

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

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:07 p.m.

City Manager Jack McGrory gave a special presentation to the Metro Arson Strike Team, known as MAST, for their outstanding contribution and dedication to making San Diego a safe community. This team is made up of members of the Police Department and Fire and Life Safety Services. Mr. McGrory said MAST has set a mark of excellence in inter-agency team work. Chief Osby, along with Mayor Golding also commended the Metro Arson Strike Team.

Mayor Golding adjourned the meeting at 6:20 p.m. into Closed Session on Tuesday, July 15, 1997, at 9:00 a.m. in the twelfth floor conference room to discuss existing and anticipated litigation and property acquisition.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-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-Fishkin (lw)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin 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

ITEM-10: INVOCATION

Invocation was given by Pastor Boone Sadler, of Holy Trinity Episcopal Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member McCarty.

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell commented on a question he posed to former Mayor Roger Hedgecock. He said Mr. Hedgecock stated it was illegal for the City Council and the Redevelopment Agency, of which they are the only members, and then create a Joint Powers of Authority called the Public Facilities Financing Authority. Mr. Stillwell stated that the citizens demand elected officials to obey the law.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-067.)

ITEM-PC-2:

Beverly A. Walker commented on the lack of disabled seating at Qualcomm Stadium. She said the building code requires one percent of the total seats to be wheel-chaired spaces. For over a year, Ms. Walker has been talking to numerous people within the City government about how this project does not meet the needs of the disabled community. She said the stadium is going to seat over 71,000 people and at present there are only 200 wheelchair spaces, with one companion seat for each wheelchair space. At a meeting Ms. Walker had with Frank Belock, Bruce Herring, and several others, she was told that money was an issue. According to the Americans with Disabilities Act, she said, money is not a proper excuse. Council Member Kehoe said that Ms. Walker lives in the North Park area and has been in contact with her office regarding this issue. Council Member Kehoe said the Manager's office needs to be more inclusive about other types of disabilities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A072-119.)

ITEM-PC-3: REFERRED TO LAND USE AND HOUSING COMMITTEE

Larry Milligan requested the participation of Council for a possible homeless shelter at a site on 13th and Broadway in the downtown area. He said this "Oasis" would be open Saturday from 7:00 p.m. to Sunday 7:00 a.m. each weekend. Mr. Milligan asked Council to help in the form of trash disposal, lights, and more portable bathrooms. He requested approval for this plan within ten working days, and welcomed the opportunity to meet with City Officials.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A120-141.)

ITEM-PC-4:

Steven Joel Small commented on the problems he's been having with Section 8 housing. Mr. Small received a notice of intent to evict him from where he was living. He went to legal aid and through those services the matter was dismissed. Mr. Small then attempted to get what is called a "move briefing," in order to get 90 days to find another place to live, but was told that he would be served with another notice of intent to evict. Up to this time, he has not received any further notices and is about to become homeless and requested the assistance of the City Council. Council Member Kehoe informed Council that Mr. Small contacted her office and she is currently working with the Housing Commission on this matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A148-168.)

COUNCIL COMMENT:

ITEM-CC-1:

Mayor Golding announced that Council Member Stallings chaired the "Race for the Cure" this past weekend, which is an effort to find a cure for breast cancer. She said Ms. Stallings did an excellent job and has done a superb job at being an advocate for this cause and a representative of someone who has become a survivor. Mayor Golding recently presented Council Member Stallings with an award that named her as a heroine for this cause and thanked her on behalf of all women who have been touched in some way by breast cancer and the exemplary way Ms. Stallings has handled it.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A169-185.)

ITEM-CC-2:

Council Member Stallings also spoke about the "Race for the Cure." She said there was an exciting turnout of both men and women. Ms. Stallings said there were lots of pink

visors which symbolized survivors. She said it was very rewarding for her to be a part of this. Ms. Stallings said Mayor Golding, as well as the First Lady of California, and numerous others, participated and she thanked all who were there.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A186-208.)

ITEM-CC-3:

Deputy Mayor Warden joined with her colleagues and the Mayor to say how proud they are of Council Member Stallings. She said watching Ms. Stallings' challenges has made them even more proud of her and of the way she handled the situation.

Deputy Mayor Warden also introduced Cub Scout Pack 681, known as the "Rattlesnake Patrol" and their friends here from Texas. The cub scouts are working on their citizenship badge and came to see city government at work.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A209-218.)

ITEM-CC-4:

Council Member Wear thanked the 450 volunteers who came out to Mission Hills and Hillcrest for the Uptown Roots Program with People for Trees. He said they planted 100 trees along Washington Street, including jacarandas and Hong Kong orchids. Mr. Wear said it really looks great and thanked everyone for their hard work.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A219-225.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

6/09/97
6/10/97
6/16/97 Adjourned
6/17/97 Adjourned
6/18/97 Special Meeting
6/23/97 Adjourned
6/24/97 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A374-379.)

MOTION BY STALLINGS TO APPROVE. Second by Warden. 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: Mr. Willie Watson Appreciation Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1447) ADOPTED AS RESOLUTION R-288921

Commending Mr. Willie Watson for his 41 years of commitment and devotion, not only to the Fourth Council District but to the entire City of San Diego;

Proclaiming July 17, 1997 to be "Mr. Willie Watson Appreciation Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A381-480.)

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-50:

SUBJECT: Carmel Valley Planned District Regulations - Area of Applicability.

(Carmel Valley Community Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/30/97. (Council voted 9-0):

(O-97-125) ADOPTED AS ORDINANCE O-18417 (New Series)

Amending Chapter X, Article 3, Division 6, of the San Diego Municipal Code by amending Section 103.0602 relating to the Carmel Valley Planned District Regulations, Area of Applicability.

FILE LOCATION: LAND - Carmel Valley Planned District

COUNCIL ACTION: (Tape location: A481-B042.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-51:

SUBJECT: Renaissance Coffee Co. Rezone and amendment to the Mid-City Communities Planned District Ordinance.

(Uptown Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 7/1/97. (Council voted 9-0):

Subitem-A: (O-97-123) ADOPTED AS ORDINANCE O-18418 (New Series)

Incorporating .12 acres located at 4229 Front Street from the NP-1 Zone into the CL-5 Zone.

Subitem-B: (O-97-124) ADOPTED AS ORDINANCE O-18419 (New Series)

Amending Chapter X, Article 3, Division 15 of the San Diego Municipal Code by amending Section 103.1502 relating to the Mid-City Communities Planned District, to change the boundary zone map for the Uptown Community from C-868 to C-877.

FILE LOCATION: Subitems A,B: LAND - Mid-City
Communities Planned District

COUNCIL ACTION: (Tape location: A481-B042.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. 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-52:

SUBJECT: Transfer of a Non-Exclusive Agreement from Laidlaw Waste Systems, Inc. to Allied Waste Industries.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/30/97. (Council voted 9-0):

(O-97-106) ADOPTED AS ORDINANCE O-18420 (New Series)

Approving the transfer of a Non-Exclusive Franchise Agreement from Laidlaw Waste Systems, Inc., to Allied Waste Industries.

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

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-100:

SUBJECT: Two actions related to the Final Subdivision Map of Carmel Mountain Ranch Unit 23A-2.

(Carmel Mountain Ranch Community. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1478) ADOPTED AS RESOLUTION R-288922

Authorizing a Subdivision Improvement Agreement with Carmel Mountain Ranch for the installation and completion of public improvements.

Subitem-B: (R-97-1477) ADOPTED AS RESOLUTION R-288923

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 11,519 acre site into 45 lots for residential development. It is located south of Ted Williams Parkway and east of Shoal Creek Drive in the Carmel Mountain Ranch Community Plan Area. On July 18, 1996 the Planning Commission of the City of San Diego approved Planned Residential Development Permit PRD-87-1082 for Carmel Mountain Ranch Unit 23. 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. 28620-1-D through 28620-6-D, filed in the Office of the City Clerk under Micro Number 139.38. All improvements are to be completed within two years. The Engineers estimate for the cost of public improvements is \$726,979 and a Performance Bond in that amount has been provided

as surety. A cash bond in the amount of \$4,050 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 Mountain Ranch 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."

FILE LOCATION: Subitems A,B: SUBD - Carmel Mountain
Ranch Unit 23A-2 CONFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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: Four actions related to the Final Subdivision Map of Re-Subdivision of N.C.W. Neighborhood 7 Unit 6C.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1469) ADOPTED AS RESOLUTION R-288924

Authorizing a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of public improvements.

Subitem-B: (R-97-1468) ADOPTED AS RESOLUTION R-288925

Approving the final map.

Subitem-C: (R-97-1470) ADOPTED AS RESOLUTION R-288926

Authorizing a Landscape Maintenance Agreement with Pardee Construction Company for the installation, completion and maintenance of landscaping in the public right-of-way.

Subitem-D: (R-97-1471) ADOPTED AS RESOLUTION R-288927

Terminating the Subdivision Improvement Agreement of July 11, 1988;

Releasing Performance Bond No. 400 HS 6826 issued by Weyerhaeuser Insurance Services, guaranteeing the improvements in the subdivision N.C.W. Neighborhood 7 Unit 6C.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 8.45 acre site into 47 lots (45 residential and 2 building restricted common lots) for residential development. It is located north of Quarter Mile Drive between El Camino Real and Hartfield Avenue in the Carmel Valley Community Plan area. In accordance with Section 66499.20 1/2 of the Subdivision Map Act, this project also proposes the vacation of Briargate Court, an unimproved street. A new street to serve the proposed single family project will replace it. On April 15, 1997 the City Council of the City of San Diego approved Vesting Tentative Map VTM-96-0549 for Re-Subdivision of N.C.W. Neighborhood 7 Unit 6C by Resolution R-288549. 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. 28440-1-D through 28440-14-D. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$786,608 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$6,500, as determined by the surveyor's estimate, has been posted as a 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 of 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." Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility. A Performance Bond for Landscaping Maintenance in the amount of \$35,300 will be provided to ensure the maintenance of the landscape improvements prior to the release of the performance bond for grading and public improvements.

FILE LOCATION: Subitems A,B,D: SUBD - N.C.W.
 Neighborhood 7 Unit 6C; Subitem C: STRT
 - M-393 CONTFY98-2

COUNCIL ACTION: (Tape location: A481-B042.)

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: Amended Agreement for Carmel Mountain Ranch Unit No. 18.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1439) ADOPTED AS RESOLUTION R-288928

Entering into an Amended Agreement with Carmel Mountain Ranch for the construction of public improvements for Carmel Mountain Ranch Unit No. 18;

Releasing existing Bond No. 111 3319 3729 issued by the American Insurance Company in the amount of \$441,952.

CITY MANAGER SUPPORTING INFORMATION:

On October 9, 1995 the City entered into a Subdivision Improvement Agreement with Carmel Mountain Ranch, for the construction of public improvements for Carmel Mountain Ranch Unit No. 18. The agreement expires on October 9, 1997. An extension of time to October 9, 1998 has been requested by the new owner. The improvements to be delayed are not necessary to serve adjacent developments or the general public. The property is now owned by Carmel Mountain Ranch. The new owner has signed an Amendment to Subdivision Improvement Agreement to assume all of the obligations of the original subdivider and complete the required work. JPI has provided a performance bond for the same amount as the original performance bond (\$441,952). The Amended Agreement and time extension are in accordance with Council Policy 600-21. Staff recommends approval.

FILE LOCATION: SUBD - Carmel Mountain Ranch Unit No. 18
CONFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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: Setting aside City-owned land for a drainage easement at Rancho Mission.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1449) ADOPTED AS RESOLUTION R-288929

Setting aside City-owned land for a drainage easement

in a portion of Lot A of the Partition of Lot 70 of
Rancho Mission of San Diego SCC 15191.

CITY MANAGER SUPPORTING INFORMATION:

This drainage easement set aside was a requirement of the building permit for construction of three two-story buildings containing three units each, located at 7899 Golfcrest Drive and owned by the Housing Authority of the City of San Diego/San Diego Housing Commission. An easement set aside perpetuates the location of public utilities installed on City owned land. The City cannot grant itself an easement, therefore, a set aside is necessary to insure that an easement is reserved in case of future sale of the property or future relocation of the utility facilities. Council approval is needed to encumber City-owned property.

FILE LOCATION: DEED F-7013 DEEDFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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: Four actions related to Alley Dedication, Sewer and Drainage Easement - La Jolla Park.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1463) ADOPTED AS RESOLUTION R-288930

Authorizing the City Manager to accept a grant deed for an easement for public alley purposes executed by The Vons Companies, Inc., granting to the City portions of Lots 1, 16, 17, a portion of Ravina Street as closed and vacated, and a portion of the alley right-of-way between Girard Avenue and Fay Avenue of Block 8 of La

Jolla Park Map-352.

Subitem-B: (R-97-1464) ADOPTED AS RESOLUTION R-288931

Authorizing the City Manager to accept a grant deed for an easement for sewer facilities executed by The Vons Companies, Inc., granting to the City portions of Lots 9, 10, 37, 38 and the alley of Block 8 of La Jolla Park Map-352 as closed and vacated.

Subitem-C: (R-97-1465) ADOPTED AS RESOLUTION R-288932

Authorizing the City Manager to accept a grant deed for an easement for drainage facilities executed by Northern Trust Bank of California N.A., granting to the City a portion of Ravina Street as closed and vacated.

Subitem-D: (R-97-1466) ADOPTED AS RESOLUTION R-288933

Authorizing the City Manager to accept a grant deed for an easement for drainage facilities executed by The Vons Companies, Inc., granting to the City a portion of Ravina Street as closed and vacated.

CITY MANAGER SUPPORTING INFORMATION:

These actions are requested in support of the construction of a new 52,833 sq. ft. Von's market at 7600 Girard Avenue in La Jolla. The project was reviewed and approved under Coastal Development/La Jolla Planned District Permit No. 95-0270. The requested actions are all conditions of the permit. Portions of the existing alley and several existing easements were vacated and abandoned in a previous action of the Council (Resolution R-286873, adopted 1/30/96). The presently requested actions replace the old easements and conform the site to the new approved development. Condition 13 of the permit requires the dedication of two new alley segments and to improve those segments to City standards. The new alley segments provide through passage to the remaining portions of the old alley system. Condition 13 also requires the relocation of a 60-inch storm drain. The proposed new drainage easements are required for that relocation. Condition 15 of the permit requires a similar relocation of sanitary sewer facilities and the dedication of new easements for that purpose. The required improvements are shown on Drawing No. 27962-D (1-8). Engineering Permit #W46026 has been issued for those improvements and their completion are ensured by Letter of Credit #P-355041 in the

amount of \$293,977.

FILE LOCATION: Subitems A,B,C,D: DEED F-7014
DEEDFY98-4

COUNCIL ACTION: (Tape location: A481-B042.)

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: Donation of a Portion of Fanita Rancho.

(City of Santee.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1461) ADOPTED AS RESOLUTION R-288934

Accepting a Directors Deed executed by the Director of Transportation, State of California, donating to the City a portion of Lot 1 of the re-subdivision of part of Fanita Rancho, according to Map-1703, located north of State Route 52 & 125 interchange on Mission Gorge Road.

CITY MANAGER SUPPORTING INFORMATION:

The property owner, the State of California Department of Transportation (CalTrans) proposes a donation of approximately .4755 acre of land, located in the City of Santee, which will provide access into the East Mission Gorge Pump Station. Donation of the land is required as a result of the CalTrans State Route 52 and 125 improvement project.

FILE LOCATION: DEED F-7015 DEEDFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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: Two actions related to Sale of City Property - USPS - South San Diego Industrial Park.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1481) ADOPTED AS RESOLUTION R-288935

Authorizing the execution of a grant deed, granting to the United States Postal Service, all the City's right, title and interest in a vacant 2.15 acre lot in Lot 3, South San Diego Industrial Park (SSDIP), Unit No. 1, located at the southwest corner of 30th Street and Fern Avenue.

Subitem-B: (R-97-1485) ADOPTED AS RESOLUTION R-288936

Removing all restrictions contained in the Declaration of Restrictions from Lot 3, SSDIP, Unit No. 1.

CITY MANAGER SUPPORTING INFORMATION:

The City owns a vacant 2.15 acre lot in the South San Diego Industrial Park Unit No. 1 (SSDIP). The parcel is located at the southwest corner of 30th Street and Fern Avenue in the Otay Mesa Community Area. The lot is zoned M-1B and is designated for sale. The United States Postal Service (USPS) has requested to purchase it at fair market value. The USPS proposes to build a 23,700 square-foot Otay Mesa Carrier Annex that is intended to be operated by the Postal Service for a minimum of 50 years. The building would house mail processing and 27 City carrier routes for the nearby area. The premises will be used for mail processing and distribution only. There will not be any retail service at this facility.

The USPS would employ 67 persons with 51 present at peak times. They plan to grow to 77 persons with 59 present at peak times within ten years. When the SSDIP was formed in 1978, a Declaration of Restrictions was placed on the property. The Declaration of Restrictions governs all of the lots in the subdivision. As a Federal agency, the USPS has specific construction and security requirements which conflict with provisions contained in the Declaration of Restrictions such as the right of other property owners to enter onto USPS property at any time. The USPS has requested the City to waive these restrictions, on this lot only, so it can acquire this parcel and build its facility. The City has obtained consent from the property owners in the SSDIP to remove the Declaration of Restrictions on this lot. The City Valuation Staff has reviewed a USPS appraisal and approved the value of \$455,000 as of April 8, 1997.

FILE LOCATION: Subitems A,B: DEED F-7016
 DEEDFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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: Centre City Traffic Signal Retiming Project.

(Centre City Community Area. Districts-2, 3 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1457) ADOPTED AS RESOLUTION R-288937

Authorizing the City Manager to accept Program Supplement No. 128 to Local Agency-State Agreement for Federal-Aid Projects No. 11-5004, dated April 16, 1997, for the Centre City Traffic Signal Retiming Project;

Amending FY 1997 Capital Improvements Program by adding

CIP-62-301.0, Centre City Traffic Signal Retiming Project;

Authorizing the Auditor and Comptroller to transfer and expend an amount not to exceed \$105,000 (\$92,956 of Federal Congestion Mitigation and Air Quality, Fund No. 38670, Account No. 9544, and \$12,044 of State Transportation Systems Management Funds, Fund No. 38556, Account No. 9544) to CIP-62-301.0, contingent upon receipt of a signed program supplement.

CITY MANAGER SUPPORTING INFORMATION:

This action accepts \$105,000 of Federal and State grant funding to provide for necessary data collection for retiming 166 traffic signals throughout Centre City. The traffic signals will be retimed for optimum traffic flow and reduced emissions, fuel consumption, and delay. Retiming will be done by budgeted City staff.

Aud. Cert. 9701211.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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-108:

SUBJECT: North City Traffic Signal Retiming Project.

(Carmel Mountain Ranch, Mira Mesa and Rancho Bernardo Community Areas. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1456) ADOPTED AS RESOLUTION R-288938

Authorizing the City Manager to accept Program

Supplement No. 129 to Local Agency-State Agreement for Federal-Aid Projects No. 11-5004, dated April 16, 1997, for the North City Traffic Signal Retiming Project;

Amending the FY 1997 Capital Improvements Program by adding CIP-62-302.0, North City Traffic Signal Retiming Project;

Authorizing the Auditor and Comptroller to transfer and expend an amount not to exceed \$37,500 (\$33,200 of Federal Congestion Mitigation and Air Quality, Fund No. 38671, Account No. 9544, and \$4,300 of State Transportation Systems Management Funds, Fund No. 38557, Account No. 9544) to CIP-62-302.0, contingent upon receipt of a signed program supplement.

CITY MANAGER SUPPORTING INFORMATION:

This action accepts \$37,500 of Federal and State grant funding to provide for necessary data collection for retiming 75 traffic signals throughout the Carmel Mountain Ranch, Mira Mesa, and Rancho Bernardo Communities. The traffic signals will be retimed for optimum traffic flow and reduced emissions, fuel consumption, and delay. Retiming will be done by budgeted City staff.

Aud. Cert. 9701214.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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: Five actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1453) ADOPTED AS RESOLUTION R-288939

Benjamin Lopez - MWWD - \$90.
Benjamin Lopez - MWWD - \$160.

Subitem-B: (R-97-1454) ADOPTED AS RESOLUTION R-288940

Jake Orbin - Park & Recreation - \$1,712.

Subitem-C: (R-97-1455) ADOPTED AS RESOLUTION R-288941

Paul Alesi - Water/Operations - \$2,500.

Subitem-D: (R-97-1472) ADOPTED AS RESOLUTION R-288942

Benjamin Lopez - MWWD - \$90.
Eric Kelley - Fire - \$105.30

Subitem-E: (R-97-1473) ADOPTED AS RESOLUTION R-288943

Paul Goodman - READ/Buildings - \$160.

FILE LOCATION: Subitems A,B,C,D,E: -MEET

COUNCIL ACTION: (Tape location: A481-B042.)

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: Agreement with Brown & Caldwell for Rehabilitation of Sewer Pump Station Nos. 77 and 77B.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1432) ADOPTED AS RESOLUTION R-288944

Authorizing an agreement with Brown & Caldwell for

engineering consultant services for the rehabilitation of Sewer Pump Station Nos. 77 and 77B;

Authorizing the Auditor and Comptroller to transfer not to exceed \$436,500 from Fund 41506, CIP-46-111.0, Rose Canyon Trunk Sewer to Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations;

Authorizing the expenditure of not to exceed \$436,500 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, 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:

Sewer Pump Station No. 77 (SPS 77) is located south of Lake Hodges and Sewer Pump Station No. 77B (SPS 77B) is located north of Lake Hodges, and both pump sewage from Rancho Bernardo to the City of Escondido's Hale Wastewater Treatment Plant. SPS 77 is a major sewer pumping station in the City of San Diego. SPS 77B is a booster station to SPS 77, but because it needs to be manually operated, it is used sparingly.

Due to the condition of the force main, it is imperative that both stations work in unison, and thus reduce the force main operating pressure. Also, the mechanical condition of the pump motor electrical accessories, and various appurtenances have reached the end of their useful life and are not as reliable as desired. Specific design services required for SPS 77 and SPS 77B include removal and replacement of pumps and motors; piping; valves; telemetry system and electrical controls; special services; minor building modifications; and professional services during construction. Six firms were selected by the City's Consultant Nominating Committee. These firms were interviewed on January 13, 1997, in conformance with Council Policy 300-7. Brown & Caldwell was selected as the best qualified to provide said consulting engineering services. Only one subconsultant will be utilized on the project for 3 percent of the work, SA Associates (MBE).

Aud. Cert. 9701216.

WWF-CSD-97-293.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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-111:

SUBJECT: Lease Agreement with Sally & Scott Butler for a Police Storefront Office.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1389) ADOPTED AS RESOLUTION R-288945

Authorizing the City Manager to execute a five-year lease agreement with Sally and Scott Butler for a police storefront office at 3663 University Avenue;

Authorizing the expenditure of not to exceed \$9,600 from the General Fund for lease costs from July 1, 1997 to June 30, 1998.

CITY MANAGER SUPPORTING INFORMATION:

The Police Department has requested the establishment of a police storefront office to be located at 3663 University Avenue. The new storefront will provide police services to the community of City Heights West. A summary of the lease is as follows:

USE: Police Storefront
SIZE: 1,800 square feet
TERM: Five years
RENT: \$800 per month (\$.44 per square foot) plus utilities

COMMENCEMENT DATE: July 1, 1997

The proposed rental rate is below market for this area.

Aud. Cert. 9701247.

FILE LOCATION: LEAS - Sally and Scott Butler
LEASFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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-112:

SUBJECT: Reimbursement Agreement with Canyon-Cahan Properties.

(College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1418) ADOPTED AS RESOLUTION R-288946

Authorizing an agreement with Canyon-Cahan Properties for construction of street improvements and traffic signal improvements at the intersection of El Cajon Boulevard and Montezuma Road;

Authorizing the expenditure of not to exceed \$206,029.51 from Annual Allocation - New Developments (CIP-58-001.0), Fund No. 30300 (TransNet) for the proposed project.

CITY MANAGER SUPPORTING INFORMATION:

As a condition of the Ralph's Grocery Store-College Park, Mid-City Communities Planned District Permit PRD-96-0144, the developer, Canyon-Cahan Properties, was required to make certain improvements in and adjacent to the property located at 67th Street and El Cajon Boulevard in the City of San Diego. As a part of the required work to be done, certain additional improvements were necessary adjoining this development, which improvements are to the benefit of the City as a whole. The improvements include a traffic signal, paving and traffic channelization. These improvements enhance traffic safety and

efficiency.

Mid-City Communities Planned District Permit #96-0144 further provided that Canyon-Cahan Properties would work with City staff toward arriving at the City's fair share of the costs for the above improvements. The improvements have been constructed at a total cost of \$395,983. The developer and City staff have mutually agreed that the City's fair share of the costs is \$206,029.51. It is recommended that the City enter into a participation and reimbursement agreement with the developer for that amount.

Aud. Cert. 9701228.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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: Second Amendment to the Agreement with Nasland Engineering for College Grove Drive (CIP-52-477.0).

(Mid-City Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1391) ADOPTED AS RESOLUTION R-288947

Authorizing a second amendment to the agreement with Nasland Engineering to prepare construction documents for College Grove Drive - Phase II;

Authorizing the expenditure of an amount not to exceed \$410,000 from CIP-52-477.0, College Grove Drive between 54th Street and College Way, TransNet Fund 30300;

Authorizing the City Auditor and Comptroller upon

advice from the administering department, to transfer funds to the appropriate reserves, 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.

CITY MANAGER SUPPORTING INFORMATION:

On June 6, 1996, the City entered into an agreement with Nasland Engineering for professional engineering and design services for College Grove Drive - Phase I. This agreement is on file in the Office of the City Clerk as Document No. C-07090. On August 28, 1996, the City authorized a first amendment to the agreement for additional professional engineering and design services for Phase I, Document No. C-07294.

The second amendment to the agreement provides the final design for widening College Grove Drive between 54th Street and College Grove Way to a four lane collector. This second phase of the project includes preparing construction documents for street, curb/gutter, sidewalk, drainage, traffic signals, landscaping and irrigation improvements. In addition, the project includes art elements integrated into the project's design.

Aud. Cert. 9701220.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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-114:

SUBJECT: Agreement with Simon Wong Engineering for Rehabilitation of the Penasquitos Reservoir.

(Penasquitos East Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1383) ADOPTED AS RESOLUTION R-288948

Authorizing the City Manager to terminate the agreement approved by Resolution No. R-287569 with NBS/Lowry Engineers & Planners, Inc., for engineering consultant services for the rehabilitation of the Penasquitos Reservoir, pursuant to Section 4-5.A of the agreement;

Authorizing an agreement with Simon Wong Engineering for engineering consultant services for the rehabilitation of the Penasquitos Reservoir;

Authorizing the expenditure of not to exceed \$144,481 from Water Revenue Fund No. 41500, CIP-73-277.0, Annual Allocation - Standpipe and Reservoir Restorations.

CITY MANAGER SUPPORTING INFORMATION:

On July 1, 1996, City Council authorized the City Manager to execute a contract with NBS/Lowry Engineers & Planners to provide consultant services for the rehabilitation of the Penasquitos Reservoir. A Notice to Proceed was issued on July 3, 1996. On February 5, 1997, the City was notified that NBS/Lowry could not obtain liability insurance and therefore could not provide the City their professional services, and have since gone bankrupt. Simon Wong Engineering was the Structural Sub-Consultant for NBS/Lowry Planners & Engineers. They have agreed to complete the same scope of work within the existing budget.

Because of their experience and knowledge of the reservoir it is recommended that the agreement with NBS/Lowry be terminated and that all contractual responsibilities be transferred to Simon Wong Engineering. This will result in time and monetary savings. Simon Wong Engineering is an MBE firm.

Aud. Cert. 9701201.

WWF-CSD-97-288.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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-115:

SUBJECT: Change Order No. 5 with HPS Plumbing Services, Inc. for Emergency Repair of a 12-Inch Water Main on Shelter Island Drive.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1431) ADOPTED AS RESOLUTION R-288949

Approving Change Order No. 5, with HPS Plumbing Services, Inc. for emergency repair of approximately 1,080 linear feet of 12-inch water main within the hydrocarbon contamination area on Shelter Island Drive, increasing the contract price by \$278,635.50, and an extension of time of 30 working days;

Authorizing the Auditor and Comptroller to transfer not to exceed \$350,000 within Water Operating Fund 41500 from the Unallocated Reserve, Program Element 76226, to CIP-73-083.0, Annual Allocation - Water Main Replacement;

Authorizing the expenditure of not to exceed \$350,000 from Water Revenue Fund 41500, Annual Allocation - Water Main Replacements, CIP-73-083.0, 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 use of City Forces to make connections and perform operational checks for a cost not to exceed \$20,000 from Water Revenue Fund 41500.

CITY MANAGER SUPPORTING INFORMATION:

* ITEM-116:

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

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

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1426) ADOPTED AS RESOLUTION R-288950

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: A481-B042.)

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-117:

SUBJECT: First Amendment to the Reimbursement Agreement with the Japanese Friendship Garden Society.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-7) ADOPTED AS RESOLUTION R-288951

Authorizing a first amendment to the reimbursement

agreement with the Japanese Friendship Garden Society for reimbursement of improvements to the Japanese Friendship Garden in Balboa Park;

Authorizing the expenditure of not to exceed \$745,900 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, San Diego Facilities and Equipment Leasing Corporation Construction Fund 91106 (Certificates of Participation Phase 1C proceeds);

Authorizing an increase in the amount of \$745,900 for the Fiscal Year 1997 COP Phase IC Fund 91106 appropriation for CIP-21-834.0, Balboa Park/Mission Bay Park Requirements.

CITY MANAGER SUPPORTING INFORMATION:

On October 10, 1994, the San Diego City Council adopted a resolution authorizing the City Manager to execute a reimbursement agreement with the Japanese Friendship Garden Society of San Diego to fund substantial improvements to the Japanese Friendship Garden in Balboa Park. Reimbursement of the improvement costs by the City was provided from Balboa Park and Mission Bay Park Capital Improvement Program Certificates of Participation (COP) Phase 1B and 1C proceeds. Council action on May 7, 1996 rescinded the portion of City funding allocated from the COP Phase 1C proceeds (\$1,245,900) and placed the garden improvement project as the first priority to receive additional COP Phase 1C funding in excess of the approved program level. The sale of Phase 1C Certificates resulted in \$5.7 million in additional proceeds inclusive of related interest earnings. On November 21, 1996, the Committee on Natural Resources and Culture considered the distribution of the \$5.7 million in additional proceeds from the Phase 1C issuance. Under consideration was a priority list of underfunded and unfunded projects in Balboa Park and Mission Bay Park that would receive an allocation from the available proceeds. The Committee's approved list of priority projects included funding for design and construction of improvements to the Japanese Friendship Garden. City funds to reimburse Garden improvement project costs were allocated from available COP 1C additional proceeds. A reimbursement amount of not to exceed \$745,900 in COP 1C additional proceeds was allocated to partially fund the improvement work. The improvement work to receive City reimbursement includes the installation of required ADA accessibility, grading and landscaping upgrades, construction of a new cultural center with view decks and an

educational/interpretive center. The Japanese Friendship Garden Society will continue garden improvement efforts upon City Council authorization to execute this First Amendment to the Reimbursement Agreement. It is anticipated that the improvement work to be reimbursed by the City will be completed within four to six months from the date of Council approval of this First Amendment to the Reimbursement Agreement.

Aud. Cert. 9701254.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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-118:

SUBJECT: Open Space Acquisition - Chollas Creek.

(Mid-City Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-3) ADOPTED AS RESOLUTION R-288952

Authorizing the City Manager to purchase a three-acre parcel identified as Lots 30 and 31 of Lemon Villa located at the southeast intersection of Chollas Parkway and 54th Street;

Authorizing the expenditure of an amount not to exceed \$160,000 as payment for the property and related costs from the Open Space Park District Bond Fund 30252;

Authorizing the City Manager to accept the deed to the property without further Council action.

CITY MANAGER SUPPORTING INFORMATION:

This acquisition requests the expenditure of funds in the amount of \$160,000 to acquire a three-acre parcel of land identified as Lots 30 and 31 of Lemon Villa. The parcel is located in the Mid-City community at the southeast intersection of Chollas Parkway and 54th Street. This parcel is listed on the Open Space Retention List within the boundary of "Mid-City Additions B" that was established by the Council in 1987. The acquisition of this three-acre parcel will provide additional acreage to the City's open space program.

Aud. Cert. 9800032.

FILE LOCATION: STRT - OS-36 / DEED F-7017
DEEDFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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-150:

(Continued from the meeting of June 30, 1997, Item 138, at the request of Mayor Golding, Councilmember Wear and Councilmember Mathis, for further review of policies and revised fees.)

SUBJECT: Park and Recreation Department - Swimming Pool Rental and Showmobile Fees (FY 1998).

(See City Manager Reports CMR-97-125, CMR-97-83 and CMR-97-117.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-) ADOPTED AS AMENDED AS RESOLUTION R-288953

Approving the swimming pool rental fees and Showmobile fees (FY 1998).

CITY MANAGER'S RECOMMENDATION:

Approve the fees as noticed to the public on March 11, 199&, presented to the Rules, Finance, and Intergovernmental Relations Committee on May 5, 1997 and the City Council on June 30, 1997. Do not reduce the swimming pool rental rates.

FILE LOCATION: GEN'L - FEES & CHARGES - Park and Recreation Department

COUNCIL ACTION: (Tape location: B048-C109.)

MOTION BY McCARTY TO ADOPT, APPROVING THE RATE OF \$18.00 AN HOUR OF POOL USE FEES FOR CAST AND SIMILAR ORGANIZATIONS PROVIDING THE GROUP IS A BONA FIDE NON-PROFIT ORGANIZATION, HAS A YEARLY CONTRACT WITH THE CITY FOR A MINIMUM OF 70 HOURS OF POOL USE PER MONTH, AND PROVIDES A FULLY CITY-QUALIFIED LIFEGUARD, AND THE LIFEGUARD COVERS ALL SWIMMERS IN THE POOL; VERIFICATION OF INSURANCE AND INDEMNIFICATION HOLD HARMLESS; REFER THE 1993 POLICY ON COST RECOVERY AND NON-EXCLUSIVE USE FOR PARK AND RECREATION TO COMMITTEE FOR REVIEW; AND \$60.00 FOR SHOWMOBILE FEES THIS YEAR AND REVIEW THAT IN COMMITTEE AS PART OF THE POLICY ISSUE. Second by Vargas. 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 June 30, 1997, Item 200, at Mayor Golding's request, for further review.)

SUBJECT: Multiple Species Conservation Program Proposed Strategies on Funding, Grasslands, and Wetlands.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1436) ADOPTED AS RESOLUTION R-288954

Accepting the Information Report from the Mayor regarding Multiple Species conservation Program Proposed Strategies on Funding, Grasslands and Wetlands.

FILE LOCATION: LAND - MSCP

COUNCIL ACTION: (Tape location: C141-D403.)

MOTION BY McCARTY TO ADOPT THE RESOLUTION AND ACCEPT THE MAYOR'S MEMO AND THE DIRECTIONS TO THE CITY MANAGER THAT ARE INCORPORATED WITHIN THE MEMO AND RETURN TO COUNCIL WITH THE APPROPRIATE REPORT. 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:

(Continued from the meeting of June 30, 1997, Item S405, at the City Manager's request, for further review.)

SUBJECT: Annual Budget for San Diego Data Processing Corporation for Fiscal Year 1998.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1390) CONTINUED TO JULY 22, 1997

Approving the Annual Budget for the San Diego Data Processing Corporation for Fiscal Year 1998.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C112-140.)

No vote taken.

ITEM-202:

(Continued from the meeting of June 30, 1997, Item 101, at Councilmember McCarty's request, to review the process of used car sales at Qualcomm Stadium.)

SUBJECT: Awarding Exclusive Rights for Stadium Parking Lot

Events.

(See City Manager Report CMR-97-114. Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1357) ADOPTED AS RESOLUTION R-288955

Awarding exclusive rights for Stadium Parking Lot events to the following: Brubaker & Associates to conduct recreational vehicle sales; Toland Marketing, Inc. to conduct used car sales; and San Diego Stadium Auto Swap to conduct auto swap meets.

FILE LOCATION: MEET - 61 (Stadium)

COUNCIL ACTION: (Tape location: D417-E446.)

Motion by McCarty to move alternative recommendation No. 2 and not issue for this year and not accept the RFP, but give priority dates to the groups who have previously done sales and have Toland do two (2) sales, Brubaker do two (2) sales, and extend the RFP back to the Stadium Authority. Second by Wear. No vote taken.

SUBSTITUTE MOTION BY STALLINGS TO AWARD EXCLUSIVE RIGHTS FOR STADIUM PARKING LOT EVENTS TO THE FOLLOWING: BRUBAKER AND ASSOCIATES TO CONDUCT RECREATIONAL VEHICLE SALES; TOLAND MARKETING, INC., TO CONDUCT USED CAR SALES; AND SAN DIEGO STADIUM AUTO SWAP TO CONDUCT AUTO SWAP MEETS AS RECOMMEND BY THE CITY MANAGER AND THE STADIUM BOARD AUTHORITY. Second by Mathis.

Motion by Vargas to continue for one week. No second.

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

ITEM-203:

SUBJECT: Inviting Bids for the Alvarado Joint
Laboratory-Modification of the HVAC Ventilation Lab
Exhaust and Energy Management System.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1240) ADOPTED AS RESOLUTION R-288956

Inviting bids for the Alvarado Joint
Laboratory-Modification of the HVAC Ventilation Lab
Exhaust and Energy Management System on Work Order No.
170291/180231;

Authorizing a contract with the lowest responsible
bidder;

Amending the Fiscal Year 1997 Capital Improvement
Program to include CIP-73-258.0, Alvarado Filtration
Plant, Design Joint Water and Wastewater Lab,
CIP-46-124.0, Alvarado Filtration Plant, Design Joint
Water and Wastewater Lab;

Authorizing the Auditor and Comptroller to transfer
\$453,746 from Water Revenue Fund 41500, Unallocated
Reserve Program Element 76226, Object Account 4903 to
CIP-73-258.0; and \$807,400 from Operations and
Maintenance Fund 41508, Dept. 771, Organization 200,
Object Account 4222 (Sewer Revenue Fund) to
CIP-46-124.0;

Authorizing the expenditure of \$453,746 from Fund
41500, CIP-73-258.0, and \$807,400 from Fund 41506,
CIP-46-124.0;

Authorizing the City Auditor and Comptroller upon
advice from the administering department, to transfer
excess budgeted funds, if any, to the appropriate
reserves. (BID-K97051C)

CITY MANAGER SUPPORTING INFORMATION:

The existing ventilation system at the Alvarado Joint Laboratory
was installed as part of the construction of the laboratory,

which was completed on July 7, 1993. City staff discovered the operation of the ventilation system in its present condition is dysfunctional and does not comply with industry standards. This malfunctioning poses unacceptable health and safety risks for the laboratory occupants. City staff attempted to resolve the ventilation deficiencies by allowing the contractor and designer to modify and retrofit the system. However, the various attempts failed to correct the problem. Pursuant to earlier Council direction, the City is taking action against the earlier design consultant and contractor due to problems with the system. City staff and the City Attorney have hired the consulting firm, Merle Strum and Associates, to evaluate the ventilation system's deficiencies and prepare specifications to advertise the modification and upgrade of the existing system to acceptable industry standards.

The reconstruction of the system will provide a more reliable system and a safe working environment for the laboratory personnel. Due to the special expertise and equipment required to perform the work, City staff have prequalified contractors to perform the proposed work.

Aud. Cert. 9701253.

WWF-CSD-97-273.

FILE LOCATION: W.O. 170291/180231 CONT - West Coast Air Conditioning co. Inc. CONTFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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:

SUBJECT: Inviting Bids for the Otay Mesa Road Widening (Traversable SR-905).

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1239) ADOPTED AS RESOLUTION R-288957

Inviting bids for the Otay Mesa Road Widening
(Traversable SR-905) on Work Order No. 526190;

Authorizing a contract with the lowest responsible
bidder;

Authorizing the expenditure of \$17,962,306.53 from
CIP-52-619.0, Otay Mesa Road Widening, of which
\$62,306.53 is from TransNet Fund 30300, \$700,000 is
from Trans P Fund 30303 and \$17,200,000 is from the
State's Traffic System Management (TSM) Fund 38555;

Authorizing the City Auditor and Comptroller upon
advice from the administering department, to transfer
excess budgeted funds, if any, to the appropriate
reserves. (BID-K97225C)

CITY MANAGER SUPPORTING INFORMATION:

This project provides for improving Otay Mesa Road to a six-lane
conventional highway from the easterly terminus of State Route
905 to 1,660 feet east of La Media Road. The project includes
the use of concrete median barriers and stamped concrete medians
along selected portions of the road.

Dual left-turn pockets will be placed at identified
intersections. The project length is approximately 5.2 miles.
This project is required to accommodate the increase in
commercial truck traffic generated by the federal improvements to
the Otay Mesa Port of Entry, the closure of the commercial
vehicle inspection station at the San Ysidro Port of Entry and
the anticipated increase in vehicular traffic as a result of the
enactment of the North American Free Trade Agreement.

Aud. Cert. 9701261.

FILE LOCATION: W.O. 526190 CONT - R.E. Hazard Contracting
Co. CONFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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-205:

SUBJECT: COMNET: Westinghouse Electric Corporation Amendment No.
12.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-01) ADOPTED AS RESOLUTION R-288958

Authorizing a twelfth amendment to the agreement of August 8, 1994 with Westinghouse Electric Corporation, for implementation of the Supervisory Control and Data Acquisition (SCADA) system in an amount not to exceed \$2,161,974 (bringing the total amount of this contract to \$68,097,450);

Authorizing the expenditure of an amount not to exceed \$2,161,974, consisting of \$1,061,346 from Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET), and \$1,100,628 from Fund No. 41506, CIP-46-168.0, Telemetry Control - SCADA;

Authorizing the City Manager to revise contract phase funding with Westinghouse Electric Corporation in the following manner:

Funding for Amendment 12 (COMNET) CIP-45-920.0 Phase 8: FY98 \$1,061,346	Funding for Amendment 12 (SCADA) CIP-46-168.0 Phase 8: FY98 \$1,100,628	Subtotal Phase 8 Funding of Contract for Amendment 12 Phase 8: FY98 \$2,161,974
---	--	--

Total Phase 8 Funding of Contract through Amendment 12
Phase 8: FY98 \$3,956,535

Authorizing the use of City Forces to do installation and monitoring of specialized equipment as required in connection with the project, with the cost of the work not to exceed \$225,000;

Authorizing the expenditure of an amount not to exceed \$225,000 from Fund No. 41506, CIP-46-168.0, Telemetry Control-SCADA.

CITY MANAGER SUPPORTING INFORMATION:

It is requested that the City Council approve Amendment 12 to the Westinghouse contract and the revised phase funding schedule for this contract, which includes the Westinghouse portion of Phase I of the Metropolitan Wastewater Department Supervisory Control and Data Acquisition (SCADA) system and Phase I of the system for the Municipal Wastewater Collection (Muni) pump stations. Phase I of the Muni SCADA system was stipulated to be operational by June 1998 in the final court order resolving the Environmental Protection Agency's (EPA's) compliance issues relative to Muni system sewage spills. Phase I will provide enhanced control and monitoring of the Mission Bay Sewer Interceptor System (MBSIS) and for designated critical Muni pump stations. Phases II and III will integrate the remaining 73 Muni pump stations into the SCADA system. It is anticipated that the entire Muni SCADA system along with some Metro pump station and pipeline control functions will be integrated into the COMNET SCADA system by June 2002. Amendment No. 12 to the Westinghouse Contract includes design, supply, installation and testing the integration of the SCADA system into the existing Distributed Control System (DCS) equipment located at Metropolitan Operations Center (MOC II). Westinghouse will supply and City Forces will install, Programable Logic Controllers (PLC), spread spectrum radios, and other specialized equipment and instruments, at the City's Phase I municipal pump stations. The cost of installation of this equipment at pump stations and radio sites will be minimized by usage of City Forces.

The use of City Forces will also facilitate quality control and monitoring of the pump station functions, the control systems are upgraded, minimizing potential spills. The new SCADA system will be integrated into the Clean Water Operations and Management Network (COMNET). This system will provide 24 hour a day monitoring at the Central Operations Management Center (COMC). Additional monitoring capabilities will be provided for the engineering staff located at MOC I and the electrical-pump station staff located at MOC III. A Mobile Information Network (MIN) system will be provided, which will allow additional remote monitoring capability via cellular and telephone modems. A redundant historian will be provided for reporting the pump station's capacities and archiving years of process data, which

are required by the EPA court order.

Aud. Cert. 9800022.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A481-B042.)

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-206:

SUBJECT: Agreement between the City of San Diego and Westshaw Associates to implement Proposition "C" on the Bougainvillea (89-1296) project.

(VTM/RPO/CUP/PRD-89-1296. Del Mar Mesa (Subarea V). District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-6) ADOPTED AS RESOLUTION R-288959

Adoption of a Resolution declaring that Environmental Impact Report DEP-89-1296 has been previously reviewed and certified by the Council in connection with the Bougainvillea project (R-288197, adopted 12/10/96).

Subitem-B: (R-98-5) ADOPTED AS AMENDED AS RESOLUTION R-288960

Adoption of a Resolution to enter into an agreement between the City of San Diego and Westshaw Associates to address the implementation of the hotel portion of the Bougainvillea project.

SUPPORTING INFORMATION:

Execution of an agreement between the City of San Diego and Westshaw Associates to address the implementation of the

resort/hotel portion of the Bougainvillea project (VTM, RPO, CUP, PRD-89-1296 approved by City Council on December 10, 1996) and setting forth the terms and conditions related to the collection, credit and deferment of the Proposition "C" open space acquisition funds. On December 10, 1996 City Council approved a proposal to develop an 18-hole championship golf course, driving range, a 300 suite resort and main hotel facility, including a club house, restaurant, tennis courts and other visitor serving amenities, 134 single-family detached homes and implementation of associated improvements on portions of a vacant 378-acre site located within the Del Mar Mesa Specific Plan area of the North City Future Urbanizing Area. At that time the City Council directed the City Manager to return for a noticed public hearing to consider the execution of an agreement with the applicant to address the requirement to provide revenue of \$6.3 million dollars from the hotel for the acquisition of open space lands as described in Proposition "C".

LEGAL DESCRIPTION:

The project is more particularly described as being located in the western portion of the Subarea V of the North City Future Urbanizing Area with a portion of the site in the eastern part of the Neighborhood 10 Precise Plan area. South of Carmel Valley and two miles east of I-5. Access to the site is from Carmel Country Road. The site lies on the USGS Del Mar Quadrangle on the South 1/2 of Section 21, Township 14 South, Range 3 West, SBM, along with the South East 1/4 of the North West 1/4 of Section 21, and a portion of the South 1/2 of the South East 1/4 of Section 20, Township 14 South, Range 3 West, SBM.

CITY MANAGER SUPPORTING INFORMATION:

On March 26, 1996 the voters of the City of San Diego approved Proposition "C" which authorized the City of San Diego to issue a Conditional Use Permit for the development of a 300-unit Hotel on Westshaw's property contingent upon the establishment of a financing or funding mechanism for City revenues over a 10-year period of \$6.3 million from the Hotel, exclusively for the acquisition of open space lands essential to the viability of habitat systems within or in the vicinity of the NCFUA, consistent with ongoing habitat planning efforts. Such funds could be used to support bonds for such acquisitions. On December 10, 1996 the City Council directed the City Manager (R-288200) to return to City Council for a noticed public hearing to consider execution of an agreement with the applicant which would address issues concerning the implementation of the

resort/hotel portion of the project and set forth the terms and conditions related to the collection, credit, and deferment of the Proposition "C" open space acquisition funds. The agreement being presented to City Council today represents an agreement between the City and Westshaw associates to implement the requirements of Proposition "C" as follows:

1. Westshaw Associates or their successors in interest shall pay to the City of San Diego a total of \$6.3 million dollars.
2. Payments to the City shall begin five years from the time that the certificate of occupancy is issued for the Hotel.
3. Annual payments thereafter shall be due on December 30 of each year until the balance is paid off.
4. Payments shall be calculated at \$10 per room per night rented and paid on an annual basis. Annual payments are expected to be \$630,000 per year based on current estimates for Hotel occupancy rates.
5. Not inclusive of the \$6.3 million dollars contemplated by Proposition "C", the City of San Diego will be receiving a Letter of Credit in the amount of \$2 million dollars to secure the acquisition of biological resources in mitigation of impacts of the Bougainvillea project. The \$2 million dollars will be utilized to secure mitigation for 51.47 acres of Coastal Sage Scrub and 15.22 acres of Southern Maritime chaparral.
6. If the City or the applicant are successful in obtaining more biological resource acreage than that described in the Mitigation Monitoring and Reporting Program for the Project (89-1296), then the overall Proposition "C" obligation shall be proportionately reduced in present day dollars, by an amount equivalent to the excess acreage purchased. The method for calculating such a reduction is described further in the agreement.

NOTE: Environmental Impact Report DEP-89-1296 was reviewed and considered by Council on 12/10/96, Resolution R-288197.

FILE LOCATION: Subitems A,B:
 PERM-VTM/RPO/CUP/PRD-89-1296
 CONTFY98-1

COUNCIL ACTION: (Tape location: E454-F589.)

Hearing began at 5:26 p.m. and halted at 6:17 p.m.

Testimony in opposition by Kathleen McIntosh and Craig

Adams.

Testimony in favor by Matt Peterson.

MOTION BY MATHIS TO ADOPT SUBITEM A AND ADOPT AS AMENDED SUBITEM B WITH THE FOLLOWING MODIFICATIONS:

ADD LANGUAGE THAT CLARIFIES THAT THE PAYMENT OF THE \$6.3 MILLION OCCUR WITHIN 10 YEARS AFTER THE 3 YEAR DEFERRAL OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE HOTEL, AS REQUESTED BY COUNCIL MEMBER STALLINGS, AND A \$2 MILLION PAYMENT UP FRONT AS AGREED TO BY APPLICANT;

ADD LANGUAGE TO ENCOURAGE THE USE OF LOCAL BUSINESS AND EMPLOYMENT;

REVISE THE RESORT PORTION OF THE PROJECT FROM A 300-HOTEL ROOM PROJECT TO 225 TRADITIONAL HOTEL ROOMS AND 75 TIMESHARE UNITS;

INSERT AS A CONDITION OF VTM/RPO/CUP/PRD PERMIT 89-1296, ALL ROOMS OR UNITS OF THE 300-SUITE RESORT/HOTEL LODGING FACILITY DESCRIBED IN PARAGRAPH 2B OF THE PERMIT SHALL BE TREATED AS RENTED TRANSIENT OCCUPIED HOTEL ROOMS WITHIN THE MEANING OF ARTICLE 5, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE, THE TRANSIENT OCCUPANCY TAX REGULATION. IN ADDITION, ALL ROOMS OR UNITS OF THE 300-SUITE RESORT/HOTEL LODGING FACILITY DESCRIBED IN PARAGRAPH 2B OF THE PERMIT SHALL BE TREATED AS ROOMS SUBJECT TO THE \$10 PER NIGHT FEE AS DESCRIBED IN PARAGRAPH 6 OF THE AGREEMENT RELATING TO THE IMPLEMENTATION OF PROP C.

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

ITEM-207: REFERRED TO CLOSED SESSION

SUBJECT: Authorizing Property Negotiations with Ecke Trust.

In the matter of directing the City Manager regarding an offer to purchase real property located at the intersection of Otay Mesa Road and Harvest Road

(Assessor Parcel Map No. 646-080-04,05 + 08 and 646-240-30) from the Ecke Trust represented by Regan Tully International Real Estate and James Ashcraft, James Ashcraft Investment Company.

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) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on July 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: B043-047.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:20 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F591).