

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, AUGUST 11, 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 2:13 p.m. Mayor Golding adjourned the meeting at 4:05 p.m. into Closed Session on Tuesday, August 12, 1997, at 9:00 a.m. to discuss existing and anticipated litigation, real property acquisition, public employee appointment, 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-Abdelnour (lw)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present

- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Father John Dickie of Saint Mary Magdelene Catholic 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 debt requiring interest. He said over a 30-year period, the interest is 150 percent of the face value and requires 250 percent to payoff when added to face value. Mr. Stillwell said the City lists the initial cost for their projects, not the cost plus interest. He said if the City wants to survive they need to eliminate debt.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-063.)

ITEM-PC-2:

Reverend Sky commented on teen curfew and the homeless being harassed. He said he knew of a homeless man who

was riding a bicycle and threw a cigarette on the ground. That man was given a ticket. He also talked to a girl in front of a high school about the teenage curfew law and she said they don't pay any attention to it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A065-092.)

ITEM-PC-3: REFERRED TO COUNCIL MEMBER STALLINGS

Darlene D. Davis commented on taxicab access restrictions to Qualcomm Stadium. She said the Stadium Authority is not allowing taxis to enter or remain in the parking lot after the second quarter. According to a memo she received, taxis would have to wait in a holding lot on San Diego Mission Road. Ms. Davis said this is creating a big problem for people with disabilities. She said taxis need to be the solution to the congestion in and around the stadium.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A094-120.)

ITEM-PC-4:

Joseph Fox commented on Council operation. He complained about items being trailed several times. Mr. Fox said good policy would be to hear items docketed in their original order. If a member of the public comes to address an item, he thinks Council should hear the item no matter how long it takes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A139-170.)

ITEM-PC-5:

Gary Marchinke commented on the local media. In the Saturday edition of the Union Tribune, the editorial praised operation gate keeper for all the additional

lights at the border. He said Roger Hedgecock was called a racist for this exact same thing, along with Muriel Watson and himself. Mr. Marchinke said this newspaper is a disgrace to the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A171-196.)

ITEM-PC-6: REFERRED TO THE CITY MANAGER

Davis Gomez was before Council in regards to an appeal from the South Bay. He said several years ago a task force was formed to help protect against flooding in the Tijuana River Valley. Mr. Gomez said the State of California will not fund berms which was part of their alternative.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A196-233.)

ITEM-PC-7: REFERRED TO THE CITY MANAGER

Mel Shapiro commented on the Maya Apartments bought by the City and managed by the Housing Commission. He said since the Housing Commission started managing the complex, the value to the residents' lifestyle has been brought down and it is no longer safe for their children to play outside.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A234-258.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Vargas commented on a meeting he had

today with his Council Representatives. During the meeting two police officers from Central Division came in and handed him a letter addressed to George Jordan, a member of his staff, recognizing him for his exemplary work ethics. Council Member Vargas also wanted to congratulate Mr. Jordan for his hard work.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A264-286.)

ITEM-CC-2: REFERRED TO THE CITY MANAGER

Council Member McCarty welcomed two boy scouts from Troup 51. They were here working on their citizen in the community badge. Ms. McCarty also welcomed a junior girl scout working on her active citizen badge.

Council Member McCarty also commented on the Federal Government removing the stinging nettles from the Tijuana River Valley in an effort to protect our agricultural land. She was thankful the Golden Eagle survived the onslaught from the State.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A287-313.)

ITEM-CC-3:

Council Member Wear commented on hosting the National Lifeguard Championships and the Junior Lifeguard Championships last weekend with over 1,000 lifeguards participating at South Mission Beach. He said the City of San Diego lifeguards scored third place overall, and next summer we hope to send a team to Chicago to compete.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A314-320.)

ITEM-CC-4:

Council Member Stevens expressed his concern about a comic strip in the newspaper regarding welfare reform. He said that African-American women are not the predominant people on welfare. Mr. Stevens said this cartoon was very distasteful and he was very offended by this.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A321-358.)

ITEM-CC-5:

Deputy Mayor Warden said this past Thursday she represented the City of San Diego at the 25th anniversary celebration for Sony. They were joined by Governor Pete Wilson and Sony's international president who announced there would be 450 more jobs coming to San Diego. Ms. Warden welcomed them as good neighbors.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A361-373.)

ITEM-CC-6:

Mayor Golding announced that we have reached an agreement with the musicians' union of the former symphony. The musicians have agreed under a reconstructed symphony to play fewer performances at a lower salary in order to have symphonic music played in the City of San Diego. She said this agreement should form the basis for a new labor contract with a new board of directors and is part of the reorganization plan. Mayor Golding thanked the musicians and the members of the Citizens' Committee who helped to bring symphonic music back to San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A373-406.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

7/21/97 Adjourned

7/22/97

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A259-263.)

MOTION BY KEHOE 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: Peter Kovacs Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-164) ADOPTED BY RESOLUTION R-289051

Proclaiming August 11, 1997 to be "Peter Kovacs Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A407-471 / B042-052.)

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

ITEM-32:

SUBJECT: San Diego County Hispanic Chamber of Commerce Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-98-143) ADOPTED BY RESOLUTION R-289052

Recognizing and commending the San Diego County Hispanic Chamber of Commerce for its commitment to the education of Hispanic youth as well as its strong commitment to promote Hispanic Businesses;

Proclaiming Saturday, August 23, 1997 to be "San Diego County Hispanic Chamber of Commerce Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A472-553 / B042-052.)

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

* ITEM-50:

SUBJECT: Rezoning for Homestead Village - Rancho Bernardo.

(Rancho Bernardo Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/29/97. (Council voted 9-0):

(O-98-14) ADOPTED BY ORDINANCE O-18428 (New Series)

Rezoning 5.74 acres located at West Bernardo Drive, between Rancho Bernardo Road and Bernardo Center Drive, from the M-IP (Manufacturing - Industrial Park) Zone into the CV (Commercial Visitor - Service) Zone.

FILE LOCATION: ZONE - O-18428

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND

ADOPT THE ORDINANCE. 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-51:

SUBJECT: Solid Waste Franchise Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/29/97. (Council voted 8-0. Mayor Golding not present):

(O-98-16) ADOPTED BY ORDINANCE O-18429 (New Series)

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.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-52: Item 52 was inadvertently placed on the docket - there is no Item 52 for this week's Council meeting.

* ITEM-53:

SUBJECT: Two actions related to Carmel Valley Neighborhood No. 4 School/Park Site.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-98-21 Cor.Copy) INTRODUCED, TO BE
ADOPTED SEPTEMBER 8,
1997

Introduction of an Ordinance authorizing the execution of an agreement for the lease and maintenance of the turf field, parking lot and recreation facilities at the Carmel Valley Neighborhood No. 4 School/Park Site, designated for joint use.

CITY MANAGER SUPPORTING INFORMATION:

The proposed lease agreement provides for a 25 year no-fee joint use facility on the Carmel Valley Neighborhood #4 park site. The terms of the agreement allow for the development, operation, and maintenance of an approximately six acre joint use area comprised of turf field, hardscape multi-purpose courts, a parking lot and other recreational facilities pursuant to the North City West Facilities Master Plan and the Carmel Valley Neighborhood #4 Precise Plan. The Del Mar Union School District will design and construct the facility under a reimbursement agreement to enable the school to open in September 1998.

Subitem-B: (R-98-160 Cor.Copy) ADOPTED BY RESOLUTION
R-289053

Adoption of a Resolution approving the Carmel Valley Neighborhood No. 4 School/Park Reimbursement Agreement, for design of the entire 11.9 acre park and construction of the 5.6 acre joint-use portion of the park;

Authorizing the expenditure of an amount not to exceed \$1,800,000 from Fund 79002 for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION:

The Carmel Valley Neighborhood #4 Elementary School is scheduled to open in September 1998. It is located contiguous with an 11.9 acre park site, of which approximately 5.6 acres will be jointly used. Design and construction is to be funded by Carmel Valley Facilities Benefit Assessments (FBA). The school project is in the construction documents phase and scheduled to begin construction in May 1997. The simultaneous completion of the joint-use area of the park is essential to meet State Education Code requirements in order to open the school. The rate of development within Carmel Valley has not kept up with projections detailed in the Facilities Financing Plan, therefore the FBA funds are not available for park design and construction as originally scheduled. The Del Mar Union School District has agreed to design and construct the necessary park area under the terms of a reimbursement agreement for an amount not to exceed 1.8 million. According to current FBA projections, reimbursement to the School District could begin in FY 1999. This approach will expedite the design and construction of the joint use area, ensuring its completion by the time the school opens. The remainder of the park site will be constructed when the funds become available.

Aud. Cert. 9800141.

FILE LOCATION: Subitem A: NONE
 Subitem B: MEET CONFY98-1

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO INTRODUCE SUBITEM A AND ADOPT SUBITEM B. 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-100: TRAILED TO AUGUST 12, 1997

SUBJECT: Four actions related to Mission City Unit No. 3 - Amended Subdivision Improvement Agreement, Easement Abandonment and Street Dedication.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-58)

Authorizing the execution of an amendment to the Subdivision Improvement Agreement with MV Associates and JPI Texas Development, Inc., to provide for the substitution of JPI Texas Development, as Subdivider;

Declaring that the public improvements to be constructed to the subdivision shall be completed by JPI Texas Development, Inc.;

Accepting Performance Bond No. 3SM 908 138 00, issued by American Motorists Insurance Company, in the amount of \$1,084,740, as surety for the required improvements in the subdivision, and releasing Performance Bond No. 30 33 49, issued by Insurance Company of the West, in the amount of \$1,084,740.

Subitem-B: (R-98-60)

Authorizing the acceptance by the City Manager of a grant deed of Jefferson at Mission Valley, L.P., granting to the City an easement for public street purposes in a portion of Lot 8 of Mission City Unit No. 3, Map-11677; dedicating said land as and for a public street and naming the same Northside Drive.

Subitem-C: (R-98-61)

Authorizing the vacation of the City's interest in an unneeded sewer easement and water easement in portions of Lots 7 and 8 and its interest in a drainage easement and slope easement in Lot 8, of Mission City Unit No. 3, Map-11677, pursuant to Section 8300 et seq. of the Streets and Highways Code.

Subitem-D: (R-98-59)

Authorizing the City Manager to enter into a Joint Use Agreement with San Diego Gas & Electric Corporation (SDG&E) to provide for the joint use of the area common to both the SDG&E easement and right-of-way and the City's dedicated street right-of-way for the construction, operation, and maintenance of both

parties' facilities.

CITY MANAGER SUPPORTING INFORMATION:

On December 8, 1986 per Resolution R-267161 the City Council entered into an agreement with MV Associates for subdivision improvements to Mission City Unit No. 3. At this time, JPI, Texas Development, Inc., is entering into an amended improvement agreement to complete the remaining work as shown on Drawing Nos. 22765-1-D through 22765-18-D, filed in the Office of the City Clerk under Document No. 769425. All improvements are to be completed within two years. The Engineer's estimate for the cost of the remaining public improvements is \$1,084,740 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$7,680, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. Compensation of \$301,463.27 has been paid for this abandonment. Due to Friars Road being constructed and classified as a six-lane expressway, no widening is necessary and there is no further need for the City to maintain the easements. Therefore, since the easements are no longer necessary, staff recommends approval of the abandonments.

FILE LOCATION: Subitems A - D: NONE

COUNCIL ACTION: (Tape location: B053-256.)

TRAILED TO AUGUST 12, 1997, AS REQUESTED BY COUNCIL MEMBER STALLINGS.

* ITEM-101:

SUBJECT: Re-Advertising for Bids for Construction of Sewer Group Job 622.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-16) ADOPTED BY RESOLUTION R-289054

Rejecting all bids received on May 29, 1997, pursuant to publication of notice calling for bids on

Construction of Sewer Group Job 622;

Authorizing and directing the Contract Services Division of the City of San Diego to readvertise for bids for Construction of Sewer Group Job 622 on Work Order No. 172311;

Authorizing the City Manager to execute a contract with the lowest responsible bidder for Construction of Sewer Group Job 622, 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. (BID-K97099CA)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Main Replacement Group Job 622 is located in the Barrio Logan Community Area. This project is a portion of the continuing annual Capital Improvement Program to replace old and deteriorated concrete sewer mains within the City of San Diego. The sewer mains proposed to be replaced or rehabilitated (trenchless technology) were installed in the 1920's. This project will construct 9,939 feet of new 8-inch sewer mains and rehabilitate 786 feet of 6-inch sewer mains. Subsequent to the bid opening of May 29, 1997, for Sewer Main Group Job 622, Contract Services determined that the contractor license of the lowest bidder, Ortiz Construction, had expired. Therefore, Ortiz Construction was found to be non-responsive and not eligible for the award of this contract.

Ortiz Construction has since acquired a license and is in dispute of the consequences that led them to not having one. Also, the second low bidder was \$80,000 above the low bid. It is anticipated that lower bid prices may be received by readvertising this project. The following streets and alleys will be affected in the Barrio Logan area by construction activities:

38th Street, 39th Street, Delta Street, Epsilon Street, Gamma Street, alley between Cottonwood Street and Birch Street, and alley between Acacia Street and Birch Street. Residents will be notified by mail at least one month before construction by the City of San Diego, and ten days before construction by the contractor.

WWF-CSD-98-299.

FILE LOCATION: W.O. 172311 cont - Ortiz Corporation

CONFY98-1

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-102:

SUBJECT: Change Order No. 1 with Southern California Underground
Contractors, Inc. for the Sewer Main Replacement Group
100 Contract.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-90) ADOPTED BY RESOLUTION R-289055

Approving Change Order No. 1, with Southern California
Underground Contractors, Inc., for the Sewer Main
Replacement Group 100 contract, increasing the contract
price by \$68,500;

Authorizing the expenditure of not to exceed \$89,855
from Fund No. 41506, CIP-44-001.0, Annual Allocation -
Sewer Main Replacements (Subproject 44-103.0, Sewer
Main Replacement Group 100), 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:

On September 16, 1996, City Council authorized the execution of a
contract for Sewer Group Job 100 (R-287829). On October 25,
1996, the City Manager awarded the amount of \$970,313.22 to
Southern California Underground Contractors, Inc. for Group Job
100. On January 10, 1997 the Wastewater Collection Division
asked us to add to this Group Job the emergency repair of the
existing collapsed 12-inch concrete pipe sewer main along Adams
Avenue, between Jean Drive and Lorraine Drive.

Highway 94) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all qualified property owners in the "F" Street (12th Avenue to Highway 94) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Auditor and Comptroller to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed;

Authorizing the transfer of \$10,000 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0 to sublet CIP-37-291.2 and authorizing expenditure of these funds to replace existing street lights.

CITY MANAGER SUPPORTING INFORMATION:

The "F" Street (12th Avenue to Highway 94) Underground Utility District was created by the City Council on November 28, 1995. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set September 12, 1997 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish December 26, 1997 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box

which typically ranges from \$300-\$1,500.

FILE LOCATION: STRT - K-235

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-104:

SUBJECT: La Jolla Shores Drive (Torrey Pines Road to Calle
Frescota) Underground Utility District.

(La Jolla Shores Community Planning Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-97) ADOPTED BY RESOLUTION R-289057

Designating September 12, 1997, as the date upon which
all property in the La Jolla Shores Drive (Torrey Pines
Road to Calle Frescota) Underground Utility District
must be ready to receive underground service and
January 5, 1998 as the date for the removal of all
overhead utility facilities;

Authorizing the City Auditor and Comptroller to open
Fund 78088 for the purpose of depositing Public
Utilities Commission Case 8209 Utility Undergrounding
Allocation Funds for the La Jolla Shores Drive (Torrey
Pines Road to Calle Frescota) Underground Utility
District;

Authorizing the City Treasurer to receive these funds
from the San Diego Gas & Electric Company;

Authorizing payment to all qualified property owners in
the La Jolla Shores Drive (Torrey Pines Road to Calle
Frescota) Underground Utility District as reimbursement
for electrical service underground conversion work done

on private property;

Authorizing the City Auditor and Comptroller to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed;

Authorizing the transfer of \$10,000 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0 to sublet CIP-37-293.4 and authorizing expenditure of these funds to replace existing street lights.

CITY MANAGER SUPPORTING INFORMATION:

The La Jolla Shores Drive (Torrey Pines Road to Calle Frescota) Underground Utility District was created by the City Council on August 10, 1993. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set September 12, 1997 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish January 5, 1998 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

FILE LOCATION: STRT - K-216

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-105:

SUBJECT: Market Street (6th Avenue to 12th Avenue) Underground
Utility District.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-98) ADOPTED BY RESOLUTION R-289058

Designating September 12, 1997, as the date upon which all property in the Market Street (6th Avenue to 12th Avenue) Underground Utility District must be ready to receive underground service and October 12, 1997 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open Fund 78089 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Market Street (6th Avenue to 12th Avenue) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all qualified property owners in the Market Street (6th Avenue to 12th Avenue) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Auditor and Comptroller to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed;

Authorizing the transfer of \$10,000 from Annual

Allocation - Undergrounding of City Utilities,
CIP-37-028.0 to sublet CIP-37-287.1 and authorizing
expenditure of these funds to replace existing street
lights.

CITY MANAGER SUPPORTING INFORMATION:

The Market Street (6th Avenue to 12th Avenue) Underground Utility District was created by the City Council on November 1, 1994. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set September 12, 1997 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish October 12, 1997 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800.00 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

FILE LOCATION: STRT - K-226

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-106:

SUBJECT: West Point Loma Boulevard (Sunset Cliffs Boulevard to
Nimitz Boulevard) Underground Utility District.

(Ocean Beach Community Planning Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-99) ADOPTED BY RESOLUTION R-289059

Designating September 24, 1997, as the date upon which all property in the West Point Loma Boulevard (Sunset Cliffs Boulevard to Nimitz Boulevard) Underground Utility District must be ready to receive underground service and January 8, 1998 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open Fund 78090 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the West Point Loma Boulevard (Sunset Cliffs Boulevard to Nimitz Boulevard) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all qualified property owners in the West Point Loma Boulevard (Sunset Cliffs Boulevard to Nimitz Boulevard) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Auditor and Comptroller to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed;

Authorizing the transfer of \$10,000 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0 to sublet CIP-37-289.4 and authorizing the expenditure of these funds to replace existing street lights.

CITY MANAGER SUPPORTING INFORMATION:

The West Point Loma Boulevard (Sunset Cliffs Boulevard to Nimitz Boulevard) Underground Utility District was created by the City Council on May 10, 1994. The resolution creating the district

left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set September 24, 1997 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish January 8, 1998 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800.00 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching.

Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

FILE LOCATION: STRT - K-222

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-107:

SUBJECT: 43rd Street (Delta Street to Logan Avenue) Underground
Utility District.

(Southcrest/Shelltown Community Planning Area.
District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-100) ADOPTED BY RESOLUTION R-289060

Designating December 10, 1997, as the date upon which all property in the 43rd Street (Delta Street to Logan Avenue) Underground Utility District must be ready to receive underground service and March 23, 1998 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open Fund 78091 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the 43rd Street (Delta Street to Logan Avenue) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all qualified property owners in the 43rd Street (Delta Street to Logan Avenue) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Auditor and Comptroller to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed;

Authorizing the transfer of \$10,000 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0 to sublet CIP-37-291.3 and authorizing the expenditure of these funds to replace existing street lights.

CITY MANAGER SUPPORTING INFORMATION:

The 43rd Street (Delta Street to Logan Avenue) Underground Utility District was created by the City Council on November 28, 1995. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set December 10, 1997 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish March 23, 1998 as the Pole Removal Date,

which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800.00 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

FILE LOCATION: STRT - K-234

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-108:

SUBJECT: Reverend Dr. James Hargett Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1448) ADOPTED BY RESOLUTION R-289061

Commending Rev. Dr. James Hargett for forty-two years of unselfish ministry, dedication and devotion;

Proclaiming August 17, 1997 to be "Reverend Dr. James Hargett Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-109:

SUBJECT: Serra Mesa Branch Library Fund.

(Serra Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-148) ADOPTED BY RESOLUTION R-289062

Authorizing the City Manager to create the Serra Mesa Branch Library Fund, with proceeds from the Serra Mesa Branch Library Fund to be used to fund construction activities such as site preparation, design, construction, landscaping for the new Serra Mesa Branch Library, and also to be used for the purchase of furnishings, fixtures, equipment, supplies, and library materials for the new facility.

Authorizing the City Auditor and Comptroller to establish a trust fund account for the purpose of handling the accounting for the Serra Mesa Branch Library Fund;

Authorizing the City Auditor and Comptroller to transfer the balance of funds in Fund 10518, the Serra Mesa Library Fund, and Fund 10519, the Serra Mesa Community Fund, to the new Serra Mesa Branch Library Fund.

CITY MANAGER SUPPORTING INFORMATION:

It has been proposed that a new branch library for the Serra Mesa community be constructed. The Serra Mesa Friends of the Library have made a commitment to assist the Library Department with a fund raising campaign to help build a new branch library. This request will establish a trust account in the name of the Serra Mesa Branch Library Fund to facilitate the process of receiving private gifts for a new building. The proceeds of the fund and all earned interest will be used exclusively to fund improvements

including, but not limited to site preparation, design, construction, landscaping plus the purchase of furnishings, fixtures, equipment, supplies and library materials.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-110:

SUBJECT: Gladys Edna Peters Memorial Fund.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-149) ADOPTED BY RESOLUTION R-289063

Accepting the initial distribution of \$200,000 from the Gladys Edna Peters Trust, to be used solely and exclusively for the procurement and maintenance of large print books and magazines at the Rancho Bernardo Public Library;

Authorizing the City Manager or designee, to establish the Gladys Edna Peters Memorial Fund for all proceeds received by the City of San Diego Library Department from the Trust;

Authorizing the Auditor and Comptroller to establish a trust fund account for the Gladys Edna Peters Memorial Fund.

CITY MANAGER SUPPORTING INFORMATION:

Ms. Gladys Edna Peters, a long time resident of the Rancho Bernardo Community, passed away recently. In March of this year, the Library Department was informed that Ms. Peters had made the

Rancho Bernardo Library a beneficiary in her Trust, which specified that the gift be used exclusively for the procurement and maintenance of large print books and magazines. In order to ensure that the use of the distributions from the Trust reflects the intent of Ms. Peters, this request will establish the Gladys Edna Peters Memorial Fund. The proceeds of the fund and all earned interest will be used exclusively for the purchase of the large print books and magazines for the Rancho Bernardo Branch Library.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-111:

SUBJECT: Southern California Regional Community Policing Institute Grant Proposal.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-62) ADOPTED BY RESOLUTION R-289064

Authorizing the City Manager to apply for, accept and expend a grant from the U.S. Department of Justice, Office of Community Oriented Policing Services (DOJ/COPS), titled The Southern California Regional Community Policing Institute at San Diego (CPISD);

Authorizing the Chief of Police, on behalf of the City Manager, to execute all aspects of grant program operation including any amendments, extensions, renewals, or future funding for this program for a period of up to five years, provided funding is made available by DOJ and/or COPS.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-112:

SUBJECT: First Amendment to the Agreement with the Linda Vista
Health Care Center for Design and Construction of the
First Phase of the Building.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-114) ADOPTED BY RESOLUTION R-289065

Authorizing a first amendment to the agreement with the
Linda Vista Health Care Center, for the design and
construction of the first phase of the expanded health
care center building;

Authorizing the expenditure of an amount not to exceed
\$235,000, consisting of \$105,000 from CDBG Fund No.
18532, Dept. 4112, Org. 1201, J.O. 112412 and \$130,000
from CDBG Fund No. 18533, Dept. 4132, Org. 3213, J.O.
112412.

CITY MANAGER SUPPORTING INFORMATION:

The Linda Vista Health Care Center is a multi-service health
clinic located at 6973 Linda Vista Road. This project consists
of a master plan and construction for the expansion and
renovation of the cramped and crowded physical facility of the
Linda Vista Health Care Center, which currently delivers 21,000
medical visits per year. The community urgently needs to expand
the operation in order to deliver 30,000 medical visits per year.
The clinic has purchased an adjacent parcel of land for \$140,000
with a grant per Resolution R-286234, dated August 14, 1995 and
on March 18, 1996 the agency entered into an agreement with the
City per Resolution R-287036 for an amount of \$125,000 which was

used for the Master Plan design of the project.

This request of \$235,000 is to cover part of the \$650,000 construction and the agency is to provide the remainder of the funding. On April 23, 1996 the City Council adopted Resolution No. R-287238 granting \$105,000 of the Fiscal Year 1997 CDBG Funds for the Linda Vista Health Care Center. On April 29, 1997 the City Council adopted Resolution No. R-288602 granting \$130,000 of Fiscal Year 1998 CDBG Funds for the Linda Vista Health Care Center.

Aud. Cert. 9800088.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-113:

SUBJECT: Second Amendment to the Agreement with Platt/Whitelaw,
Architects in connection with the Point Loma - North
Operations Building.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-95) ADOPTED BY RESOLUTION R-289066

Authorizing a second amendment to the agreement of
April 24, 1995 with Platt/Whitelaw, Architects, for
design services modifications in connection with the
Point Loma - North Operations Building;

Authorizing the City Auditor and Comptroller to
transfer an amount not to exceed \$82,700 within Fund
No. 41508, from CIP-46-503.0, Rehabilitation of
On-Shore Outfall, to CIP-46-180.0, Point Loma - North

Operations Building; and to transfer an amount not to exceed \$130,542 from Fund No. 41509, Dept. 777, Org. 445, Object Acct. 4903, Unallocated Reserve, to Fund No. 41508, CIP-46-180.0, Point Loma - North Operations Building;

Authorizing the expenditure of an amount not to exceed \$213,242 from Fund No. 41508, CIP-46-180.0, Point Loma - North Operations Building to provide funds for the above amendment.

CITY MANAGER SUPPORTING INFORMATION:

The existing Administration Building for the Point Loma Wastewater Treatment Plant was officially placed in operation on September 15, 1963. Since then, the building has functioned as both the treatment plant's administration center and process laboratory. The MWWD is requesting additional funds for an amendment to Platt/Whitelaw's contract to extend their existing scope of work to include repairing and refurbishing the interior of the existing 34-year old Administration Building. Laboratory facilities that are currently in the Administration Building will be relocated to the third floor of the proposed North Operations Building. Under Amendment No. 2 to the agreement Platt/Whitelaw will prepare plans and specifications for the Administration Building renovation, including the remodel of the old laboratory spaces for conversion to one large conference room and several offices. Under the proposed remodel to the Administration Building, no extra facilities or floor area will be added to the building. All remodeling to the existing building will consist of internal improvements such as wall partitions, doors, ADA upgrades, lighting, carpeting, office furniture, interior finishes and painting. Of the \$213,242 requested, \$113,242 will be for the preparation of plans and specifications by Platt/Whitelaw for the Administration Building interior restoration, including the conversion of the laboratory spaces that will be vacated for office and administrative uses. \$100,000 will be for additional services to Platt/Whitelaw's contract.

Aud. Cert. 9800117.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-114:

SUBJECT: First Amendment to the Reimbursement Agreement with San Diego Civic Light Opera Association for Improvements to the Starlight Bowl.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-130 Cor. Copy) ADOPTED BY RESOLUTION R-289067

Authorizing a first amendment to the reimbursement agreement with the San Diego Civic Light Opera Association, for the reimbursement of improvements to the Starlight Bowl in Balboa Park;

Authorizing the expenditure of an amount not to exceed \$245,900 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) for reimbursement of Starlight Bowl improvements.

CITY MANAGER SUPPORTING INFORMATION:

On May 9, 1994, the City Council adopted a resolution authorizing the City Manager to execute a reimbursement agreement with the San Diego Civic Light Opera Association (SDCLOA) to fund a substantial portion of the design and construction costs to upgrade the Starlight Bowl in Balboa Park. City reimbursement of the project improvement costs in an amount not to exceed \$1,273,360 was provided from Balboa Park and Mission Bay Park Capital Improvement Program Certificates of Participation (COP) Phase 1B and 1C proceeds. As the project has progressed, construction cost increases have resulted in requests from the SDCLOA for additional City funding to complete the improvements.

In April 1996, the Natural Resources and Culture Committee

reassessed the priority of projects to be funded from the COP Phase 1C segment of the capital improvement program. Based on this reassessment, the Committee recommended that previously authorized COP 1C proceeds for the Japanese Friendship Garden project be reallocated and that the SDCLOA receive \$245,900 in additional City funding from the reallocated proceeds. The City Council considered the Committee's recommendation on May 7, 1996, and adopted a resolution authorizing the addition of \$245,900 in COP Phase 1C proceeds to the Starlight Bowl improvement project. City Council approval to amend the existing reimbursement agreement with the SDCLOA will provide an amount not to exceed \$245,900 in additional COP Phase 1C funding to complete the Starlight Bowl upgrades. Construction of the improvements identified in the reimbursement agreement is nearing completion and the SDCLOA has commenced a summer program of performances in the upgraded facility.

Aud. Cert. 9800126.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-115:

SUBJECT: Agreement with San Diego Community College District for Use of the City of San Diego's 800 MHZ Communications Network.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-123) ADOPTED BY RESOLUTION R-289068

Authorizing an agreement with San Diego Community College District for use of the City of San Diego's 800 MHZ Communications network, in exchange for the Community College District's payment of a system access charge of \$100,000 and an initial monthly user charge of \$29.46 per radio to the City;

Authorizing the Auditor and Comptroller to place \$100,000 in revenue derived from the San Diego Community College District's payment of the system access charge into CIP-37-012.0, Annual Allocation-Communication System Requirements, for the purpose of upgrading the City's digital paging system controller;

Allocating the monthly user charge per radio as follows:

- 1) \$25.00 per radio per month shall be allocated to the General Fund.
- 2) \$4.46 per radio per month, which may increase in accordance with the percentage increase in the All Urban Consumers Price Index for the San Diego Region for the most recent twelve months, to be allocated to the Information Technology and Communication Department, Communications Division, for maintenance and operation of the 800 MHZ system.

Authorizing the expenditure of not to exceed \$100,000 from CIP-37-012.0, for providing funds for upgrading the City's paging system controller.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego's 800 MHZ voice radio network was purchased in September 1990 and became operational in 1992. The City's 800 MHZ voice network provides a communications infrastructure for many general fund departments including Police, Fire, EMS, Lifeguards, and Park Rangers. The City's radio network also contracts voice radio services for various non-general fund departments and agencies such as Building Inspection, MWWD, Water Department, and San Diego Unified School District. The Community College District desires to utilize the City's 800 MHZ voice communications network for its Public Safety and Public Service operations. The Community College District will pay the City of San Diego a system access charge of \$100,000 and a monthly fee of \$29.50 per radio on the system. The \$29.50 fee consists of \$25 allocated to the General Fund and \$4.50 allocated to the Information Technology and Communications Department, Communications Division, for system maintenance. The \$4.50 variable user charge is for maintenance and operation of the 800 MHZ/microwave backbone and is subject to annual increase not to

exceed the percentage increase of the All Urban Consumers Price Index for the San Diego Region for the most recent 12 months. This action will also authorize the \$100,000 System Access Charge be placed in CIP-37-012.0 for the upgrade of the City's digital paging system controller. The existing paging system controller must be upgraded to utilize the future paging products. The current pagers used for the City's digital paging system will no longer be available after 1997. The \$100,000 upgrade of the paging system controller will allow the City to use current and future paging products and continue to use the existing digital paging system.

Aud. Cert. 9800120.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-116:

SUBJECT: Metropolitan Sewerage System South Bay Subsystem.

(See City Manager Report CMR-97-122; excerpts from the June 1997 South Bay Metro Subsystem Evaluation Final Report; Comparison of Flows and Loadings; Kathleen McIntosh's 7/15/97 letter. Tijuana River Valley Community Area. District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-81) ADOPTED BY RESOLUTION R-289069

Directing staff to continue implementation of the South Bay Subsystem Facilities on their current schedule, as described in City Manager Report CMR-97-122.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/16/97, NR&C voted 5-0 to approve the City Manager's recommendation to direct staff to continue the implementation of

the South Bay Subsystem Facilities on their current schedule.
(Councilmembers Mathis, Kehoe, Stallings, McCarty and Vargas
voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On July 16, 1997, City Manager's Report CMR-97-122, dated July 9,
1997 was presented to the Natural Resources and Culture
Committee. The Committee unanimously approved the forwarding of
the City Manager's recommendation to Council that Council direct
staff to continue the implementation of the South Bay Subsystem
Facilities on their current schedules.

NOTE: See Item 200 on today's docket for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-117:

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-98-02) ADOPTED BY RESOLUTION R-289070

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: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-118:

SUBJECT: Appointment and Reappointment to the Planning
Commission.

(See memorandum from Mayor Golding dated 7/24/97 with
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-150) ADOPTED BY RESOLUTION R-289071

Council confirmation of the following appointment and
reappointment by the Mayor to the Planning Commission,
for four-year terms ending January 28, 2001:

Andrea Skorepa (Reappointment.)

Mark W. Steele (To replace Christopher B. Neils,
whose term has expired, and to
Chair the Commission.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-119:

SUBJECT: Eight actions related to Amended Subdivision Agreements

and Terminating Subdivision Agreements for Sorrento Hills Corporate Center Phase I & Phase II and Torrey Reserve Heights Unit No. 1.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-153) ADOPTED BY RESOLUTION R-289072

Authorizing an amendment to the Subdivision Improvement Agreement with Westbrook Torrey Hills L.P., and American Newland for Sorrento Hills Corporate Center Phase I Unit No. 2, to provide for the substitution of Westbrook Torrey Hills L.P. for American Newland Associates, as subdivider;

Declaring that the public improvements to be constructed for the subdivision improvement agreement shall be completed by September 30, 1997;

Accepting Performance Bond No. 3SM 909 869 00, issued by American Motorists Insurance Company, in the amount of \$293,725, as surety for the required improvements in the subdivision, and releasing Performance Bond No. 11119221205, issued by the American Insurance Company, in the amount of \$293,725.

Subitem-B: (R-98-152) ADOPTED BY RESOLUTION R-289073

Authorizing an amendment to the Subdivision Improvement Agreement with Westbrook Torrey Hills L.P., and American Newland for Sorrento Hills Corporate Center Phase I Unit No. 1, to provide for the substitution of Westbrook Torrey Hills L.P. for American Newland Associates, as subdivider;

Declaring that the public improvements to be constructed for the subdivision improvement agreement shall be completed by September 30, 1997;

Accepting Performance Bond No. 3SM 909 868 00, issued by American Motorists Insurance Company, in the amount of \$10,136,176, as surety for the required improvements in the subdivision, and releasing Performance Bond No.

11119221056, issued by the American Insurance Company, in the amount of \$10,136,176.

Subitem-C: (R-98-154) ADOPTED BY RESOLUTION R-289074

Terminating the Subdivision Improvement Agreement of April 24, 1990, with American Newland Associates, subdivider of Sorrento Hills Corporate Center Phase II Unit No. 1;

Releasing Performance Bond No. 11119221197, issued by the American Insurance Company, guaranteeing the improvements in the Sorrento Hills Corporate Center Phase II Unit No. 1 Subdivision.

Subitem-D: (R-98-155) ADOPTED BY RESOLUTION R-289075

Terminating the Subdivision Improvement Agreement of April 24, 1990, with American Newland Associates, subdivider of Sorrento Hills Corporate Center Phase II Unit No. 2;

Releasing Performance Bond No. 11119221023, issued by the American Insurance Company, guaranteeing the improvements in the Sorrento Hills Corporate Center Phase II Unit No. 2 Subdivision.

Subitem-E: (R-98-156) ADOPTED BY RESOLUTION R-289076

Terminating the Subdivision Improvement Agreement of April 24, 1990, with American Newland Associates, subdivider of Sorrento Hills Corporate Center Phase II Unit No. 3;

Releasing Performance Bond No. 11119221213, issued by the American Insurance Company, guaranteeing the improvements in the Sorrento Hills Corporate Center Phase II Unit No. 3 Subdivision.

Subitem-F: (R-98-157) ADOPTED BY RESOLUTION R-289077

Terminating the Subdivision Improvement Agreement of April 24, 1990, with American Newland Associates, subdivider of Sorrento Hills Corporate Center Phase II Unit No. 6;

Releasing Performance Bond No. 11119221189, issued by

the American Insurance Company, guaranteeing the improvements in the Sorrento Hills Corporate Center Phase II Unit No. 6 Subdivision.

Subitem-G: (R-98-158) ADOPTED BY RESOLUTION R-289078

Terminating the Subdivision Improvement Agreement of April 24, 1990, with American Newland Associates, subdivider of Sorrento Hills Corporate Center Phase II Unit No. 7;

Releasing Performance Bond No. 11119221171, issued by the American Insurance Company, guaranteeing the improvements in the Sorrento Hills Corporate Center Phase II Unit No. 7 Subdivision.

Subitem-H: (R-98-159) ADOPTED BY RESOLUTION R-289079

Terminating the Subdivision Improvement Agreement of September 9, 1996, with AG Land Associates, LLC, subdivider of Torrey Reserve Heights Unit No. 1;

Releasing Letter of Credit No. I-457621, issued by Texas Commerce Bank, guaranteeing the improvements in the Torrey Reserve Heights Unit No. 1 Subdivision.

CITY MANAGER SUPPORTING INFORMATION:

AG Land Associates is requesting that the City Council approve, by resolutions, the amended Subdivision Improvement Agreements and transfer full responsibility to complete the previously approved projects known as Sorrento Hills Corporate Center Phase I, Unit 1 and Unit 2. The work on this industrial development is 95 percent complete. The new subdivider has bonded for the full original bond amount of \$10,136,176 for Unit 1 and \$293,725 for Unit 2. New survey monuments bonds have been posted in the original amount of \$9,000 for Unit 1 and \$3,000 for Unit 2. A new certificate of insurance has been received with the City named as additional insured. The approved Tentative Map of Torrey Hills (TM-95-0554), a residential development, encompasses the same area as the six industrial subdivisions for which staff is requesting agreement termination. Pursuant to that tentative map, the developer has recorded two parcel maps, which did not require City Council approval, and obtained an engineering permit for mass grading and major public improvements. The grading and public improvements are bonded for the amount of the approved engineering estimate. Since the parcel maps recorded and the

engineering permit is bonded and issued, the previously recorded industrial subdivisions do not exist and the subdivision improvement agreements will be without force or effect. It is requested that the City Council officially terminate the agreements and release the subdivision bonds.

FILE LOCATION: Subitems A - H: SUBD - Torrey Reserve
Heights Unit No. 1 CONFY98-2

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-120:

SUBJECT: Two actions related to the Final Subdivision Map of
Haley Hills.

(This is a 12-lot subdivision. Valencia Park
Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-145) ADOPTED BY RESOLUTION R-289080

Authorizing a Subdivision Improvement Agreement with
Radio Court 12, LLC, for the installation and
completion of public improvements.

Subitem-B: (R-98-144) ADOPTED BY RESOLUTION R-289081

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 2.800 acre site into 12 lots for residential development. It is located in the Valencia Park Community Plan area, and is located at Radio Court between Bonita Drive and Cervantes Avenue. On January 16, 1990, the Subdivision Board of the City of San Diego approved Tentative

(R-97-1376) ADOPTED BY RESOLUTION R-289082

Supporting the San Diego Metropolitan Transit Development Board's request for authorization under the Intermodal Surface Transportation Efficiency Act for Federal Transit Administration (FTA) funding of the San Diego Region Light Rail Transit (LRT) Program, including the Mission Valley East and Mid-Coast Corridor Projects, and Federal Railroad Administration (FRA) Section 511 Loan for the reopening of the San Diego and Arizona Eastern (SD&AE) Railway.

CITY MANAGER SUPPORTING INFORMATION:

This is a request for Council approval to support the following: 1) Federal funding of the Metropolitan Transit Development Board (MTDB) Light Rail Transit (LRT) Program; and 2) a Federally guaranteed loan to MTDB's private freight short-haul operator for reopening of the San Diego & Arizona Eastern (SD&AE) railroad to the east. A summary of the two program components is contained in the following paragraphs:

San Diego Metropolitan LRT Program:

In 1993, the MTD Board of Directors adopted a funding strategy for the LRT construction program which provided for the use of nonfederal funds for certain near-term projects (i.e., the Santee, Old Town, and Mission Valley West Extensions), while federalizing the Mission Valley East and Mid-Coast Corridor Projects. The LRT projects completed or under construction (through completion of the Mission Valley West LRT Extension) have cost approximately \$813 million. Of this amount, the Federal share totaled only 8.5 percent. The proposed legislative program would seek a near-maximum Federal share (79 percent) for the two new start projects: the Mission Valley East Corridor Project and the Mid-Coast Phase 1 to Balboa LRT Extension Project. These two projects total \$409 million; thus, the total San Diego LRT Program since the 1981 initial start would total \$1.222 billion. Overall, on an aggregate basis, MTDB's request for Federal funding would result in a matching ratio of only 32 percent. MTDB is asking the San Diego Congressional Delegation to support authorization language which would credit MTDB's multi-year program and significant local contributions to LRT projects completed and in progress.

SD&AE Reopening:

Studies prepared under the auspices of the San Diego Association of Governments (SANDAG) have shown that reopening of the Desert

Line portion of the SD&AE Railway would be valuable to the local economy and feasible as a public/private partnership. The SANDAG studies recommend that private investments be used to reopen the line, and that the short-line operator (in this case, RailTex) should be given the opportunity to obtain a low-interest, federally guaranteed loan for improvements to the line. MTDB is asking the Congressional Delegation to support an appropriation for the FRA Section 511 Loan Program for the purpose of providing such a loan. The MTD Board of Directors is requesting the support of the San Diego City Council for the above two programs.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-122:

SUBJECT: Amending the North Bay Redevelopment Survey Area
Boundary.

(See City Manager Report CMR-97-152. Clairemont Mesa
and Uptown Community Areas. Districts-2 & 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-151) ADOPTED BY RESOLUTION R-289083

Amending the boundaries of the Redevelopment Survey
Area for the proposed North Bay Redevelopment Project
and authorizing a study of the feasibility of a
redevelopment project or projects within the survey
area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-123:

SUBJECT: Options Agreement and Escrow Instructions for the Montana Mirador Project.

(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-146 Cor.Copy2) ADOPTED BY RESOLUTION R-289084

Authorizing the City Manager to enter into an Option Agreement and Escrow Instructions between AG Land Associates, LLC, as seller, and the City of San Diego, as Buyer, for the ultimate purchase of property which is the subject of Vesting Tentative Map VTM-87-0925, for the Montana Mirador Subdivision;

Directing the City Manager to return to Council no later than November 4, 1997 with a proposed Development Agreement for consideration by Council.

CITY MANAGER SUPPORTING INFORMATION:

On January 16, 1996 the City Council of the City of San Diego considered and approved an application for the Montana Mirador Project (Vesting Tentative Map, Rezone, Planned Residential Development Permit, Community Benefits Agreement, Hillside Review Permit and Resource Protection Overlay Zone Permit No. 87-0925). At that time the City Council directed the City Manager's office to work with the property owner toward the acquisition of the property. The property owner (AG Land) expressed a willingness to negotiate in good faith for acquisition of the Montana Mirador property. The agreement being presented to the City Council today represents the results of the negotiations between AG Land (Seller) and the City of San Diego (Buyer) for the Montana Mirador Project.

The purchase of this property will further the City's habitat

conservation goals because: 1) the property contains core biological resources as identified in the Multiple Species Conservation Program; 2) the property has been included in the City's Multiple-Habitat Planning Area of the City's Multiple Species Conservation Program Subarea Plan. The option agreement provides the City of San Diego the right to acquire the property under a two year exclusive option and an additional two year right of first refusal option (for a total of four years included in the Option Agreement). The purchase price has been established based on fair market appraisals and is described further in Section 2.2 of the Option Agreement. The owner retains the right to develop the property in accordance with the approved Development Plan should the City elect not to acquire the property at the end of the four year option period. Hence, the City and owner have agreed that it is necessary to negotiate a mutually acceptable Development Agreement to vest the owner the right to proceed with the Development Plan. The City Manager is asking for authorization to execute the Option Agreement and Escrow Instructions and direction to return to City Council with a mutually acceptable Development Agreement to vest the Montana Mirador Development Plan.

FILE LOCATION: SUBD - Montana Mirador CONTFY98-1

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-124:

SUBJECT: Joint Powers Agreement with the County of San Diego Continuing the San Diego Consortium.

(See City Manager Report CMR-97-146.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-101) ADOPTED BY RESOLUTION R-289085

Authorizing a revised Joint Powers Agreement with the County of San Diego continuing the San Diego Consortium, subject to negotiation and execution of a Memorandum of Understanding between the City and the San Diego Workforce Partnership, Inc.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-125:

SUBJECT: Two actions related to Mira Mesa FY 1998 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P97-132. Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-124) ADOPTED BY RESOLUTION R-289086

Approving the document entitled "Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, June, 1997."

Subitem-B: (R-98-125) ADOPTED BY RESOLUTION R-289087

Resolution of Intention to designate an area of benefit in Mira Mesa and setting the time and place for holding a public hearing.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/30/97, LU&H voted 3-0 to approve the City Manager's recommendation to accept recommendations as outlined in City Manager Report P97-132. (Councilmembers Mathis, Wear and Vargas

voted yea. Councilmembers Kehoe and Stevens not present.)

FILE LOCATION: Subitems A,B: STRT - FB-12

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-126:

SUBJECT: "Labor Day" Resolution.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-163) ADOPTED BY RESOLUTION R-289088

Proclaiming September 1, 1997 to be "San Diego-Imperial
Counties Labor Council Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-200:

SUBJECT: Inviting Bids for South Bay Water Reclamation Plant
Construction Package 1 - Site Grading.

(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-10) ADOPTED BY RESOLUTION R-289089

Inviting bids for the construction of the South Bay Water Reclamation Plant, Construction Package 1, Site Grading on Work Order No. 194280;

Authorizing a contract with the lowest responsible bidder;

Authorizing the use of City Forces as required in connection with this project; declaring that the cost of the City Forces work shall not exceed \$150,000;

Authorizing the expenditure of the following amounts:

1. An amount not to exceed \$6,511,000 from Sewer Fund No. 41509, CIP-42-910.6, South Bay Water Reclamation Plant, for project construction and related costs, 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;
2. An amount not to exceed \$250,000 from Sewer Fund No. 41509, CIP-46-502.0, Annual Allocation - Pooled Contingency, for project contingency, 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;
3. An amount not to exceed \$150,000 from Sewer Fund No. 41509, CIP-42-910.6, South Bay Water Reclamation Plant, to provide funds for the work by City Forces;
4. An amount not to exceed \$940,000 from Sewer Fund No. 41509, CIP-42-910.6, South Bay Water Reclamation Plant, to provide funds for a one-time water capacity charge;

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

(BID-K97115)

CITY MANAGER SUPPORTING INFORMATION:

The South Bay Water Reclamation Plant (SBWRP) is a seven million gallon per day wastewater treatment plant that will treat wastewater generated in the southern area of the City to tertiary treatment levels so that it can be reused for irrigation or other non-potable uses. Development of the SBWRP is intended to avoid the need to construct parallel relief facilities for the South Metro Interceptor Sewer System (SMI); facilities which have engineering complexities and cost constraints, and to reduce anticipated loads to the Point Loma Wastewater Treatment Plant. A related objective of the SBWRP is the production of reclaimed water. The SBWRP project is divided into three construction contracts. This action requested is the first construction contract and deals with initial site preparation. The EIR for this project was certified by the City Council on May 13, 1997.

FILE LOCATION: W.O. 194280 / CONT - Kiewit Pacific Co.
CONTFY98-1

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-201:

SUBJECT: Inviting bids for the Resurfacing and Slurry Coating
for the Metropolitan Wastewater Department - Various
Streets City Wide.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-15) ADOPTED BY RESOLUTION R-289090

Inviting bids for the Resurfacing and Slurry Coating
for the Metropolitan Wastewater Department - Various
Streets City Wide;

Authorizing a contract with the lowest responsible
bidder, provided that the City Auditor first furnishes

a certificate demonstrating that the funds are, or will be on deposit in the City Treasury;

Authorizing the expenditure of not to exceed \$1,706,350 to provide funds for this project and related costs, to be expended as follows: \$81,350 from Gas Tax Fund 302191; \$70,000 from Water Utility Operating Fund 41500; \$105,000 from Sewer Revenue Fund 41506; and \$1,450,000 from CIP-59-001.0, Annual Allocation, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, on advice of the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K97091-C)

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWW) is currently constructing over 45 miles of Reclaimed Water and Sewer Pipelines through out the City. To properly restore and protect the affected streets it is necessary to resurface or slurry seal them after completion of the pipelines. To accomplish this goal, the MWW and the Transportation Department have reached an agreement what would require the MWW to transfer adequate funds to the Transportation Department to provide the resurfacing and slurry sealing of streets after the pipelines are complete. The Transportation Department/Street Division will oversee the resurfacing and slurry seal project and where necessary provide funding to complete portions of the street segments outside the construction area but completing the entire street surface. The MWW's total commitment for this maintenance after pipeline construction is \$2,935,275 which has already been encumbered. The Street Division's portion of \$1,706,350 is funded from a combination of Gas Tax and Transnet Funds. The total estimated cost for this project is \$4,641,625. It is anticipated that all pipelines will be complete sometime in August of 1997. Property owner connections to the recycled water services will follow at that time. This project will begin following the completion of the initial water connections. This is expected by the late fall of 1997.

Aud. Cert. 9701229.

FILE LOCATION: CONT - Calmat Co. DBA Industrial Asphalt

CONFY98-1

COUNCIL ACTION: (Tape location: B554-601.)

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

ITEM-202:

SUBJECT: Inviting Bids for Resurfacing Various Streets City Wide Group "G".

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-17) ADOPTED BY RESOLUTION R-289091

Inviting bids for Resurfacing Various Streets City Wide Group "G";

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of \$2,586,993 from Street Division Operating Fund 10440, \$1,850,000 from CIP-59-001.0, Annual Allocation Fund 30300, \$70,000 from Water Utility Operating Fund 41500, and \$120,000 from Sewer Revenue Fund 41506;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K97087C)

CITY MANAGER SUPPORTING INFORMATION:

This contract is part of the City's annual street maintenance program. It provides for the repair and resurfacing of approximately 70 miles of asphalt streets citywide. Locations for resurfacing are chosen through use of the City's Pavement Management System, and to avoid conflicts with underground utility work. The Pavement Management System predicts the future condition of streets with different types of maintenance

practices. The system finds the best method to maintain each section of street and then looks at the entire City street system to find the most cost effective schedule over a ten year period. The contract continues to require that asphalt adjacent to curbs and gutters is ground down prior to resurfacing to maintain current curb height and proper drainage. The contract also requires that failed areas of pavement be removed and repaired prior to resurfacing. The large amount of utility trenching now occurring citywide has forced us to postpone our utility clearances, and our final selection of streets to be resurfaced until just prior to the start of work. The Mayor and Council will be provided a final list of streets, and any subsequent changes as soon as they are available. Also included in this project is a section of State Route 274 (Balboa Avenue) being funded by and coordinated with CalTrans. Construction for this project is expected to begin in the fall of 1997.

Aud. Cert. 9800129.

FILE LOCATION: CONT - Daley Corporation
 CONTFY98-1

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-203:

SUBJECT: Amendment No. 7 to the Agreement with Sverdrup Civil,
Inc. for Construction Management Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-09) ADOPTED BY RESOLUTION R-289092

Authorizing a seventh amendment to the agreement with
Sverdrup Civil, Inc., for construction management
services for modifications and enlargement of the
Metropolitan Sewage System in an amount not to exceed
\$21,237,217;

Authorizing the expenditure of not to exceed \$14,130,928 in accordance with Amendment No. 7 Exhibit G, to provide funds for Phase 11 of the agreement, 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;

Authorizing the Auditor and Comptroller to reallocate appropriations associated with this contract, without changing total appropriations, among the Capital Improvement Program Projects in Fund No. 41500, if the reallocation is to cover costs related to redistribution of this program-wide contract.

CITY MANAGER SUPPORTING INFORMATION:

In December 1991, City Council approved the agreement with Sverdrup Civil, Inc. for construction management services for the Clean Water Program. Amendment No. 1 modified the scope of work regarding MBE/WBE construction plan participation and the Equal Employment Opportunity Plan. Amendments No. 2 and 3 provided for construction management services to facilitate the repairs to the South Metro Interceptor. Amendment No. 4 authorized Sverdrup Civil, Inc. to provide construction management services for the entire Metropolitan Wastewater Program. Amendment No. 5 incorporated 24 additional projects into the program. In May 1996, the City Council approved Amendment No. 6 that added 9 additional projects. Amendment No. 7 adds 11 new projects and, effectually, provides for Sverdrup Civil to provide construction management services for the Metropolitan Wastewater Management Plan. A significant portion of the work being managed by Sverdrup Civil, as construction manager, are projects required by the Federal court's stipulated order and the Ocean Pollution Reduction Act (OPRA) legislation. Also, because of the interrelationship between previously approved and current projects, close coordination of construction and start-up is required. The revised phases reflect the addition of the aforementioned projects and the latest construction schedules. It is requested that City Council approve Amendment No. 7 with a not to exceed amount of \$21,237,217 which brings the total not to exceed amount of the agreement to \$105,412,036. The City's MBE and WBE goals for this agreement are 12 percent and 3 percent respectively. Sverdrup Civil, Inc. has committed to the following goals: Amendment No. 7 MBE 21.28 percent and WBE 7.34 percent, and total agreement MBE 18.14 percent and WBE 10.72 percent. Amendment No. 7 will create 36 new jobs.

Aud. Cert. 9800095.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: B053-256.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-204: REFERRED TO CLOSED SESSION ON AUGUST 12, 1997

SUBJECT: In the matter of directing the City Manager regarding a
request from Jaycor to terminate the City's interest in
Lot 6A located at Eastgate Technology Park.

As a requirement of the Brown Act (California
Government Code Section 54956.8) this issue must be
listed on the docket for public testimony prior to
Council discussion in Closed Session.

TODAY'S ACTION IS:

1) Open the Public Hearing and accept testimony from
any members of the public who wish to address the
Council on this subject; 2) Conclude and close the
public hearing; and 3) Refer the matter to Closed
Session on August 12, 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: AGENDA

COUNCIL ACTION: (Tape location: A601-610.)

ITEM-205: TRAILED TO AUGUST 12, 1997

SUBJECT: In re the Matter of Negotiations with the Participating
Agencies re Sewage Disposal Agreements.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B053-256.)

TRAILED TO AUGUST 12, 1997, AS REQUESTED BY THE CITY MANAGER
SO HE COULD BE PRESENT.

ITEM-S400:

SUBJECT: Pomerado Hospital.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-4) ADOPTED BY RESOLUTION R-289093

Recognizing and commending Pomerado Hospital and its
staff members for their life-saving dedication to an
indebted community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A554-602 / B042-052.)

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

ITEM-S401:

SUBJECT: Gay Softball World Series Week.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-170) ADOPTED BY RESOLUTION R-289094

Recognizing the efforts of the Ride The Wave/San Diego
Series '97 Committee in successfully bringing the Gay

Softball World Series to San Diego;

Proclaiming August 10 through 16, 1997 to be "Gay Softball World Series Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B001-052.)

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

ITEM-S402:

SUBJECT: Welcoming the USLA National Junior Lifeguard and Lifeguard Championships.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-142) ADOPTED BY RESOLUTION R-289095

Officially welcoming the members and guests of the United States Lifesaving Association, especially the junior lifeguards and lifeguards who will compete for honors and titles on the shores of Mission Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B042-052.)

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

ITEM-S403: ADOPTED BY RESOLUTION R-289105

(Trailed from the meeting of August 5, 1997, Item 200, due to lack of 5 affirmative votes - Yeas:

Councilmembers Wear, Warden, Vargas and Mayor Golding;
Nays: Councilmembers Mathis, Kehoe, Stevens and
Stallings; Councilmember McCarty not present.)

SUBJECT: Discussion in the Matter of Right-of-Way Fees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C002-263.)

Motion by Vargas to direct the City Manager to complete the phase out transfer of right-of-way charges totaling \$15.8 million from the Water and Sewer Enterprise Fund by three (3) years from June 30, 1997; direct the City Manager to identify \$1 million in FY98 budget by October 15, 1997, that will reduce the right-of-way charges from the Water Utilities Enterprise Fund and earmark the funds for Capital Projects from the Water Utilities Unfunded Projects list; and direct the City Manager to report in January to the City Council on a mid-year budget adjustment for FY98, of at least \$1 million to further reduce the right-of-way charges from the Water Utilities Department resulting in the combined reduction for FY98 of a minimum of \$2 million in the right-of-way transfer charges from the Water Utilities Enterprise Fund. Second by Warden. Failed.
Yeas-258M; Nays-13467.

MOTION BY McCARTY TO ELIMINATE RIGHT-OF-WAY FEES BEGINNING WITH FY1998 IN THE AMOUNT OF \$1.5 MILLION AND CONTINUING AT \$3 MILLION EACH FOR FY1999, FY2000, FY2001, FY2002, AND CONCLUDING WITH \$2.3 MILLION IN FY2003 FOR A TOTAL OF \$15.8 MILLION; DIRECT THE CITY MANAGER TO REPORT TO COUNCIL BY OCTOBER 15, 1997, WITH AN IMPLEMENTATION PLAN TO ACHIEVE THE \$1.5 MILLION SAVINGS; AND DIRECT THE CITY MANAGER TO PRESENT TO THE MAYOR AND COUNCIL AN IMPLEMENTATION PLAN REGARDING INTER-DEPARTMENTAL TRANSFERS, RIGHT-OF-WAY FEES, AND A POSSIBLE BALLOT MEASURE TO BE DOCKETED BY THE MAYOR FOR DISCUSSION BY JANUARY 31, 1998. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S404: TRAILED TO AUGUST 12, 1997

(Trailed from the meeting of August 5, 1997, Item S501, for

full Council; Trailed as Additional Business from the meeting of July 29, 1997, Item S500 for Intergovernmental Relations to bring back copies of State Legislation AB 488 and SB 500 for Council discussion; and for the Manager to bring back to Council a resolution for the support of AB 488 and SB 500 supporting a statewide ban on the sale of handguns that do not meet Federal Importation Standards.)

SUBJECT: Two actions related to Pending State Legislation on Handgun Safety (AB488) and Firearms (SB500).

TODAY'S ACTIONS ARE:

Subitem-A:

Discussion of State Legislation AB 488 (Caldera), Handgun Safety Standards Act of 1997, and SB 500 (Polanco), Firearms.

Subitem-B: (R-98-162)

A Resolution in support of AB 488 and SB 500 supporting a statewide ban on the sale of handguns that do not meet Federal Importation Standards.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B257-554.)

TRAILED TO AUGUST 12, 1997, SO THE DIRECTOR OF INTERGOVERNMENTAL RELATIONS COULD BE AVAILABLE.

ITEM-S405: TRAILED TO AUGUST 12, 1997

(Trailed from the meeting of August 5, 1997, Item S500, for a full City Council.)

SUBJECT: Amendment to the Annual Appropriation Ordinance for FY 1997-98.

TODAY'S ACTION IS:

(O-98-22)

First public hearing of an Ordinance amending Ordinance

No. O-18424, entitled "An Ordinance Adopting the Annual Budget for Fiscal Year 1997-98 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," to add Fire Truck Company No. 10 from savings resulting from the Deferred Retirement Option Plan as identified by the City Manager.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B053-256.)

TRAILED TO AUGUST 12, 1997, TO ALLOW THE CITY MANAGER TO BE PRESENT TO DISCUSS ADDITIONAL INFORMATION.

ITEM-S406:

(Trailed from the meeting of Tuesday, August 5, 1997, Items 330a & b, for further review.)

SUBJECT: Matter of Amendments to the La Jolla Community Plan Area and Local Coastal Program Land Use Plan and the La Jolla Planned District Ordinance.

(LJCP/LCP/LJPDO Amendments. District-1.)

NOTE: If Subitem B is not acted upon or is continued, Subitem A must still be adopted to cover the ordinance for rezoning that was introduced on 8/5/97, Item 330, Subitem C.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and B:

Subitem-A: (R-98-92) ADOPTED BY RESOLUTION R-289096

Adoption of a Resolution certifying that Addendum DEP-96-7580 to Environmental Impact Report EIR-92-0199 has been completed in compliance with the California Environmental Quality Act of 1970 and State Guidelines, and that said report has been reviewed and considered by Council.

Subitem-B: (R-98-93) TRAILED TO AUGUST 12, 1997

Adoption of a Resolution amending the La Jolla

Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on August 12, 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: B053-256.)

RETURNED TO THE CITY MANAGER AT HIS REQUEST.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:05 p.m. in honor of the memory of:

Edward Harbison Hinkle as requested by Council Member Wear; and,

Jay Sims as requested by Council Member Stallings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C272-334).