R-288726

Authorizing the City Manager or designated representative to apply to the State of California Boating and Waterways Boat Launching Facility Grant for the restoration of the Ski Beach Boat Launching Ramp and Parking Area;

Authorizing the City Manager or designated representative to accept and expend funds if a grant is secured.

CITY MANAGER SUPPORTING INFORMATION:

The California Boat Launching Facility Grant Program was developed to provide assistance to local agencies for the development, enhancement and rehabilitation of boat launching facilities to provide convenient and safe access to the waters of the State. Projects selected by the State Resources Agency will be presented and included in the Fiscal Year 1998 State budget. Funding should be available to local agencies by early 1998. The Park and Recreation Department has identified the rehabilitation

of the Mission Bay Park's Ski Beach Boat Launching Ramp. Project scope will include excavating the existing 4-lane boat ramp and rebuilding a new 4-lane ramp, with additional riprap on each side of the ramp.

The parking area will be repaved and restriped to accommodate additional disabled parking spaces. In addition, installation of "brighter white" lights on the existing parking lot light poles, will also be included in the project scope. Proposed project cost is \$520,800.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A391-458.)

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

* ITEM-103:

SUBJECT: Additional Project Related Costs for the North Operations Building.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1224) ADOPTED AS RESOLUTION R-288727

Authorizing the Auditor and Comptroller to transfer not to exceed \$100,000 within Fund No. 41508, from CIP-40-923.0, Point Loma - Outfall Reballasting, to CIP-46-180.0, Point Loma - North Operations Building;

Authorizing the expenditure of not to exceed \$100,000 from Fund No. 41508, CIP-46-180.0, Point Loma - North Operations Building, to provide additional funds for project-related costs, provided that the City Auditor first furnishes one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

This request is for additional project related costs in the amount of \$100,000 for the Point Loma - North Operations Building, of which \$56,547 will be for a Value Engineering review performed by KAM, Inc., \$7,929 will be for the Owner Controlled Insurance Program and \$35,524 will be for administrative costs and in-house engineering.

Aud. Cert. 9701141.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A391-458.)

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

* ITEM-104:

SUBJECT: Sing San Diego Week.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1229) ADOPTED AS RESOLUTION R-288728

Recognizing the importance of music and song to our culture and urging citizens to join in raising their voices in song together;

Proclaiming the week of June 2 through June 9, 1997 to be "Sing San Diego Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A391-458.)

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

* ITEM-105:

SUBJECT: Dr. Allan R. Bailey Day.

COUNCILMEMBER McCarty'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1188) ADOPTED AS RESOLUTION R-288729

Recognizing the accomplishments of Dr. Allan R. Bailey;

Proclaiming May 21, 1997 to be "Dr. Allan R. Bailey Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A391-458.)

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

* ITEM-106:

SUBJECT: Recognition for the Disabled Parking Enforcement Team Volunteers. (Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1102) ADOPTED AS RESOLUTION R-288730

Recognizing the importance of the Disabled Parking Enforcement Team Volunteers and commending them for their accomplishments and involvement in the community and the City of San Diego;

Proclaiming June 2, 1997 to be "Disabled Parking Enforcement Team Volunteers Day" in San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The Disabled Parking Enforcement Team (DEPT.) consists of approximately 30 volunteers and is responsible for conducting patrols, inspections and enforcement of disabled persons parking spaces on private property. These Team members, many who are disabled themselves, educate the public and businesses in order

to provide appropriate access for disabled persons and their vehicles. They probatively enforce provisions of the California Vehicle Code relating to disabled parking spaces. The primary goal of DEPT. is to educate property owners and the driving public of the need to ensure access for disabled persons, their vehicles and special equipment (wheelchairs). The purpose of performing patrols and private property inspections is to ensure that the enforcement of these spaces and compliance with the current development standards are adhered to.

Appropriate referrals are made in instances where educational attempts have failed or are prolonged in adhering to compliance requests. Enforcement is the by-product of a lack of compliance and is used when outright violations occur or when educational attempts fail. The DEPT. Unit is formed under the authority granted in California Vehicle Code (CAC)Section 22507.9. DEPT. personnel shall only enforce those Sections identified under CAC Sections 22507.8 and local ordinances and resolutions adopted pursuant to CAC Section 22511.7. DEPT. personnel play a role in organizational development by maintaining contact with the disabled community and specialized groups identified with the City of San Diego. Additionally, the Unit may be called upon to serve other roles as needed by Parking Management.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A391-458; B075-080.)

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

* ITEM-107:

SUBJECT: Amendment to the Agreement for the Reclaimed Water Distribution System - Sorrento Valley/Carroll Canyon Subsystem.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1226) ADOPTED AS RESOLUTION R-288731

Authorizing Amendment No. 1 to the Agreement with Robert Bein, William Frost & Associates (RBF), for the Sorrento Valley/Carroll Canyon Subsystem, to incorporate design services for the Reclaimed Water Retrofit Project;

Authorizing the Auditor and Comptroller to transfer not to exceed \$599,210 within Fund 41500, from CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Program, to CIP-70-934.0, Sorrento Valley/Carroll Canyon Subsystem;

Authorizing the expenditure of not to exceed \$599,210 from Fund 41500, CIP-70-934.0, Sorrento Valley/Carroll Canyon Subsystem.

CITY MANAGER SUPPORTING INFORMATION:

On October 30, 1995, the City Council approved the agreement between the City and Robert Bein, William Frost and Associates (RBF) to provide design services for Sorrento Valley/Carroll Canyon Subsystem (RR-286486).

This amendment is requested to incorporate design services for the Reclaimed Water Retrofit Project covering the Sorrento Valley/Carroll Canyon Reclaimed Water Distribution Subsystem and overall reclaimed water system. Scope of work includes: coordination with the Health Department and reclaimed water customers, conceptual design of the reclaimed water service retrofit, processing for approval of the Health Department on the retrofit concept design, preparation of construction packages including specifications and field support services during the preparation of the conceptual design and construction. This amendment also includes \$99,867 for additional services work. Additional services will only be performed when authorized by the City.

Aud. Cert. 9701137.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A391-458.)

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

* ITEM-108:

SUBJECT: Agreement with Dudek & Associates, Inc. for As-Needed Annual Civil Engineering Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1123) ADOPTED AS RESOLUTION R-288732

Authorizing an agreement with Dudek & Associates, Inc., for as-needed annual civil engineering services;

Authorizing the expenditure of not to exceed \$125,000 from CIP-73-312.0, Annual Allocation, As-Needed Consultant Services/Water, and \$125,000 from CIP-46-174.0, Annual Allocation, As-Needed Consultant Services/Sewer.

CITY MANAGER SUPPORTING INFORMATION:

This agreement will provide for civil engineering services on an as-needed basis. These services include: municipal water and wastewater engineering, mechanical engineering, economic analysis, structural engineering, and other miscellaneous engineering services. In general, it is cost effective to use an as-needed consultant to supplement and support City staff with specialized engineering support.

In conformance with Council Policy 300-7, six firms were interviewed on November 15, 1996 and the firm of Dudek & Associates, Inc. was selected as the most qualified firm. This agreement provides for civil engineering services by task orders on an hourly basis not to exceed \$20,000 per task. The total contract will not exceed \$250,000 for a period of two years from the date of execution of the agreement.

Aud. Cert. 9701050.

WWF-97-280.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A391-458.)

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

Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: City Heights Urban Village Child Care Center.

(See City Manager Report CMR-97-99. City Heights
Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1241) ADOPTED AS RESOLUTION R-288733

Authorizing the City Manager to approve an agreement
with Neighborhood House Association (NHA) to establish
and operate a Head Start Program at the City Heights
Urban Village Child Care Center which will serve 80
children from low income families in free, full-time
day care;

Authorizing the City Manager to accept and expend
\$300,000 from Fund 18689, Account No. 9544, for tenant
improvements, furniture and fixtures for the City
Heights Urban Village Child Care Center.

Aud. Cert. 9701142.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A391-458.)

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

ITEM-110:

SUBJECT: Approving Joint Powers Agreement for San Diego
Geographic Information Source (SanGIS).

(See City Manager Report CMR-97-98.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1213) ADOPTED AS RESOLUTION R-288753

Authorizing the creation of a California Joint Exercise of Powers Entity, known as San Diego Geographic Information Source (SanGIS), to assume and expand upon the functions previously performed by RUIS;

Declaring that the annual fees payable to SanGIS shall be subject to the City's annual appropriations ordinance;

Authorizing a Joint Exercise of Powers Agreement with the County of San Diego;

Authorizing the City Auditor and Comptroller to advance \$100,000 from Fund No. 100, to SanGIS, to meet SanGIS's cash flow requirements for its Fiscal Year 1998, contingent upon passage of the Fiscal Year 1998 Appropriation Ordinance.

Aud. Cert. 9800001.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: D461-514; E057-285.)

Motion by McCarty to refer this item to Public Safety and Neighborhood Services Committee or to Rules Committee for discussion of the issue. No second.

MOTION BY KEHOE TO APPROVE THE MANAGER'S REPORT AND ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Change Order No. 1 with Kiewit Pacific Company in connection with Reclaimed Water Distribution System - Scripps Poway Parkway Subsystem.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1164) ADOPTED AS RESOLUTION R-288734

Approving Change Order No. 1, with Kiewit Pacific Company in connection with the Reclaimed Water Distribution System - Scripps Poway Parkway Subsystem, increasing the contract price by \$383,951;

Authorizing the expenditure of not to exceed \$383,951 from Water Fund No. 41500, CIP-70-942.0, Annual Allocation - Reclaimed Water Pooled Contingency.

CITY MANAGER SUPPORTING INFORMATION:

The construction contract for Reclaimed Water Package D was approved for award by City Council on March 4, 1996 (R-286993). The contract was awarded to the lowest responsible bidder, Kiewit Pacific Company, on July 12, 1996. Contract Package D includes construction of a 9 million gallon reclaimed water tank, a pump station, site work and chlorination facility. The chlorination facility originally was designated to be located inside the pump station.

However, due to safety regulations which prohibit the storage of hazardous chemicals in the same pump station building, it was necessary to design and construct a separate chlorination vault adjacent to the pump station building. This change to the construction of the chlorination facility insures compliance with the fire safety codes. This project is included in the Interim Order issued by the Federal Court dated August 28, 1994.

Aud. Cert. 9701071.

FILE LOCATION: CONT - Kiewit Pacific Company
 CONTFY97-1

COUNCIL ACTION: (Tape location: A391-458.)

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

* ITEM-112:

SUBJECT: Milton C. Shedd Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1332) ADOPTED AS RESOLUTION R-288735

Honoring Milton C. Shedd for his outstanding service to the community of San Diego and for his lifetime achievement in marine science;

Proclaiming Friday, May 30, 1997 to be "Milton C. Shedd Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A391-458.)

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

* ITEM-113:

SUBJECT: North Embarcadero Alliance Memorandum of Understanding.

(See City Manager Report P-97-097. District-2)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1252) ADOPTED AS RESOLUTION R-288736

Approving the North Embarcadero Alliance Memorandum of Understanding (MOU) and authorizing the implementation of the MOU.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A391-458.)

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

ITEM-200:

SUBJECT: Three actions related to the Construction of Sewer Pump Station No. 24 and Certifying Mitigated Negative Declaration DEP-90-0961.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1134) ADOPTED AS RESOLUTION R-288737

Inviting bids for the Construction of Sewer Pump Station No. 24 on Work Order No. 172121;

Authorizing the City Manager to establish contract funding phases with the lowest responsible and reliable bidder, based on actual low bid submitted, provided that the bid does not exceed \$2,855,618, and provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

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

Authorizing the City Auditor and Comptroller to transfer \$235,000 from Fund 41506, CIP-44-001.0/CIP-44-105.1, Sewer Group Job 94 to Fund 41506, CIP-46-142.0, Sewer Pump Station 24;

Authorizing the expenditure of \$3,367,908 from CIP-46-142.0, Sewer Pump Station 24, for providing funds for the project and related costs, contingent upon approval of the FY 98 Budget, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure under established contract funding phases are, or will be on deposit in the City Treasury; Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K97209C)

Subitem-B: (R-97-1136) ADOPTED AS RESOLUTION R-288738

Authorizing the use of City Forces to do all the work to perform operational checks involving the Construction of Sewer Pump Station No. 24; declaring that the cost of the work shall not exceed \$20,000.

Subitem-C: (R-97-1135) ADOPTED AS RESOLUTION R-288739

Certifying that the information contained in Mitigated Negative Declaration DEP-90-0961, 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, 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;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by Council in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Station No. 24 is located at 298 Coast Boulevard on the bluff at Whispering Sands Beach in the La Jolla Community area. The existing pump station which was constructed in 1949, contains two 30-horse powered pumps, and has one source of power. The existing structure is not suitable for rehabilitation to meet demands and to be served with a secondary power source because of deterioration and inadequate space. This project incorporates the construction of a new underground pump station partially in the roadway of Coast Boulevard, the demolition of the existing pump station, the construction of a new forcemain, and the rehabilitation of the existing forcemain. The proposed station will house three 100-horse powered pumps, and will include a natural gas generator to be used as a secondary power source. The beach area moratorium period between Memorial Day and Labor Day will be observed for this project.

Aud. Cert. 9701093.

WWF-CSD-97-289.

FILE LOCATION: W.O. 172121 CONFY97-1

COUNCIL ACTION: (Tape location: A391-458.)

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

ITEM-201:

SUBJECT: Two actions related to Sewer Group 629 and Certifying Mitigated Negative Declaration LDR-96-0446.

(Southcrest Community Area. Districts-4 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1137) ADOPTED AS RESOLUTION R-288740

Inviting bids for Sewer Group 629 on Work Order No. 172101;

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

Authorizing the expenditure of \$1,846,762 from Sewer Revenue Fund 41506, Sewer Construction Outlay 70492, CIP-44-001.0, provided that the City Auditor first furnishes a certificate demonstrating that the funds for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K97210C)

Subitem-B: (R-97-1138) ADOPTED AS RESOLUTION R-288741

Certifying that Mitigated Negative Declaration LDR-96-0446, 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, 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;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by Council in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Replacement Group 629 is located in the Southcrest Community Area. This project is a portion of the continuing annual Capital Improvement Program to replace old and deteriorated concrete sewer mains within the City of San Diego. The sewer mains proposed to be replaced or rehabilitated (trenchless technology) were installed in the early 1920's. This project will construct 9,830 feet of new 8- and 10-inch sewer mains and rehabilitate 3,359 feet of 6-inch sewer mains. The following streets and alleys will be affected in the Southeast San Diego area by construction activities: Newton Avenue, Gamma Street, Delta Street, Epsilon Street, 42nd Street, alley between Gamma Street and Delta Street, alley between Epsilon Street and Eta Street and alley between Eta Street and Nordica Street. Residents will be notified by mail at least one month before construction by the City of San Diego, and ten days before construction by the contractor. Rehabilitation of 3,359 feet of main will reduce impacts of open trench construction to the community.

WWF-97-261.

FILE LOCATION: W.O. 172101 CONT - BRH Garver Inc.
CONTFY97-1

COUNCIL ACTION: (Tape location: A391-458.)

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

ITEM-202:

SUBJECT: Three actions related to the Construction of Sewer and Water Main Replacement Group Job 639 and Certifying Mitigated Negative Declaration LDR-96-0248.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1131) ADOPTED AS RESOLUTION R-288742

Inviting bids for the Construction of Sewer and Water Main Replacement Group Job 639 on Work Order No. 172521/182191;

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

Authorizing the expenditure of \$1,153,383 from Sewer Revenue Fund 41506, CIP-44-001.0, and \$394,929 from Water Revenue Fund 41500, CIP-73-083, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury. (BID-K97204C)

Subitem-B: (R-97-1132) ADOPTED AS RESOLUTION R-288743

Certifying that the information contained in Mitigated Negative Declaration LDR-96-0248, 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 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;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by Council in order to mitigate or avoid significant effects on the environment.

Subitem-C: (R-97-1133) ADOPTED AS RESOLUTION R-288744

Authorizing the use of City Forces to do all the work to isolate, make connections and perform operational checks to the existing systems involving the Construction of Sewer and Water Main Replacement Group Job 639; declaring that the cost of the work shall not exceed \$70,000.

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Group Job 639 is a part of the City's ongoing concrete sewer and cast iron water main replacement program. Water and Sewer Group Job 639 will replace 7,261 feet of existing six-inch (6") concrete sewer main, 1,993 feet of ten-inch (10") cast iron water main and rehabilitate 716 feet of existing six-inch (6") sewer main. This project will alleviate stoppages and breaks in the existing sewer and water systems respectively, and will provide more reliable sewage collection and efficient water distribution service for this service area well beyond the foreseeable future. This project includes street resurfacing for all of the areas where new sewer and water facilities are installed. The following streets will be affected by construction operations: Ibis Street, Horton Avenue, India Street, Columbia Street, State Street, Redwood Street, Hawk Street, Falcon Street, Spruce Street, Goldfinch Street. Residents will be notified by mail at least one month before construction by the City and at least 10 days before the work begins by the contractor.

CSD-WWF-97-278.

FILE LOCATION: W.O. 172521/182191 CONT - Southern
California Underground Contractors Inc.
CONFY97-1

COUNCIL ACTION: (Tape location: A391-458.)

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

ITEM-203:

SUBJECT: Two actions related to the Construction of Sewer Rehabilitation Group Job 645 and Certifying Mitigated Negative Declaration DEP-96-0109.

(College, Greater North Park, Uptown, Clairemont Mesa, Linda Vista, Pacific Beach Community Areas. Districts-2, 3, 5, 6 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1139) ADOPTED AS RESOLUTION R-288745

Inviting bids for the Construction of Sewer Rehabilitation Group Job 645 on Work Order No. 173101;

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

Authorizing the expenditure of not to exceed \$1,452,435 from the Sewer Revenue Fund 41506, CIP-44-001.0, for providing funds for said project and related costs, provided that the City Auditor first furnishes a certificate demonstrating that the necessary funds are, or will be on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K97211C)

Subitem-B: (R-97-1230) ADOPTED AS RESOLUTION R-288746

Certifying that the information contained in Mitigated Negative Declaration DEP-96-0109, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said declaration reflects the independent judgement of the City 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;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by Council in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Rehabilitation Group 645 is located in the College, Greater North Park, Uptown, Clairemont Mesa, Linda Vista, and Pacific Beach Community Areas. This project is a portion of the continuing Annual Capital Improvements Program to replace old concrete sewers within the City of San Diego. The proposed sewer mains and manholes to be rehabilitated were installed in the early 1930's. This project will rehabilitate approximately 4,660 lineal feet of sewer mains using trenchless technology, and rehabilitate sixteen existing manholes. The following streets and canyons will be affected by the construction operations: Washington Street about 300 feet north of India Street, Andrews

Street and Winder Street between India and Linwood Streets, Chalmers Street between India and Columbia Streets, Linwood Street between Andrews and Winder Streets, Sutter Street between Hawk and Goldfinch Streets at the cul-de-sac of 10th, Rhode Island and New Hampshire Streets, Montclair Street between Cooper and Maple Streets, Maple Street between Montclair Street and Vancouver Avenue, Esther Street between El Cajon Boulevard and Madison Avenue, 60th Street between El Cajon Boulevard and Adams Avenue, Tecolote Canyon, Hoffman Canyon and San Clemente Canyon. Residents will be notified by mail at least one month prior to construction by the Engineering and Capital Projects Department, Water and Wastewater Facilities Division and ten days prior to construction by the Contractor. Traffic control plans have been prepared for this project and will be implemented during the construction operations.

WWF-CSD-96-245.

FILE LOCATION: W.O. 173101 CONT - U-Liner West CONFY97-1

COUNCIL ACTION: (Tape location: A391-458.)

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

ITEM-204: CONTINUED TO JUNE 9, 1997

SUBJECT: Change Order No. 8 with APC/T&K Mechanical for the Metro Biosolids Center - Digester Complex.

(NAS Miramar. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1225)

Approving Change Order No. 8, with APC/T&K Mechanical for the Metro Biosolids Center - Digester Complex, increasing the contract price by \$236,323;

Authorizing the expenditure of not to exceed \$236,323 from Fund No. 41509, CIP-42-911.4, Metro Biosolids Center, to provide additional construction for this

change order, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of not to exceed \$5,000,000 from Fund No. 41509, CIP-42-911.4, Metro Biosolids Center, to provide additional contingencies and related costs, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

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

CITY MANAGER SUPPORTING INFORMATION:

The Metro Biosolids Center is scheduled for completion during FY 98. Council Resolution No. R-285825 authorized the City Manager to execute a contract with the lowest responsible bidder for the Digester Complex construction package at Metro Biosolids Center, formerly the Fiesta Island Replacement Project/Northern Sludge Processing Facility (FIRP/NSPF). The bid was awarded to APC T&K on September 15, 1995. Change Order No. 8 compensates APC T&K for all costs necessary to provide riser casings, stems, mounting stands and appurtenances for eighteen above-ground valve actuators. Significant cost will be saved over the life of the facility by having the actuators more easily accessible for maintenance. The funds requested will cover Change Order No. 8, replenish the contingency depleted by previous change orders and fund future change orders. Future changes will provide for more motor operated valves and process sensors, a simplified gas blower system, improved pipe scaling monitoring and control, and increased corrosion protection. With this transfer of \$5,000,000, the total project-wide contingency will be 8.63 percent of the total construction contract value.

Aud. Cert. 9701144.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A391-458.)

CONSENT MOTION BY KEHOE TO CONTINUE THIS ITEM FOR ONE WEEK, AT THE REQUEST OF COUNCIL MEMBER STEVENS, TO OBTAIN EEO INFORMATION TO DISCUSS WITH THE CITY MANAGER. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,

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

ITEM-330:

SUBJECT: Matter of the appeal by John Castle of the Museum of Contemporary Art, from the decision of the Planning Commission in denying the request for CDP/LJC/SUP-96-0257 (Amendment to CDP/LJC/SUP-90-0747). (San Diego Museum of Contemporary Art)

(CDP/LJC/SUP-96-0257. La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following Resolution to grant the appeal and grant the Amendment to the permits:

(R-97-1450) Cor. Copy ADOPTED AS RESOLUTION R-288754
GRANT APPEAL, GRANT AMENDMENT TO
PERMITS

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

OTHER RECOMMENDATIONS:

Planning Commission voted 4-1 to grant the appeal and deny the requested modifications (amendment) and include an additional condition that the City investigate means to enforce the original condition #14 that the gate should remain open during normal business hours.

Ayes: Anderson, Quinn, Butler, White
Nays: Neils
Abstaining: Watson
Not Present: Skorepa

The La Jolla Community Planning Group has recommended approval.

SUPPORTING INFORMATION:

The appeal is being requested for an amendment to Coastal Development/La Jolla Planned District/Special Use Permit No. 90-0747 (Conditions 2a. and 14) previously approved by the Planning Commission on February 27, 1992. The conditions require that:

1) a security fence surrounding the sculpture garden (adjacent to Coast Boulevard), observe a minimum 15'0" front setback from Coast Boulevard; and 2) that "the gate of the fence on Coast Boulevard is to remain open during normal museum business hours."

The amendment requests that: 1) Condition No. 2.a. be modified to permit the existing 6'0" high open security fence to be relocated to observe a minimum 3'-6" front setback from Coast Boulevard; and 2) that Condition No. 14 be deleted, which would allow the gate to remain locked during normal museum business hours.

A variance to Section 103.1206.B.7 of the City of San Diego Municipal Code is requested to allow the relocation of the existing maximum 6'0" high open fence to observe a minimum of 3'-6" front yard, where 15'-0" is the minimum required and where fences within a required front yard shall not exceed 3'-0" in height above the adjacent sidewalk.

NOTE: On April 29, 1997 Council voted 9 to 0 to hear the appeal.

LEGAL DESCRIPTION:

The property is located at 700 Prospect Street, and is more particularly described as Lots 1 through 10, 13, 14 and a Portion of 15, Block 35, La Jolla Park, Map-352, within Zone 6A of the La Jolla Planned District, Coastal and Proposition "D" Height Limitation Zones.

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State Guidelines Section 15308.

FILE LOCATION: PERM - CDP/LJC/SUP-96-0257

COUNCIL ACTION: (Tape location: B101-C049; D007-440.)

Hearing began at 12:07 p.m. and recessed at 12:42 p.m.

Testimony in opposition by Martin Mosier, James Hudnall, Jr., Victoria Bell, Bambi Merryweather, Melinda Merryweather, and Joanne Pearson.

Testimony in favor by Karl Zobell, Bob Nugent, Joe Lipper, Victor Villaplana, Dr. Mary Bear, and Kay Wagner.

Mayor Golding announced that public testimony is closed.

Hearing resumed at 2:18 p.m. and halted at 2:51 p.m.

MOTION BY MATHIS TO GRANT THE APPEAL OF THE MUSEUM OF CONTEMPORARY ART AND APPROVE THE AMENDMENTS TO THE PERMIT,

PER THE MANAGER'S RECOMMENDATIONS, INCLUDING THE FINDINGS AND CONDITIONS IN SECTION 3 OF THE MANAGER'S REPORT AND ADD THE FOLLOWING CONDITIONS:

1. TRUSTEES MOUNT A PLAQUE WHERE IT CAN BE READILY VIEWED BY GARDEN PASSERS BY HONORING THE MEMORY OF ELLEN BROWNING SCRIPPS AND EXPLAINING THE SIGNIFICANCE OF THE GARDEN AS THE SITE OF HER ORIGINAL GARDEN.
2. THE FENCE IS TO BE OF AN ATTRACTIVE AND TASTEFUL DESIGN CONSISTENT WITH THE "OPEN FENCING" REQUIREMENTS OF THE MUNICIPAL CODE WHICH WOULD ALLOW PUBLIC VIEWING THROUGH THE FENCE; TRUSTEES AGREE TO ESTABLISH FREE ACCESS TO THE GARDEN AS LONG AS IT IS THROUGH THE MAIN ENTRANCE ON PROSPECT, FOR PEOPLE WHO SOLELY WISH TO VISIT THE GARDEN, AND WORK OUT THE DETAILS ON THAT; TRUSTEES ALSO AGREE THAT THIS INFORMATION BE POSTED IN THE BACK IN THE VICINITY OF THE LOCKED GATE SO PEOPLE DESIRING ACCESS JUST TO THE GARDEN WILL HAVE THAT INFORMATION ON HOW TO ACCESS IT AND BE ABLE TO DO THAT UNDER THE CONDITIONS SUGGESTED; IN FIVE (5) YEARS TIME, AT THE OPTION OF THE MUSEUM, THEY CAN COME BACK AND REVISIT THIS ISSUE WITH A FUTURE CITY COUNCIL WITH THE BURDEN ON THE MUSEUM OF CONTEMPORARY ART TO SHOW CAUSE WHY THAT PROVISION SHOULD BE DELETED OR MODIFIED IN ANY WAY.
3. CONSENT BY THE MUSEUM BOARD OF TRUSTEES IS CONSTRUED AS BEING DEPENDENT ON A PERMIT WITH THESE CONDITIONS ULTIMATELY BECOMING EFFECTIVE EITHER BY THE CITY COUNCIL OR THE COASTAL COMMISSION. SHOULD THE INVOLVEMENT OF THE COASTAL COMMISSION RESULT IN THIS CHANGING, IT WOULD COME BACK TO COUNCIL FOR A RESOLUTION.

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

ITEM-S500:

SUBJECT: Adopting the Southeastern Economic Development Corporation's Annual Administrative Budget for Fiscal Year 1997-98.

(See memorandum from SEDC. District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1243) ADOPTED AS RESOLUTION R-288747

Approving the Corporation's Annual Administrative Budget for Fiscal Year 1997-98; authorizing the reprogramming of funds to augment the implementation of the Community Business Development - RLF Program.

Aud. Cert. 9701146.

NOTE: See the Redevelopment Agency Agenda of June 3, 1997 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A391-458.)

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

ITEM-S501:

SUBJECT: Proposed Rehabilitation Loan Agreement for the Scripps Building with 525 Scripps, LLC.

(See memorandum from Centre City Development Corporation dated 5/1/97. Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1221) ADOPTED AS RESOLUTION R-288748

Determining that the use of funds from the Horton Plaza Redevelopment Project Low and Moderate Income Housing Fund to provide funding for a rehabilitation loan agreement for the Scripps Building at 525 C Street in the Core Redevelopment District of the Centre City Redevelopment Project will be of benefit to the Horton Plaza Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of June 3, 1997 for a companion item.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A391-458.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:27 p.m. in honor of the memory of:

Marilyn Cleator Cushing as requested by Mayor Golding and Council Member Wear;

Agnes Melvina Alexander as requested by Mayor Golding; and,

Jack Thompson as requested by Council Member Kehoe.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E295-335).