

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 29, 1997
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Warden at 10:06 a.m.

City Manager Jack McGrory introduced and welcomed David Schlesinger who is the Director of the Metropolitan Wastewater Department. Mr. McGrory congratulated Mr. Schlesinger for receiving a rebate check for 1.4 Million Dollars from the Argonaut Insurance Company under a program Mr. Schlesinger and his staff began called the Owner Controlled Insurance Program. The rebate check was a result of the Departments' excellent safety record from 1994 through 1996. Mr. McGrory recognized the following members of the Team that Mr. Schlesinger assembled: Bill Courtney from the Argonaut Insurance Company; Dan Danilewicz from Segdwick, the City's Insurance Broker; Chuck Pryor from Sverdrup Kaiser, the City's Construction Manager, and the following City Staff: Alden Tansey, Frank Henthorn, Jerry Johnson, and Peter Yee from Risk Management. Mr. McGrory announced that the Team did a great job pulling the program together into a very unique package requiring special State Legislation and proving to be a tremendous cost savings to the City.

Mayor Golding recessed the regular meeting at 12:30 p.m. to meet in Closed Session at 1:30 p.m. in the twelfth floor conference room to discuss existing and anticipated litigation matters.

The meeting was reconvened by Mayor Golding at 2:15 p.m. with Council Member Vargas not present. Deputy Mayor Warden adjourned the meeting at 4:52 p.m. into Closed Session on Tuesday, August 5, 1997, at 9:00 a.m. in the twelfth floor conference room to discuss existing, anticipated and potential litigation matters, and meet and confer matters.

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 (pr/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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Stewart Reimnitz of the Christ the Cornerstone Lutheran Church.

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 "Bondage without Consent" referring to bonds being issued without voter approval.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A034-057.)

PUBLIC COMMENT:

ITEM-PC-2:

Comment by Michael Lynch and Robert Bogstad regarding "Teen Curfew" and thanking the City Council for their support in working towards stopping teen violence by enforcing curfew laws.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A060-080.)

PUBLIC COMMENT:

ITEM-PC-3:

Comment by Sky regarding being in Pacific Beach and seeing teenagers out after curfew and feeling police officers are not enforcing the law. Sky further expressed his thanks to the Mayor and Council for allowing the public to speak at the City Council meetings, and his thanks to Council Member Stevens for his work on gun control.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A089-104.)

PUBLIC COMMENT:

ITEM-PC-4:

Comment by Mel Shapiro regarding the Housing Commission, his feeling there have been overpayments to Landlords in the rent subsidy program, and that the auditors did not do their job properly. Mr. Shapiro further suggested the City change their accounting firm.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A105-131.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Vargas commented that over the weekend he had the opportunity to fly out to the Abraham Lincoln Aircraft Carrier to view some of their operations and to see how the City integrates with the Navy. Council Member Vargas expressed how impressed he was with the men and women who served on the aircraft carriers and the unbelievably professional job they do. Council Member Vargas encouraged the Council Members to do all that they can to work with the Navy expressing that the Navy is very proud of the relationship that they have with the City of San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A134-B143.)

COUNCIL COMMENT:

ITEM-CC-2:

Council Member McCarty followed up on Council Member Vargas comment by referring to "Fleet Week" that was held for the first time in San Diego last weekend. Council Member McCarty said it was stunning, wonderful, and a very successful first time attempt, and that we can all be very proud of our Navy. Council Member McCarty also informed Council that one quarter of our Navy and Marine personnel live in San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A146-152.)

COUNCIL COMMENT:

ITEM-CC-3:

Council Member Kehoe commented on the 23rd Gay and Lesbian Pride Parade that took place in Hillcrest over the weekend with over one hundred thousand in attendance. Council Member Kehoe wanted to thank everyone that attended and further commented it was a safe event thanks to everyone's help which was greatly appreciated.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A152-156.)

ITEM-30:

Approval of Council Minutes for the Meetings of:

7-7-97 Adjourned

7-8-97 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A187-190.)

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

ITEM-31:

SUBJECT: America's Friendliest City Month.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-71) ADOPTED AS RESOLUTION R-289000

Declaring that San Diegans should smile, speak and be friendly to the many tourists that support San Diego's economy;

Proclaiming the month of August 1997 to be "America's Friendliest City Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A195-273.)

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

* ITEM-50:

SUBJECT: Two actions related to Cypress Valley Rezoning and Development Agreement.

(RZ-96-0315. Miramar Ranch North Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 7/15/97. (Council voted 9-0):

Subitem-A: (O-97-116) ADOPTED AS ORDINANCE O-18421
(New Series)

Rezoning 37.9 acres located on the south side of Cypress Canyon Road between Spring Canyon Road easterly of Blue Cypress Drive (the eastern portion of a 51.13 acre site), to the R1-5000/HR Zone.

Subitem-B: (O-97-117) ADOPTED AS ORDINANCE O-18422
(New Series)

Amending Development Agreement No. 88-0913 between the City of San Diego and Security First National Bank (Miramar Ranch North).

FILE LOCATION: SUBITEM A: ZONE-ORD #18421
SUBITEM B: DEVL-USG No.161

COUNCIL ACTION: (Tape location: A227-318.)

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-51:

SUBJECT: Rezoning 1.01 acres (Great Western Bank Property) in the north corner of Clairemont Mesa Boulevard into the Commercial Neighborhood Zone.

(RZ-96-7235. Clairemont Mesa Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/15/97 (Council voted 9-0.):

(O-98-9) ADOPTED AS ORDINANCE O-18423 (New Series)

Rezoning 1.01 acres in the north corner of Clairemont Mesa Boulevard into the CN (Commercial Neighborhood) Zone.

FILE LOCATION: ZONE-ORD #18423

COUNCIL ACTION: (Tape location: A227-318.)

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: Water Easement and Water Easement Abandonment - Parcel 2 of Parcel Map PM-10898.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-42) ADOPTED AS RESOLUTION R-289001

Approving the acceptance by the City Manager of the deed of Qualcomm Incorporated, conveying to the City a water easement in Parcel "A", in a portion of Parcel 2 of Parcel Map PM-10898;

Authorizing a quitclaim deed, quitclaiming to Qualcomm Incorporated, all of the City's right, title and interest in the water easement in Parcel "B", in a portion of Parcel 2 of Parcel Map-10898.

CITY MANAGER SUPPORTING INFORMATION:

The water easement is being exchanged for a new water easement on the same property to be used for the same purpose in a different location. This action is necessary for the construction of a parking lot and building with public water improvements for Qualcomm Building AA located on Campus Point Drive. The property is currently undeveloped. Engineering Permit #W46593 has been issued for grading and public improvements as shown on Drawing Nos. 28700-D(1-6). Permit Performance Bond No. 8140-67-92 in the amount of \$415,691 has been issued to ensure the completion of the improvements.

FILE LOCATION: DEED F-7031 DEEDFY98-2

COUNCIL ACTION: (Tape location: A227-318.)

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: Vacating a Slope Easement in connection with CUP-96-0479 Siempre Viva Shell.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-8) ADOPTED AS RESOLUTION R-289002

Vacating a slope easement located within Lot 1 of Map-11897 in connection with Conditional Use Permit CUP-96-0479 Siempre Viva Shell, pursuant to Section 8330 et seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

The proposed slope easement abandonment has been requested by the property owner because the site has been developed to its ultimate use, including public improvements, and the slope easement is no longer needed. The slope easement was initially granted to the City on Map-11897. Staff review of the easement abandonment indicates that the easement is no longer required and that the four findings required for abandonment can be made. The slope easement qualifies for summary proceedings and may be summarily vacated.

FINDINGS:

1. There is no present or prospective use for the slope easement, either for the public street system for which the slope easement was originally acquired or for any other use of a like nature.
2. The public will benefit from the abandonment through improved utilization of the land.
3. The abandonment is consistent with the approved Community Plan.
4. The public street system for which the slope easement was originally acquired will not be detrimentally affected by this abandonment.

FILE LOCATION: DEED F-7032 DEEDFY98-1

COUNCIL ACTION: (Tape location: A227-318.)

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: Annual Special Tax Levy for Community Facilities District No. 1, Miramar Ranch North, Fiscal Year 1998.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-48) ADOPTED AS RESOLUTION R-289003

Establishing the Fiscal Year 1998 special tax levy for Community Facilities District No. 1, Miramar Ranch North.

CITY MANAGER SUPPORTING INFORMATION:

In January 1991, the City Council adopted resolutions that established the formation of Community Facilities District (CFD) No. 1 (Miramar Ranch North), authorized the issuance of limited obligation improvement bonds to finance the construction and acquisition of public infrastructure in or serving the district, and authorized the annual levy of a special tax as the revenue

source to pay yearly debt service (interest and principal) on the district's outstanding bonds. The special tax levy was modified by Council resolution in November 1993, reducing the maximum tax rates to reflect a reduction in the authorized bonded indebtedness of the district. This Council action would confirm the annual rates, apportionment, and total amount of special tax to be levied and collected on taxable property within the boundaries of CFD No. 1 for the 1997/98 Fiscal Year.

The rate and apportionment of special tax was first presented to the City Council in July 1992, making this the sixth consecutive year that the special tax is being levied. Each year, until final maturity of all bonds issued by the district, the special tax will be presented to the City Council for approval. Based on the funding needs of CFD No. 1 for the upcoming 1997/98 year, an aggregate amount of \$4,890,645.76 in special taxes should be levied against taxable parcels of land within the district. These special taxes will be billed and collected by the County of San Diego in the same manner as ordinary ad valorem property taxes. Monies received in the form of special taxes will be used to pay the March 1998 and September 1998 debt service due on the outstanding bonds, maintain the appropriate balance in the reserve account, and pay costs incurred by the City and the district in administering the special tax levy.

FILE LOCATION: STRT-CF-1

COUNCIL ACTION: (Tape location: A227-318.)

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: Barnett Avenue 24-Inch Techite Sewer Repair.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-50) ADOPTED AS RESOLUTION R-289004

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$475,332 within Fund No. 41506, from CIP-44-001.0, Annual Allocation - Sewer Main Replacements, to CIP-46-194.1, Barnett Avenue 24-Inch Techite Sewer Repair;

Authorizing the expenditure of an amount not to exceed \$475,332 from Fund No. 41506, CIP-46-194.1, Barnett Avenue 24-Inch Techite Sewer Repair, to provide funds for additional construction tasks and related costs.

CITY MANAGER SUPPORTING INFORMATION:

This project is to repair, using sliplining, 1,700 feet of the existing 24 inch Techite sewer pipe in Barnett Avenue. The project became necessary because a number of sections of the pipe failed, causing at least two sink holes in the middle of the street. A television inspection of the 24 inch sewer revealed that the top of the pipe had suffered severe cracks. As a result, soil deposits in the sewer became more pronounced than usual, which created a potential problem of overflows and spills.

The additional funding is needed for work which was not revealed by the initial television inspection. This work needs immediate attention because it is in the middle of the street, which is a safety hazard for both traffic and pedestrians. Also, the Techite pipe, if left in its present condition, would continue to deteriorate.

Aud. Cert. 9800067.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A227-318.)

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: San Diego/Yokohama Sister City Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-45) ADOPTED AS RESOLUTION R-289005

Commending the San Diego Sister City Society on the celebration of its 40th Anniversary and applauding the Society for the vital role it has played in the relationships between our two great cities;

Proclaiming August 1, 1997 to be "San Diego/Yokohama Sister City Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A227-318.)

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: 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-97-1369) ADOPTED AS RESOLUTION R-289006

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

FILE LOCATION: GENL: State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

COUNCIL ACTION: (Tape location: A227-318.)

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: Recognizing Dr. Jim Bond.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-79) ADOPTED AS RESOLUTION R-289007

Recognizing Dr. Jim Bond for his years of devotion to Point Loma Nazarene College, and his commitment to academic excellence.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A227-318.)

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: Emergency Shelter Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-78) ADOPTED AS RESOLUTION R-289008

Authorizing the City Manager to file an application for the County of San Diego's Emergency Shelter Grant Program, for the City's 1997-1998 Winter Season

Emergency Shelter Program to be administered on behalf of the City by Community and Economic Development;

Authorizing the City Manager or his representative to accept and expend funds if the grant is awarded.

CITY MANAGER SUPPORTING INFORMATION:

In May 1997 the County of San Diego issued Notice of Funding Availability (NOFA) for its Emergency Shelter Grant Program. The grant application to the County of San Diego for \$20,000 in Emergency Shelter Grant funds will augment the City's \$245,000 which has already been budgeted for the next winter's seasonal shelter program. The \$245,000 that the City has committed to the Emergency Shelter program will serve approximately 650 clients, which is the same number served last year. Funds from the Emergency Shelter Grant will enable the City to increase the level of service to approximately 700 clients.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A227-318.)

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: Solid Waste and Recycling Facilities Siting and Expansion Policy.

(See City Manager Report CMR-97-128 and letter from Edward Burr and Steve South dated 7/15/97).

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-39) ADOPTED AS RESOLUTION R-289009

Authorizing the approval of a Solid Waste and Recycling Facilities Siting and Expansion Policy to guide the siting and expansion of solid waste and recycling facilities.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/16/97, NR&C voted 5-0 to approve the City Manager's recommendation to approve a policy to guide the siting and expansion of solid waste and recycling facilities in the City of San Diego. (Councilmembers Mathis, Kehoe, Stallings, McCarty and Vargas voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A227-318.)

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: Solid Waste Franchise Ordinance.

(See City Manager Report CMR-97-127 and letter from Edward Burr and Steve South dated 7/15/97).

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-98-16) INTRODUCED, TO BE ADOPTED
AUGUST 11, 1997

Introduction of an Ordinance amending Chapter VI, Article 1, of the San Diego Municipal Code by amending Sections 66.0102; by amending and renumbering Section 66.0132 to 66.0133; and by adding a new Section 66.0132 requiring all new or expanded solid waste facilities located within San Diego to obtain a nonexclusive franchise or contract from the City in addition to all other permits and approvals required for the operation of such facilities.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/16/97, NR&C voted 5-0 to approve the City Manager's recommendation to amend the San Diego Municipal Code to add a section requiring all new or expanded solid waste facilities located within the City of San Diego to obtain a non-exclusive franchise or contract from the City in addition to all other permits and approvals required for the operation of such facilities. (Councilmembers Mathis, Kehoe, Stallings, McCarty and Vargas voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: H167-391.)

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

* ITEM-110:

SUBJECT: Local Enforcement Agency Designation.

(See City Manager Report CMR-97-129; see Daniel J. Avera's 7/11/97 letter; and Edward Burr & Steve South's 7/15/97 letter.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-40) ADOPTED AS RESOLUTION R-289010

Approving the following actions regarding the designation of a Local Enforcement Agency (LEA) to be responsible for the permitting and regulation of solid waste management facilities with the City of San Diego:

1. Withdraw designation of the County Department of Environmental Health (DEH) as the LEA for the City of San Diego.
2. Designate the City of San Diego Development Services Department to be its own LEA for the City and authorizing the City Manager to apply to the California Integrated Waste Management Board (CIWMB) for certification of the new LEA.
3. Authorize the City Manager to contract with DEH to provide LEA inspections and services until the City is certified by the CIWMB to perform all LEA functions.
4. Direct the City Manager to develop recommendations for appeals panel membership.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/16/97, NR&C voted 5-0 (Councilmembers Mathis, Kehoe, Stallings, McCarty and Vargas voted yea) to approve the City Manager's recommendation to:

- a. Withdraw designation of the County Department of Environmental Health as the Local Enforcement Agency for the City of San Diego.
- b. Designate the City of San Diego to be its own Local Enforcement Agency, and provide that function within the Development Services Department.
- c. Authorize the City Manager to contract with the County Department of Environmental Health to provide all or a portion of Local Enforcement Agency functions, for the period necessary for the City to be certified as a Local Enforcement Agency by the California Integrated Waste Management Board.
- d. Authorize the City Manager to apply to the California Integrated Waste Management Board for certification of the City of San Diego as a Local Enforcement Agency.
- e. Direct the City Manager to develop recommendations for the membership of an appeals hearing panel, to be appointed by the Mayor.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A227-318.)

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: Adopting the Annual Budget for the Fiscal Year 1997-98.

(See City Manager Report CMR-97-133.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-98-1) INTRODUCED AND ADOPTED AS ORDINANCE
O-18424 (New Series)

An Ordinance adopting the Annual Budget for the Fiscal Year 1997-98 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year.

NOTE: The first public hearing of the ordinance was held on Tuesday, July 22, 1997. Today's action is the second public hearing for the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G290-540.)

Motion by Vargas to introduce and adopt the Appropriation Ordinance separating out the issue of the fire truck. Second by McCarty. No vote taken.

Motion by Vargas to take the Deferred Retirement Option Plan money of \$800,000 to reinstate the truck company that was dropped pending the review of the Select Committee of the Fire and Life Safety Services as recommended by Council Member McCarty. Second by Kehoe. No vote taken.

Motion by Vargas withdrawn.

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

MOTION BY VARGAS TO DIRECT THE CITY MANAGER TO PREPARE AN AMENDMENT WHICH WILL COME BACK FOR APPROVAL AT THE NEXT MEETING TO ADD IN THE TRUCK THROUGH THE DROP MONEY AS IDENTIFIED BY THE MANAGER IN HIS MEMORANDUM DATED JULY 28, 1997. Second by Kehoe. Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Metropolitan Wastewater Operations Center (MOC) Parking Facility.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1461) ADOPTED AS RESOLUTION R-289011

Approving the acceptance by the City Manager of the grant deed of Albert E. and Celeste Trepte conveying to the City an improved property located at 5563-5571 Kearny Villa Road for construction of additional parking for the adjacent Metropolitan Wastewater Operations Center;

Authorizing the expenditure of amount not to exceed \$2,175,000 from Fund No. 41506, CIP-46-196.0 (Systems

Division Relocation Project) for acquisition of property rights, demolition, construction and related acquisition costs.

CITY MANAGER SUPPORTING INFORMATION:

The consolidation of various City sewer operations and divisions into the Metropolitan Wastewater Department and the desire to centralize operations at the MOC to improve the overall operating efficiency, has created a need for additional parking. Approximately 2 acres of additional property will be required to meet the parking requirements of the MOC. A study of sites located within a reasonable distance of the existing MOC facility revealed that a property for sale of 5563-5571 Kearny Villa Road adjacent to the MOC facility could accommodate the additional parking required for City and employee vehicles. The property consists of office/warehouse space, two communications equipment shelters and antennae support tower on a 1.94 acre site. Three of the four office/warehouse structures are quite old and will be demolished to make room for construction of the additional parking space. The commercial antennae which is subject to an existing lease and the newer structure will be retained for offsetting income, use or possible expansion. The property, because of its size and location, is considered to be the most suitable to meet the requirements of the MOC program. Approval of this action will provide for the acquisition of the property and construction of the parking lot by the seller. As a condition of the purchase agreement the sellers, Albert and Celeste Trepte, shall do the demolition, design and turnkey construction of a parking lot which meets City design criteria following the close of escrow.

Aud. Cert. 9800052.

FILE LOCATION: DEED F-7033 DEEDFY98-1

COUNCIL ACTION: (Tape location: A227-318.)

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: Consideration of Nominees for Appointment to the San Diego Data Processing Corporation Board of Directors.

(See memorandums from: Mayor Golding dated 7/17/97; Councilmember Stevens dated 7/15/97; Deputy Mayor Stallings, Councilmember Kehoe, Councilmember McCarty, and Councilmember Wear dated 11/22/96; Deputy Mayor Stallings, Councilmember Kehoe, Councilmember McCarty and Councilmember Wear dated 10/31/96 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Consider the following list of nominees and select nine to fill vacancies on the San Diego Data Processing Corporation Board of Directors:

NOMINEE	CATEGORY REPRESENTED	NOMINATED BY
John M. Eger (reappointment)	General Business	Mayor Golding, Councilmembers, Stallings, McCarty, Kehoe & Wear
Mark Nelson (reappointment)	General Business	Mayor Golding
LaVerne Brown (reappointment)	Data Processing	Mayor Golding

Kevin C. Leap (reappointment)	Data Processing	Mayor Golding, Councilmembers Stallings, McCarty, Kehoe & Wear
Jerome R. Moe (reappointment)	Law	Mayor Golding, Councilmembers McCarty, Kehoe & Wear
Douglas E. Gray (reappointment)	Data Processing	Mayor Golding, Councilmember Stevens
Ross J. Schwartz (reappointment)	Law	Mayor Golding, Councilmembers Stallings, McCarty, Kehoe & Wear
Karen Hall	Finance	Councilmembers Stallings, McCarty, Kehoe & Wear
Robert Knoth	General Business	Councilmembers Stallings, McCarty, Kehoe & Wear

TODAY'S ACTION IS:

(R-98-80) ADOPTED AS RESOLUTION R-289012

Adoption of a Resolution making nine appointments:

Three appointments for terms ending July 1, 2000, replacing Mark Nelson, LaVerne Brown, and Douglas E. Gray, whose terms have expired;

Three appointments for terms ending July 1, 1999, replacing John Eger, Kevin C. Leap, and Ross J. Schwartz, whose terms have expired;

Three appointments for terms ending July 1, 1998, replacing Jerome R. Moe, Mark Pollick, and Barbara Bry, whose terms have expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A227-318.)

CONSENT MOTION BY KEHOE TO CONFIRM THE APPOINTMENTS OF MARK NELSON, LAVERNE BROWN, AND DOUGLAS GRAY FOR TERMS ENDING JULY 1, 2000; TO CONFIRM THE APPOINTMENTS OF JOHN EGER, KEVIN LEAP, AND ROSS SCHWARTZ FOR TERMS ENDING JULY 1, 1999; AND TO CONFIRM THE APPOINTMENTS OF JEROME MOE, KAREN HALL, AND ROBERT KNOTH FOR TERMS ENDING JULY 1, 1998. 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 Homestead Village Community Plan Amendment, Rezone and Planned Commercial Development Permit PCD-96-0564 in the Rancho Bernardo Community Plan area; Certifying LDR-96-0564.

(CPA/RZ/PCD-96-0564. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and D; adopt the resolution in Subitem C to grant the permit; and introduce the ordinance in Subitem B.

Subitem-A: (R-98-51) ADOPTED AS RESOLUTION R-289013

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-96-0564 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-98-14) INTRODUCED, TO BE ADOPTED ON AUGUST 11, 1997

Introduction of an Ordinance rezoning 5.74 acres in the Rancho Bernardo Community Plan area.

Subitem-C: (R-98-) ADOPTED AS RESOLUTION R-289014 GRANTING THE PERMIT

Adoption of a Resolution granting or denying Planned Commercial Development Permit PCD-96-0564, with appropriate findings to support Council action.

Subitem-D: (R-98-52) ADOPTED AS RESOLUTION R-289015

Adoption of a Resolution amending the Rancho Bernardo Community Plan.

OTHER RECOMMENDATIONS:

Planning Commission voted 7-0 to approve.

Ayes: Neils, Anderson, Butler, Quinn, Skorepa, Watson, White

The Rancho Bernardo Community Planning Group has recommended approval of the project.

SUPPORTING INFORMATION:

On September 26, 1996, the Planning Commission initiated an amendment to the Progress Guide and General Plan and the Rancho Bernardo Community Plan to redesignate 5.74 acres of vacant industrial land zoned Manufacturing Industrial Park (M-1P) to a commercial land use zoned Commercial Visitor (CV). The CV zone allows for lodging, dining and shopping needs of visitors and residents.

LEGAL DESCRIPTION:

The project site is located on West Bernardo Drive between West Bernardo Court and Bernardo Center Drive and is more particularly described as a portion of Lot 12 of Bernardo Industrial Park Unit No. 9, Map-6513 within the Rancho Bernardo Community Plan area.

FILE LOCATION: SUBITEMS-A & D: LAND-Rancho Bernardo
 Community Plan; SUBITEM-B: NONE;
 SUBITEM-C: PERM-PCD-96-0564;

COUNCIL ACTION: (Tape location: A227-318.)

Hearing began at 10:16 a.m. and halted at 10:18 a.m.

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTIONS FOR SUBITEMS A AND D, INTRODUCE THE ORDINANCE FOR SUBITEM B, AND TO ADOPT THE RESOLUTION FOR SUBITEM C TO GRANT THE PERMIT. 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: FILED

SUBJECT: Prohibiting the Sale of Saturday Night Specials.
(See West Hollywood Resolution, Ordinance and Roster of Saturday Night Specials; testimony from the Public Safety and Neighborhood Services Committee's January 15, 1997, meeting; Jerry Sanders's April 8, 1997, memorandum; Human Relations Commission's April 9, 1997, letter; Assemblyman Jack Scott's March 17, 1997, letter; Robert L. Simmons's February 28, 1997, letter; San Diego Unified School District's Resolution; editorial.)

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 6/4/97, PS&NS voted 3-2 to move the issue of the introduction of a local ordinance prohibiting the sale of Saturday Night Specials to the full City Council, without recommendation. (Councilmembers Stevens, Stallings and McCarty voted yea. Councilmembers Wear and Warden voted nay.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A319-D160; E016-F280)

MOTION BY STEVENS TO DIRECT THE CITY ATTORNEY TO DRAFT AN ORDINANCE PROHIBITING THE SALE OF SO CALLED "SATURDAY NIGHT SPECIALS" AS DEFINED BY THE BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS FACTORING IN THEIR CRITERIA FOR WEAPONS AND SAFETY, AND TO BASE THIS ORDINANCE ON AN EXISTING ORDINANCE WHICH HAS BEEN PASSED IN MORE THAN THIRTY CITIES IN CALIFORNIA.
Second by Stallings.

Trailed to afternoon session.

Motion made in the morning session failed by the following vote: Mathis-nay, Wear-nay, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-nay.

Subitem-C: (R-98-117) ADOPTED AS AMENDED AS RESOLUTION
R-289018

Adoption of a Resolution supporting A.B. 1124 (Aroner) relating to trigger locks, and urging the State Legislature and Governor to pass this legislation and sign it into law as soon as possible.

Subitem-D: (R-98-118) ADOPTED AS RESOLUTION R-289019

Adoption of a Resolution urging President Clinton to authorize the addition of the City of San Diego to the Youth Crime Gun Interdiction Initiative Program.

Subitem-E: DIRECTION GIVEN

Directing the City Attorney to draft an ordinance pertaining to Anti-gang Loitering.

FILE LOCATION: Subitem A: NONE
Subitems B,C,D: MEET
Subitem E: NONE

COUNCIL ACTION: (Tape location: F294-G261.)

MOTION BY WEAR TO ADOPT THE RESOLUTIONS AND TO INTRODUCE THE ORDINANCE AS AMENDED AND ACCEPT MAYOR GOLDING'S RECOMMENDATION TO DOCKET FOR DISCUSSION THOSE ISSUES CONTAINED IN THE CALIFORNIA CRIMINAL JUSTICE REPORT THAT HAVE NOT BEEN ENACTED INTO LAW; ACCEPT COUNCIL MEMBER McCARTY'S RECOMMENDATION TO REMOVE SLING SHOTS; ACCEPT COUNCIL MEMBER MATHIS' RECOMMENDATION TO CLARIFY THE LANGUAGE REGARDING THE TRIGGER LOCKS AND FIREARMS; AND DIRECT THE CITY ATTORNEY TO DRAFT AN ORDINANCE PERTAINING TO ANTI-GANG LOITERING TO COME BACK TO COUNCIL. 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-S502: ADOPTED AS RESOLUTION R-289020

(Continued from the meetings of June 10, 1997, Item S500, July 1, 1997, Item 332 and July 15, 1997, Item 335 and trailed from the meeting of July 22, 1997, Item S500 to allow the draft MOU to be made available to the public for public comment before the City Council takes any action.)

SUBJECT: In the matter of authorizing the joint application of Enova Corporation and Pacific Enterprises for approval by the California Public Utilities Commission, Case No. 96-10-038, and the Federal Energy Regulatory Commission, Case No. EC 97-012-000, of a merger of Enova Corporation and Pacific Enterprises, and related proceedings.

NOTE: The public testimony portion of the hearing is open on the MOU.

TODAY' ACTIONS ARE:

If appropriate or necessary:

- 1) Give direction to the City Attorney concerning the City' participation in the indicated administrative hearings and related proceedings;
- 2) Adopt a position regarding the proposed merger; and
- 3) Approve the MOU.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G544-H159.)

MOTION BY WARDEN TO AUTHORIZE THE CITY MANAGER TO ENTER INTO THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY, AND AUTHORIZE THE CITY MANAGER OR CITY ATTORNEY TO MAKE ANY NON-SUBSTANTIVE CHANGES WHICH, IN THEIR OPINION, ARE IN THE BEST INTEREST OF THE CITY; AND INCLUDE, FOR THE RECORD, THE LETTER FROM MAYOR GOLDING WHICH READ AS FOLLOWS:

DEAR MR. PRESIDENT AND MEMBERS OF THE COMMISSION:

FOR THE LAST NINE MONTHS, THE CITY OF SAN DIEGO HAS BEEN REVIEWING THE PROPOSED MERGER BETWEEN ENOVA AND PACIFIC ENTERPRISES. AS A RESULT OF THAT REVIEW IN DETAIL TALKS WITH THE COMPANIES, THE CITY OF SAN DIEGO HAS VOTED TO ENTER INTO THE ATTACHED MEMORANDUM OF UNDERSTANDING, AND ON THOSE TERMS AND CONDITIONS SUPPORT THE MERGER APPLICATION BEFORE THE COMMISSION. THE CITY'S ACTION DOES NOT ADDRESS ISSUES RELATED TO TRANSACTIONS BETWEEN AFFILIATES AND THE UTILITIES. GIVEN THE CPUC'S STATED MISSION TO CREATE AND FOSTER A COMPETITIVE MARKET PLACE IN WHICH THE CALIFORNIA RATEPAYER IS RESPONSIBLY PROTECTED AND WITHIN THE CONTEXT OF THIS SPECIFIC ACTION, THE CITY COUNCIL URGES THE CPUC TO EXERCISE AUTHORITY AND IMPOSE REASONABLE MEASURES WITH RESPECT TO AFFILIATE TRANSACTIONS WHICH WILL PROVIDE FOR A COMPETITIVE ENVIRONMENT. THE CITY WILL CONTINUE TO PARTICIPATE IN THE COMMISSION'S PROCEEDINGS RELATING TO THOSE MATTER.

AND ACCEPT MAYOR GOLDING'S RECOMMENDATION TO, INCLUDE AS PART OF THAT LETTER, AN ADDITIONAL SENTENCE AS THE MAYOR WILL INSERT, THAT WILL INDICATE THAT RATES FOR THE CITY RATEPAYERS WILL BE REDUCED. 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-CS-1: (R-98-141) ADOPTED AS RESOLUTION R-289016

A Resolution adopted by the City Council in Closed Session on July 29, 1997:

Authorizing the City Manager to pay the total sum of \$18,500 in settlement of each and every claim against The City of San Diego, its agents and employees, Superior Court Case No. 705966, Antonino Pecoraro v. City of San Diego, et al., resulting from personal injury to Antonino Pecoraro; authorizing the City Auditor and Comptroller to issue one check in the amount of \$18,500, made payable to Antonino Pecoraro and his attorney of record Frank DeSantis, in full settlement of the lawsuit and of all claims.

Aud. Cert. 9800113

FILE LOCATION: MEET

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Warden at 4:52 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H392-400).