

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 8, 1997
AT 6:00 P.M.
AT THE DOYLE COMMUNITY PARK
8175 REGENTS ROAD
SAN DIEGO, CA 92122

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 6:00 p.m. Mayor Golding adjourned the meeting at 6:52 p.m. into Closed Session at 9:00 a.m. on Tuesday, September 9, 1997, in the City Administration Building twelfth floor conference room, to discuss existing and anticipated litigation.

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-excused by R-289297
(family business)
- Clerk-Abdelnour (pr)

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-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by City Clerk Chuck Abdelnour.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding Stadiums and his feeling that rich sports owners make cities poor with Stadiums.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-068.)

ITEM-PC-2:

Comment by Adrian Kwiatkowski regarding his feeling that new Port Commissioners should be appointed to restore public trust and bring about new management.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A068-087.)

ITEM-PC-3: REFERRED TO THE CITY MANAGER

Comment by Bill Mitchell regarding his complaint about the Missing Persons Bureau of The San Diego Police Department, and his feeling their procedures for missing persons should be investigated.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A088-135.)

ITEM-PC-4: REFERRED TO THE CITY MANAGER

Comment by Bruce Skane regarding the appearance of Chief Jerry Sanders at a political rally held downtown by The San Diego Committee Against Handgun Violence. Mr. Skane felt Chief Sanders appearance at that rally was inappropriate.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A139-169.)

ITEM-PC-5: REFERRED TO THE CITY MANAGER

Comment by Thomas Gibson regarding his feeling that the San Diego Police Department is abusive to victims of violent crimes, and his request that the matter be investigated by the City Manager's Office.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A172-195.)

ITEM-PC-6:

Comment by Paul Steiger regarding Police Chief Sanders and the need for a new Police Chief due to his feeling Chief Sanders spearheaded a "witch hunt" on the "Saturday Night Specials."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A197-226.)

ITEM-PC-7: REFERRED TO THE CITY MANAGER

Comment by Norma Rossi, Director of the Homeless Coalition regarding a Homeless Women and Children Shelter, and the possibility of a hotel being offered to the City for that purpose.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A229-257.)

ITEM-PC-8: REFERRED TO THE CITY MANAGER

Comment by Katherine Mills regarding the need for a Homeless Women and Children Shelter due to many women hiding in canyons and beach bathrooms. Ms. Mills also expressed her concern for her Mother, Norma Rossi having to turn away women and children daily due to the need for another facility.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A259-267.)

ITEM-PC-9:

Comment by Ken Bourke regarding his feeling that the Air Borne Law Enforcement is flying over La Jolla Cove and swimming areas buzzing people at low altitudes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A274-307.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Kehoe thanking all the volunteers who came out on Saturday morning to Hillcrest to plant three blocks of new trees during the extreme heat. Council Member Kehoe stated the volunteers planted the trees along University Avenue from Richmond to Park Boulevard and that "People for Trees" and the business community did an excellent job.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A310-315.)

ITEM-CC-2:

Comment by Council Member Stevens requesting to put a disclaimer on the public comments about The San Diego Police Department and Chief Sanders stating crime rate has been greatly reduced and he feels they are doing an excellent job.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A317-326.)

ITEM-CC-3:

Comment by Council Member Mathis welcoming the Mayor and the Council Members to his District by having the Council Meeting at the Doyle Recreation Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A332-336.)

ITEM-CC-4:

Comment by Mayor Golding thanking the people that came to address the Council Meeting at the Doyle Recreation Center under Public Comment. Mayor Golding further expressed investigation will take place as to the concerns of the public.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A337-347.)

ITEM-CC-5:

Comment by Council Member Wear that San Diego and particularly Mission Bay is home to the largest Sand Castle ever constructed breaking the Guinness Book of World Records at 65 feet. Council Member Wear further stated it will be open to the public until the end of the month, and that over 18 countries were involved in the construction.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A347-353.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

7/28/97 Adjourned
7/29/97
8/4/97 Adjourned
8/5/97
8/11/97
8/12/97
8/18/97 Adjourned
8/19/97 Adjourned
8/25/97 Adjourned
8/26/97 Adjourned
9/1/97 Adjourned
9/2/97 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A357-361.)

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

ITEM-31:

SUBJECT: Southern California Challenge Ride Week.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-251) ADOPTED AS RESOLUTION R-289109

Recognizing the Southern California Challenge Ride and commending the organizers and volunteers for their leadership, vision, foresight, and dedication to helping the programs at the Lesbian and Gay Men's Community Center San Diego/North County and The Center/AIDS Project Long Beach;

Proclaiming the week of September 8-14, 1997 to be "Southern California Challenge Ride Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A362-403.)

MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-50:

SUBJECT: Amendment to the La Jolla Planned District, Boundaries and Planned District Zones.

(La Jolla Community Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/5/97. (Council voted 7-0. Councilmembers Stallings and McCarty not present):

(O-98-18) ADOPTED AS ORDINANCE O-18430 (New Series)

Amending Chapter X, Article 3, Division 12, of the San Diego Municipal Code by amending Section 103.1202 relating to the La Jolla Planned District, Boundaries, and Planned District Zones.

The provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission certifies this ordinance as a Local Coastal Program amendment. If this ordinance is not certified or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void for the area within the Coastal Zone.

FILE LOCATION: LAND-La Jolla Community Plan

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Second Amendment to the Development Agreement with Catellus Development Corporation.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/5/97. (Council voted 8-0. Councilmember McCarty not present):

(O-98-15 Cor. Copy)

ADOPTED AS ORDINANCE O-18431
(New Series)

Approving the second amendment to the development agreement between the City of San Diego and Catellus Development Corporation to revise certain terms and conditions of the agreement related to the Baggage Building and Depot forecourt.

FILE LOCATION: DEV'L-Catellus Development Corporation
CONFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

* ITEM-52:

SUBJECT: Removal of Parking Meters and Two-Hour Limitation on Olive Street.

(Uptown Community Area. District-3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/5/97. (Council voted 8-0. Councilmember McCarty not present):

(O-98-8) ADOPTED AS ORDINANCE O-18432 (New Series)

Removing the two-hour parking meters and the two-hour parking limitation on Olive Street between Fourth Avenue and Fifth Avenue.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND

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

* ITEM-100:

SUBJECT: Awarding a Contract to HPS Plumbing Services for Construction of Sewer Pump Station No. 22 Improvements.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-18) ADOPTED AS RESOLUTION R-289110

Accepting the low base bid of HPS Plumbing Services and authorizing the execution of a contract for Construction of Sewer Pump Station No. 22 Improvements, for a total estimated cost of \$1,550,589.70, which includes the base bid of \$1,448,949.70 and Additive Alternates A and B of \$19,340 and \$82,300;

Authorizing the Auditor and Comptroller to transfer not to exceed \$80,557.86 from Sewer Revenue Fund 41506, Annual Allocation for Sewer Main Replacement CIP-44-001.0, to Sewer Revenue Fund 41506, Annual Allocation of Sewer Pump Station Restoration, CIP-46-106.0, for the purpose of replacing and rehabilitating the concrete sewer mains upstream of Pump Station No. 22;

Authorizing the expenditure of not to exceed \$257,104.44 from Sewer Revenue Fund 41506, Annual Allocation for Sewer Pump Restoration, CIP-46-106.0, to supplement funds previously authorized by Resolution No. R-288899 for \$1,673,204, adopted on June 30, 1997, and Resolution No. R-282874 for \$423,787.18 adopted on October 25, 1993;

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

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.

CITY MANAGER SUPPORTING INFORMATION:

On June 30, 1997, pursuant to Resolution No. R-288898, the City Council approved the plans and specifications, and authorized the City Manager to execute a contract for the construction and rehabilitation of the existing 47 year old Sewer Pump Station No. 22 with the lowest responsible bidder. The project was advertised on June 5, 1997, and had a bid opening on July 8, 1997; five bids were received. The project was advertised for construction with two additive alternates. The base bid consisted of rehabilitation to the existing Pump Station including replacement of the existing pumps, expanding the wetwell, new electrical and control systems, new telemetry system, new ventilation system, new secondary power source, new overflow storage tank and 1,350 feet of 8-inch secondary force main along Fern Glen. In addition, the base bid included the replacement and/or rehabilitation of approximately 300 feet of old and deteriorated concrete sewer mains upstream of the Pump Station. The Additive Bid Alternate A provides for a storm water diversion structure which diverts dry weather run-off from a nearby storm drain to the Pump Station. The Additive Bid Alternate B provides for the rehabilitation of approximately 580 feet of an existing sewer main between Sea Lane and Pump Station 22 which was added during this project to minimize the construction impact on the community.

The City Council authorized funding for the base bid on June 30, 1997. Bids were received for the base bid and the Additive Alternates. The apparent lowest reliable bid, by HPS Plumbing Services, for the project was \$1,550,590 which includes the base bid and Additive Alternates A and B. The base bid of \$1,448,950 was 8.94 percent over the engineer's estimate of \$1,330,000. The Additive Alternates A and B were \$19,340 and \$82,300 respectively.

Aud. Cert. 9800223.

WWF-98-300.

FILE LOCATION: CONT-HPS Plumbing Services
 CONTFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

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

* ITEM-101:

SUBJECT: Three actions relating to the Geologic Hazard Abatement
District (GHAD) for the Casa de la Playa HOA.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-241) ADOPTED AS RESOLUTION R-289111

Accepting the property owners petition to form a
Geologic Hazard Abatement District (GHAD);

Initiating proceedings for the formation of the
Geologic Hazard Abatement District (GHAD) pursuant to
Division 17 of the California Public Resources Code and
designating said GHAD to be known and designated as the
Casa de la Playa Geologic Hazard Abatement District;

Setting the time and place for a public hearing and
directing that a written notice of such hearing be
mailed to each of the property owners within the
proposed GHAD.

CITY MANAGER SUPPORTING INFORMATION:

Casa de la Playa is a multi-unit condominium complex located at
the top of a coastal bluff at the west end of Pescadero Avenue.
The condominium is a single structure, containing 24 living areas
and garages. In response to a request from the property owners
and on the advice of the City Attorney's Office, a Geologic
Hazard Abatement District (GHAD) is being formed to specifically
address the geologic hazard of coastal bluff retreat, which
geologists have informed the property owners will quickly lead to
severe damage to the condominium complex if not abated. Once

formed, a GHAD is authorized to finance improvements through the Improvement Act of 1911, the Municipal Improvement Act of 1913 and the Improvement Bond Act of 1915.

A GHAD may also accept financial or other assistance from any public or private source and may borrow funds from a local agency, and the state and federal governments. It is the desire of the Casa de la Playa property owners to form a GHAD and subsequently issue 1911 Act bonds to finance a seawall to protect their property. City staff and the City Attorney's Office believe that formation of a GHAD is the most expeditious means of assisting on behalf of the Casa de la Playa property owners. The above resolution is necessary to 1) accept the property owners petition to form a GHAD and 2) to set the time and place for a public hearing related to the request of the property owners petition. The resolution is in response to individually signed petitions received from 87.5 percent of the property owners in the proposed GHAD. The resolution also indicates that the City 1) is adhering to the applicable statutory law, 2) has reviewed a comprehensive Plan of Control developed to abate the geologic hazard and 3) is directing that all property owners included within the proposed GHAD be noticed in writing of the public hearing. The public hearing is scheduled to be held at the City Council meeting on September 30, 1997. All of the preceding actions have been taken in accordance with the legal statutes governing the formation of GHAD. If, at the conclusion of the public hearing, the City Council orders the formation of a GHAD on behalf of the Casa de la Playa property owners, a resolution will be passed appointing five owners of real property within the district to serve as the initial board of directors for the GHAD for terms not to exceed four years. Subsequent appointments to the GHAD board of directors will be coordinated by the pre-existing board and conducted pursuant to the Uniform District Election Law.

FILE LOCATION: STRT-D-2304

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Two actions related to the Coronado View Landscape Maintenance District.

(South Encanto Neighborhood. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-131) ADOPTED AS RESOLUTION R-289112

Resolution of Intention to levy and collect 1997-1998 Annual Assessments on Coronado View Landscape Maintenance District.

Subitem-B: (R-98-132) ADOPTED AS RESOLUTION R-289113

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

The district was established in July 1983 to provide maintenance for one acre of landscaped street slope within the district. The Fiscal Year 1998 proposed maintenance costs for the district are as follows:

	FUND		
DESCRIPTION	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$4,989.00	\$4,989.00
REVENUE:			
Assessments	15,883.00	\$.00	\$15,883.00
Interest	0.00	148.00	148.00
TOTAL REVENUE	\$23,465.00	\$ 148.00	\$16,031.00
TRANSFER	1,210.00	(1,210.00)	0.00
EXPENSE:			
Personnel	\$ 5,604.00	\$ 0.00	\$ 5,604.00
Contractual	5,000.00	0.00	5,000.00
Incidental	4,749.00	0.00	4,749.00
Utilities	1,740.00	0.00	1,740.00
TOTAL EXPENSE	\$17,093.00	\$ 0.00	\$17,093.00
ENDING BALANCE	\$ 0.00	\$ 3,927.00	\$ 3,927.00

The proposed assessment for Fiscal Year 1998 is \$136.06 per equivalent benefit unit (EBU) indexed annually to the San Diego CPI-U. This is the same amount as Fiscal Year 1997. The district contains 116 equivalent benefit units.

FILE LOCATION: SUBITEM A & B: STRT-M-387

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Two actions related to Newport Avenue Landscape Maintenance District.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-134) ADOPTED AS RESOLUTION R-289114

Resolution of Intention to levy and collect 1997-1998 Annual Assessments on Newport Avenue Landscape Maintenance District.

Subitem-B: (R-98-135) ADOPTED AS RESOLUTION R-289115

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

The district was established in July 1989 to provide maintenance of landscaped planters in the public right-of-way and front footage along Newport Avenue which totals 3,655 feet.

The Fiscal Year 1998 proposed maintenance costs for the district are as follows:

FUND

DESCRIPTION	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$36,928.00	\$36,928.00
REVENUE:			
Assessments	33,460.00	\$ 0.00	\$33,460.00
Interest	0.00	700.00	700.00
TOTAL REVENUE	\$33,460.00	\$ 700.00	\$34,160.00
TRANSFER	5,581.00	(5,581.00)	0.00
EXPENSE:			
Personnel	\$ 8,407.00	\$ 0.00	\$ 8,407.00
Contractual	10,000.00	0.00	10,000.00
Incidental	8,047.00	0.00	8,047.00
Utilities	1,425.00	0.00	1,425.00
TOTAL EXPENSE	\$27,879.00	\$ 0.00	\$27,879.00
ENDING BALANCE	\$ 0.00	\$43,209.00	\$43,209.00

The proposed assessment for Fiscal Year 1998 is \$9.16 per front foot indexed annually to the San Diego CPI-U. This is a reduction of \$0.58 per front foot from the Fiscal Year 1997 assessment of \$9.74 per front foot. The district contains 3,655 feet of front footage along Newport Avenue.

FILE LOCATION: SUBITEM A & B: STRT-M-406

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Two actions related to the San Ysidro Boulevard
Landscape Maintenance District No. 1.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-137) ADOPTED AS RESOLUTION R-289116

Resolution of Intention to levy and collect 1997-1998 Annual Assessments on San Ysidro Boulevard Landscape Maintenance District No. 1.

Subitem-B: (R-98-138) ADOPTED AS RESOLUTION R-289117

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

The district was established in July 1988 to provide maintenance for the landscaped medians, decorative sidewalk and street amenities such as bollards, benches and planter boxes on San Ysidro Boulevard from I-805 to 100 feet west of Via de San Ysidro, a distance of 1,413 feet. The Fiscal Year 1998 proposed maintenance costs for the district are as follows:

	FUND		
DESCRIPTION	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$28,085.00	\$28,085.00
REVENUE:			
Assessments	21,450.00	\$.00	\$21,450.00
Interest	0.00	1,500.00	1,500.00
City Contribution	515.00	0.00	515.00
TOTAL REVENUE	\$23,465.00	\$ 1,500.00	\$23,465.00
TRANSFER	13,353.00	(13,353.00)	0.00
EXPENSE:			
Personnel	\$ 8,407.00	\$ 0.00	\$ 8,407.00
Contractual	17,500.00	0.00	17,500.00
Incidental	9,586.00	0.00	9,586.00
Utilities	1,325.00	0.00	1,325.00
TOTAL EXPENSE	\$36,818.00	\$ 0.00	\$36,818.00
ENDING BALANCE	\$ 0.00	\$16,232.00	\$16,232.00

The proposed assessment for Fiscal Year 1998 is \$15.18 per front foot indexed annually to the San Diego CPI-U. The assessment is the same amount as Fiscal Year 1997 and is based on the frontage

along San Ysidro Boulevard. The total frontage along San Ysidro Boulevard is 1,413 feet.

FILE LOCATION: SUBITEM A & B: STRT-M-364

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Two actions related to General Utility Easement Exchange and Water Easement Abandonment - Parcel 2 of PM-14250.

(Oak Park Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-225) ADOPTED AS RESOLUTION R-289118

Approving the acceptance by the City Manager of the deed of Cox Communications San Diego, Inc. dated February 26, 1997 conveying to the City a general utility easement in a portion of Parcel 2 of Parcel Map PM-14250;

Authorizing the execution of a quitclaim deed, quitclaiming to Cox Communications San Diego, Inc., all the City's right, title and interest in a general utility easement in a portion of Parcel 2 of Parcel Map PM-14250.

Subitem-B: (R-98-243) ADOPTED AS RESOLUTION R-289119

Vacating an unneeded water easement affecting a portion of Parcel 2 of Parcel Map PM-14250, pursuant to Section 8300 et seq. of the Street and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

CITY MANAGER SUPPORTING INFORMATION:

The San Diego County Water Authority requests an access easement over an existing dirt road crossing City-owned open space land in Tierrasanta. The purpose of the easement is to give the authority an improved access route from Portobelo Drive to its Second San Diego Aqueduct. The easement affects about 0.25 acre and is 12 feet wide by 905 feet long. The Authority will leave the road unpaved and is responsible for maintenance of the road and adjacent irrigation system. The easement has been cleared with the National Park Service, City Park and Recreation Department, and the Tierrasanta Community Council. The easement rights were valued at \$3,750 by independent fee appraisal on March 1, 1997, which has been reviewed and approved by City staff.

FILE LOCATION: DEED F-7069 DEEDFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Resolution of Grievance by the Police Officers Association for Back Pay Due to Improperly Noticed Shift Changes.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-247 Cor. Copy) ADOPTED AS RESOLUTION R-289121

Authorizing the City Manager to settle a grievance filed by the Police Officers Association (POA) on behalf of police officers whose work shifts were reduced without the proper notice required pursuant to the POA's Memorandum of Understanding;

Authorizing the Auditor and Comptroller to expend payments to such officers totaling \$33,882.11, as

approved in Closed Session on August 12, 1997;

Authorizing the expenditure of not to exceed \$33,882.11 from Fund 100, Account 1402.

Aud. Cert. 9800251.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-108:

SUBJECT: Settlement of the United States Environmental Protection Agency (USEPA) vs. City (Magnatron Boulevard).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-168) ADOPTED AS RESOLUTION R-289122

Authorizing the transfer of \$49,350 from Fund No. 81140, Department No. 81140, Object Account No. 4824, and Job Order No. 081141, to provide funds authorizing payments not to exceed the following: payment of \$32,250 to the "Treasurer of the United States of America" for settlement of Administrative Complaint CWA-IX-FY94-46; payment of up to \$9,100 to an environmental consulting firm for vernal pool restoration at a site adjacent to Challenger Elementary School, and payment of up to \$8,000 for fencing, as full compliance with United States Environmental Protection Agency Compliance Order CWA-404-09a-94-005;

Authorizing the expenditure of an amount not to exceed \$49,350 from Fund No. 81140, Department No. 81140, Object Account No. 4824, and Job Order No. 081141, for the above settlement.

Aud. Cert. 9800190.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Community Policing Demonstration Center Grant Proposal.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-172) ADOPTED AS RESOLUTION R-289123

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 for a
Community Policing Demonstration Center;

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: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Two actions related to Reprogramming CDBG Funds for San Ysidro Business Improvement District Project.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-244) ADOPTED AS RESOLUTION R-289124

Authorizing the City Manager to reprogram a total of \$20,332.53 for the purpose of investigating the formation of a Business Improvement District (BID) in San Ysidro, from certain Community Development Block Grant (CDBG) funded programs previously approved by the City Council. The specific funds to be reprogrammed to the San Ysidro BID Project for Fiscal Year 1998 (Fund 18533) are from the following projects:

1. Golden Hill CDC - 25th Street Revitalization Project Fund 18519, in the amount of \$12,351.02, which was previously authorized by Resolution No. R-257487, dated November 15, 1982, and Resolution No. R-258036, dated February 28, 1983;
2. Golden Hill CDC - 25th Street Revitalization Project Fund 18520, in the amount of \$7,981.51, which was previously authorized by Resolution No. R-259715, dated December 5, 1983;

Authorizing the City Manager to expend \$20,332.53 for the San Ysidro Business Improvement District Formation Investigation Project, including related administrative costs.)

Subitem-B: (R-98-245) ADOPTED AS RESOLUTION R-289125

Authorizing Amendment No. 1 to the Marco LiMandri - Marco Group Consultant Agreement for the purpose of extending the Consultant Agreement and increasing the total project budget to an amount not to exceed \$37,500;

Authorizing the expenditure of not to exceed \$19,000,

bringing the total compensation to \$37,500 for Amendment No. 1 to the Marco LiMandri - Marco Group Consultant Agreement.

CITY MANAGER SUPPORTING INFORMATION:

The City Council recognizes the usefulness of Business Improvement Districts (BIDs) in the revitalization of older commercial neighborhoods. There are currently 16 active districts in the City of San Diego where the merchants assess themselves to provide for business development and marketing activities as well as streetscaping and other physical improvements in their respective areas. This action will provide for the reprogramming of \$20,332.53 from existing CDBG funded projects to the San Ysidro Business Improvement District project for the purpose of investigating the formation of a Business Improvement District in San Ysidro.

The specific funds to be reprogrammed to the San Ysidro BID Project for Fiscal Year 1998 (Fund 18533) are from the following projects:

1. 25th Street Revitalization Project:

Amount	Fund	Dept.	Org.	Job Order
\$12,351.02	18519	5713	1310	000001

2. 25th Street Revitalization Project:

Amount	Fund	Dept.	Org.	Job Order
\$ 7,981.51	18520	5813	1315	000001

The funds are to be reprogrammed to:

1. San Ysidro BID Project:

Amount	Fund	Dept.	Org.	Job Order
\$20,332.53	18533	4138	3810	000001

Aud. Cert. 9800229.

FILE LOCATION: SUBITEM A & B: STRT-L-18
CCONTFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Point Loma - North Shoreline Protection Improvements.
(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-246) ADOPTED AS RESOLUTION R-289126

Authorizing the expenditure of an amount not to exceed \$52,500 from Fund 41508, CIP-46-185.0, Point Loma - North Shoreline Protection Improvements, to provide funds for the North Shoreline Protection Improvements project, 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 an amount not to exceed \$107,500 from Fund 41508, CIP-46-501.0, Annual Allocation Metro Sewer Pooled Contingency, to provide additional contingency for CIP-46-185.0, Point Loma - North Shoreline Protection Improvements, 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 City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon the advice of administering department.

CITY MANAGER SUPPORTING INFORMATION:

The North Shoreline Protection Improvements project includes construction of a tied back wall and riprap along approximately 100 feet of coastal bluff at the northern boundary of the Point Loma Wastewater Treatment Plant (PLWTP) and improvements to the

existing parking and construction staging areas on the northern boundary of the PLWTP. The existing dirt parking and construction staging areas are currently being graded to improve construction staging access and to provide approximately 50 paved parking spaces for plant personnel. Landscaping and drainage improvements for the new parking lot will also be provided. Authorization is requested to increase contingencies by \$107,500 for North Shoreline Protection Improvements for funding several construction change orders due to unforeseen conditions and additional scope of work. The actual elevations for Point Loma formational material within the sea cove are lower than estimated in the Geotechnical Report. This will result in additional work for talus (loose material) removal and riprap placement to construct the riprap revetment as designed. It will be constructed by Nielsen-Dillingham. Authorization is also requested to increase additional related costs by \$52,500 of which \$21,300 is for Owner Controlled Insurance and \$31,200 is for administrative and in-house engineering costs.

Aud. Cert. 9800224.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-112:

SUBJECT: Additional Funds for Emergency Holding Ponds at Sewer
Pump Station No. 77.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-202) ADOPTED AS RESOLUTION R-289127

Authorizing the expenditure of not to exceed \$185,000
from Sewer Revenue Fund 41506, CIP-46-106.0, Annual

Allocation for Sewer Pump Station Restorations, for additional contingency and related costs for the Emergency Holding Ponds at Sewer Pump Station No. 77, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

CITY MANAGER SUPPORTING INFORMATION:

In July of 1996, the Council approved Resolution R-287601 for the construction of improvements to the emergency sewer holding ponds at Sewer Pump Station No. 77 in Rancho Bernardo. This project will upgrade the operational reliability of the ponds, ease maintenance, and improve the security of the site while lessening the visual impact of the facility on the surrounding community. In order to provide adequate protection against sewer spills during the work, it was required to conduct accelerated work and substantially complete the holding pond portions of the project prior to the 1996/97 winter rainy season when the emergency storage was required.

To meet these requirements, the contractor adopted an accelerated work schedule which included work after normal hours and on weekends. In order to provide the necessary inspection services, City staff was required to work during these times which resulted in additional field inspection and surveying charges to the project. In addition, the Metropolitan Wastewater Department staff has requested additional work by the contractor to comply with new regulatory requirements and changes in their operational procedures since the beginning of the project. This action will cover both of these activities, and the cost is partially offset by a reduction in the cost of work being performed by City forces.

Aud. Cert. 9800164.

WWF-97-295.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-113:

SUBJECT: Construction of Barrier Rail on the Grand Avenue Bridge
Over Rose Creek.

(Pacific Beach Community Area. Districts-2 & 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-239) ADOPTED AS RESOLUTION R-289128

Accepting Program Supplement No. 11-5004(109) to Local
Agency - State Agreement for Federal Aid Project No.
11-5004(028), for an amount of \$159,796 for
construction of barrier rail on the Grand Avenue Bridge
over Rose Creek;

Authorizing the Auditor and Comptroller to transfer not
to exceed \$159,796 from Program Supplement No.
11-5004(109) to CIP-52-519.0, Annual Allocation
- Bridge Rails, TransNet Fund 30300, to CIP-52-519.5
for Construction of barrier rail on the Grand Avenue
Bridge over Rose Creek;

Authorizing the expenditure of not to exceed \$186,871
from CIP-52-519.0, Annual Allocation - Bridge Rails,
for the construction of barrier rail on Grand Avenue
bridge over Rose Creek, of which \$159,796 is from
Program Supplement No. 11-5004(109) and \$27,075 is from
TransNet Fund 30300;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer funds to
the appropriate reserves, provided that the City
Auditor first furnishes a certificate demonstrating
that funds necessary for expenditure are, or will be,
on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The existing steel railing on Grand Avenue Bridge over Rose Creek is substandard. This project provides for the construction of a standard concrete barrier rail on the bridge and installation of guardrail where required.

Aud. Cert. 9800222.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-114:

SUBJECT: Transfer of Funds for Fire Station Major Component Replacement at Fire Stations 10 and 30.

(Otay Mesa Nestor & Rolando Community Areas. Districts-2 & 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-228) ADOPTED AS RESOLUTION R-289129

Authorizing the Auditor and Comptroller to transfer and appropriate \$50,000 from CIP-33-079.0, Ventilation Improvements For Apparatus, to CIP-33-098.0, Fire Station Major Component Replacement, to make improvements at Fire Stations 10 and 30 located in the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

This fund transfer will provide a new roof membrane at Fire Station 10 located at 4605 62nd Street and installation of an energy efficient central heating and air conditioning system at Fire Station 30 located at 2065 Coronado Avenue. These two

projects, along with others, were initiated by the Facility Maintenance Office of Fire and Life Safety Services in Fiscal Year 1997, and were to utilize savings (\$183,578) from the completed Restroom Remodel Project. However, before this fund could be secured for this purpose, the fund was identified to replace the shortage of funds (\$58,578) from the State grant money that was used in the construction of Fire Station 11, and the remaining \$125,000 was appropriated by Financial Management and reallocated to the Police Department. These actions effectively terminated the department's efforts to address some of the major infrastructure needs in FY 97.

The roof at Fire Station 10 is in such condition that it has deteriorated to the point that patching the roof is no longer a viable option for stopping water intrusion into the facility and needs to be addressed before the coming winter. Fire Station 30, like many of the fire stations, has no central heating or air conditioning and the efficiency of this system will be greatly enhanced by retrofitting existing glazing with energy saving windows during the course of the project. Recent analysis of the fund supporting the ongoing installation of vehicle exhaust systems in fire stations indicates that current fund level is adequate to complete installations at all remaining stations less Fire Station 1, located downtown at 1222 1st Avenue. The existing fund, CIP-33-079.0, Ventilation Improvements For Apparatus, is not going to address the cost of a system installation at this facility with remaining money once the other facilities are completed. This shortage is due to a number of considerations including asbestos abatement issues and the complexity of the installation of a system on this apparatus floor. Due to the lack of appropriate funding to address the Station 1 system at this time, it is advantageous to utilize these funds to correct the existing conditions at the above referenced stations.

Aud. Cert. 9800194.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-115:

SUBJECT: Honoring the U.S.S. O'Brien.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-197) ADOPTED AS RESOLUTION R-289130

Recognizing those who valiantly served our country on the U.S.S. O'Brien.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-116:

SUBJECT: Excusing Councilmember Kehoe from the Land Use and Housing Committee Meeting of 8/13/97.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-201) ADOPTED AS RESOLUTION R-289131

Excusing Councilmember Christine Kehoe from attending the regularly scheduled Land Use and Housing Committee meeting of August 13, 1997, due to her attendance at the California Coastal Committee meeting.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-117:

SUBJECT: Excusing Councilmember Stallings from the Public Safety
and Neighborhood Services Committee Meeting of 7/30/97.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-177) ADOPTED AS RESOLUTION R-289132

Excusing Councilmember Valerie Stallings from attending
the regularly scheduled Public Safety and Neighborhood
Services Committee meeting of July 30, 1997, due to a
personal family matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-118:

SUBJECT: Excusing Councilmember McCarty from the City Council
Meetings of 8/4/97 and 8/5/97 and the Natural Resources
and Culture Committee Meeting of 8/6/97.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-174) ADOPTED AS RESOLUTION R-289133

Excusing Councilmember Judy McCarty from attending the
regularly scheduled Council meetings of August 4 and 5,
1997, and the Natural Resources and Culture Committee

meeting of August 6, 1997, due to family
reunion/vacation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-119:

SUBJECT: Lifeguard Exchange Program.

(See City Manager Report CMR-97-159.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-240) ADOPTED AS RESOLUTION R-289134

Authorizing the Acting City Manager to enter into the
necessary agreements for establishing a Lifeguard
Exchange Program with Surf Life Saving Queensland and
permitting a San Diego Lifeguard Service Lifeguard to
participate in a four-month Lifeguard Exchange in
Queensland, Australia;

Declaring that the lifeguard chosen to participate in
the Lifeguard Exchange Program on behalf of the City
shall receive his/her normal City of San Diego wages
and fringe benefits during the time of the exchange.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-120: RETURNED TO THE CITY MANAGER

SUBJECT: City of San Diego Emergency Operations Plan.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-223)

Approving the revised Emergency Operations Plan for the City of San Diego, Fire and Life Safety Services business center.

CITY MANAGER SUPPORTING INFORMATION:

Section 51.0107 of the San Diego Municipal Code provides for the development and maintenance of the City of San Diego Emergency Operations Plan. This Plan is a tool used to assist in the effective mobilization of city resources to meet conditions constituting local, state and federal emergencies. The Plan covers the organization, powers, duties, services and staffing patterns of the emergency services organization. The Emergency Operations Plan has been developed as the basis for conducting emergency operations within the City of San Diego. It incorporates the Standardized Emergency Management System (SEMS) concepts as mandated by Senate Bill 1841 (Petris). This Plan supercedes the Major Incident Response Plan dated August 1990.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS TO RETURN THIS ITEM TO THE CITY MANAGER AT HER REQUEST DUE TO NOT HAVING THE REPORT AND THE BACK-UP MATERIAL AS REQUIRED. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

* ITEM-121:

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-98-84) ADOPTED AS RESOLUTION R-289135

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: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-122:

SUBJECT: Parking Time Limit on Wall Street.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-205) ADOPTED AS RESOLUTION R-289136

Establishing a parking time limit of one hour between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the north side of Wall Street between Girard Avenue and Herschel Avenue;

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

CITY MANAGER SUPPORTING INFORMATION:

Business owners representing 80 percent of the addresses along the north side of Wall Street between Girard Avenue and Herschel Avenue signed a petition requesting the two hour time limit parking zone be changed to a one hour time limit parking zone. This action will promote more parking turnover which will benefit their businesses. There is a mix of one hour and two hour time limit parking zones in this area. The La Jolla Traffic and Transportation Board supports this request.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-123:

SUBJECT: Establishing a Two-Hour Parking Time Limit on Draper Avenue.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-206) ADOPTED AS RESOLUTION R-289137

Establishing a parking time limit of two hours between the hours of 8:00 a.m. and 4:00 p.m., Saturdays and Sundays and certain holidays excepted, on the west side of Draper Avenue between Fern Glen and Bonair Street;

Waiving the provisions of Council Policy 200-04 that requires 75% curb occupancy in order to establish time limit parking;

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

effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

Property owners representing 88% of the abutting properties have signed a petition requesting the establishment of two-hour time limit parking on the west side of Draper Avenue between Fern Glen and Bonair Street. This residential area is heavily impacted by parking generated by La Jolla High School. The parking is currently unrestricted. Parking studies revealed an average occupancy of 65.3%, an average duration of 3.76 hours, and an average turnover of 1.9 vehicles per parking space. Accordingly, time limit parking is recommended to reduce the impact of long term parking. The La Jolla Traffic and Transportation Board supports this action.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-124:

SUBJECT: Removal of Two-Hour Time Limit Parking at 2456 Broadway.

(Greater Golden Hill Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-179) ADOPTED AS RESOLUTION R-289138

Approving the removal of the two-hour parking time limit at 2456 Broadway, pursuant to Council Policy 200-4, entitled "Installation or Removal of Time Limit Parking Zones and Parking Meter Zones";

Authorizing the removal of the necessary signs and markings.

CITY MANAGER SUPPORTING INFORMATION:

The property manager at 2456 Broadway petitioned for the removal of the two-hour time limit parking zone in front of the property. This is the only time limit parking on this block.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-125:

SUBJECT: First Amendment to Consultant Agreement for the House of Hospitality Reconstruction.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-231) ADOPTED AS RESOLUTION R-289139

Authorizing a first amendment to agreement with Milford Wayne Donaldson, Architect, for an additional \$60,000 for the House of Hospitality Reconstruction;

Authorizing the expenditure of not to exceed \$60,000 from Transient Occupancy Tax funds allocated in CIP-21-835.4, House of Hospitality Reconstruction.

CITY MANAGER SUPPORTING INFORMATION:

The adopted Balboa Park Master Plan identifies a project to demolish and reconstruct the House of Hospitality. The project includes design of a new building consisting of a basement and two stories above grade that will be constructed essentially within the footprint of the original structure. The new building exterior was designed and is being constructed to faithfully

replicate the size, shape and architecture of the existing building.

Milford Wayne Donaldson, Architect, has been previously retained for the preparation of plans and specifications, periodic monitoring during construction and preparation of record drawings upon completion of the project. This action was approved on January 25, 1993 by the City Council and is on file in the City Clerk's office as Document RR-281385. This amendment will provide for additional monitoring until construction of the building is completed. The additional monitoring necessary due to an extension is the estimated completion date of the contract.

Aud. Cert. 9800211.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

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

* ITEM-126:

SUBJECT: Sublease - Metropolitan Wastewater Department,
Environmental Monitoring and Technical and Services
Division.

(Harbor/Driscoll Marina Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-181) ADOPTED AS RESOLUTION R-289140

Authorizing the City Manager to execute a sublease with the sublessor, Driscoll Marina, Ltd., for a term of five years from September 1, 1997 to August 31, 2002, consisting of 12,642 square feet located at 4518 North Harbor Drive, at a monthly rent of \$1.43 per square foot, with fixed annual increases of 3 percent;

Authorizing the expenditure of not to exceed
\$217,916.64 from Fund No. 41508.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWWD), Water Testing Lab, located at 4518 North Harbor Drive, would like to renew and expand their Sublease with the Sublandlord, Gerald Driscoll, to August 31, 2002. The Sublandlord proposes to renew the Sublease for five years starting at a rental rate of \$1.43 per square foot with fixed 3 percent increases annually. An appraisal/market value study was conducted for this Sublease. This rent is considered below market for comparable space. Renewal is effective as of September 1, 1997.

The current space is approximately 10,983 square feet at a rental rate of \$1.43 per square foot per month, plus Suite 107, a storage space, at \$.65 per square foot. In addition, MWWD leases two boat slips for a total of \$612.00 per month. MWWD needs to occupy an additional 950 square feet which will increase the total square feet to 12,642. This is a gross lease. The Sublandlord is responsible for all utilities and repairs to the premises.

Aud. Cert. 9800263.

FILE LOCATION: LEAS-Driscoll Marina, Ltd. LEASFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-127:

SUBJECT: Lease Approval - House of Hospitality Association, Inc.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-195) ADOPTED AS RESOLUTION R-289141

Authorizing the City Manager to execute a 21-year Nonprofit Lease with House of Hospitality Association, Inc., for the House of Hospitality building in Balboa Park at an initial monthly rental of \$1,000 which will be adjusted in two years.

CITY MANAGER SUPPORTING INFORMATION:

Through various agreements, the nonprofit House of Hospitality Association has operated the House of Hospitality building in Balboa Park since the 1920s. The premises are used for a restaurant, offices, tourist information, receptions, meetings, and a social and cultural center for San Diego citizens and visitors. The current agreement with the Association has been on a year-to-year basis at \$200 monthly rent since 1990 pending reconstruction of the building. The reconstructed building is expected to open to the public in September. The building will feature a new restaurant, offices for approved nonprofit subtenants, and a police storefront. The proposed lease has a term of 21 years to match the term of the Council approved restaurant sublease. The rent will be \$1,000 per month the first two years while the new building is starting up. The rent will be adjusted after two years and periodically thereafter based upon the performance of the restaurant and the costs of operating the building.

The goal is for the City to begin receiving a greater share of building revenues than in the past. The Association will do interior maintenance of the building, the City exterior maintenance. The new lease has been reviewed and approved by the Park and Recreation Department.

FILE LOCATION: LEAS-House of Hospitality Association,
Inc. LEASFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-128:

SUBJECT: Hazardous Materials Emergency Response Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-147) ADOPTED AS RESOLUTION R-289142

Authorizing the execution of an amendment to the agreement with the Unified San Diego County Emergency Services Organization, to continue the San Diego Fire & Life Safety Services' participation in the Hazardous Material Incident Response Team Program, from July 1, 1997 through June 30, 1999.

CITY MANAGER SUPPORTING INFORMATION:

The Hazardous Material Incident Response Team (HIRT) was established by the Unified San Diego County Emergency Services Organization. San Diego Fire and Life Safety Services participates in this program by providing member agencies with the services of its Hazardous Materials Team during incidents involving hazardous materials. An agreement between the City and the Unified San Diego County Emergency Services Organization was signed June, 1993, and amended in July, 1995, extending the contract to June, 1997 (RR-286070). The proposed amendment extends the existing contract to June 30, 1999 and adjusts the payment to the City to \$430,059 annually.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-129:

SUBJECT: Second Amendment to the Agreement for the Miramar Landfill Household Hazardous Waste Transfer Facility.

(NAS Miramar Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-227) ADOPTED AS RESOLUTION R-289143

Authorizing a second amendment to the agreement with Martinez, Cutri & McArdle for architectural services required for the Miramar Landfill Household Hazardous Waste Transfer Facility;

Authorizing the expenditure of not to exceed \$35,000 from CIP-32-0010, Household Hazardous Waste Transfer Facility, Environmental Services Enterprise Fund 4120.

CITY MANAGER SUPPORTING INFORMATION:

The second amendment to the agreement with Martinez, Cutri & McArdle (MCM) will provide the professional services necessary to complete the design for the Household Hazardous Waste Transfer Facility (HHWTF) at the Miramar Landfill. These services include: the preparation of a final site plan, landscape plan, grading plan, working drawings, specifications, cost estimates and construction supervision. MCM is under contract to design the HHWTF under the second phase of their scope of services relating to the Miramar Landfill General Development Plan. The consultant was selected in accordance with Council Policy 300-7, and the City entered into an agreement with MCM on August 5, 1991 (Document No. C-03787). The consultant completed the first phase of work on the project, which included siting of the HHWTF at Miramar Landfill, however, the amount of work required to complete the General Development Plan was greater than anticipated.

On August 7, 1996, in order to proceed with the second phase of the project, the City approved the First Amendment to the Agreement (Document No. C-07263) which provided funds for the preliminary design of the facility. The additional funds to be authorized in the second amendment will complete the design of the HHWTF and will provide for technical design services necessary to construct the facility at the Miramar Landfill.

Aud. Cert. 9800208.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-130:

SUBJECT: Amendment No. 4 to the Agreement with McCutchen, Doyle,
Brown & Enersen and Payment of Attorney Fees for the
City's Multiple Species Conservation Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-53) ADOPTED AS RESOLUTION R-289144

Authorizing Amendment No. 4 to the agreement of
November 15, 1995 with McCutchen, Doyle, Brown &
Enersen for continuing legal services in connection
with: U.S.A. v. City of San Diego, District Court No.
88-1101-B; City of San Diego v. City of Coronado, et
al., Superior Court No. 690791; Surfrider Foundation v.
City of San Diego, Fourth Court of Appeal No. D026312;
and Save Our Bay, et al., v. IBWC, et al., District
Court No. 97-CV-0295-E;

Authorizing the expenditure of not to exceed \$375,000
from Clean Water Program Fund No. 41509, Dept. 777,
Org. 445, Object Account 4222;

Authorizing the City Manager to pay McCutchen, Doyle,
Brown & Enersen Invoice No. 279294 in the amount of
\$24,691.99 for legal services rendered relating to
establishing the City's Multiple Species Conservation
Program;

Authorizing the City Auditor to issue one check in the
amount of \$24,691.99 to McCutchen, Doyle, Brown &
Enersen, LLP.

CITY MANAGER SUPPORTING INFORMATION:

On February 24, 1992, the City Council authorized the retention of the law firm of McCutchen, Doyle, Brown & Enersen to: 1) act as co-counsel in the second phase of the Metropolitan Wastewater Monitoring as provided in the Consent Decree entered in U.S.A. v. City of San Diego, U.S. District Court No. 88-1101-B, and 2) continue the effort in Federal Court to facilitate matters relating to the establishment of the Multiple Species Conservation Program.

Amendment No. 1 for \$100,000 for legal support during the appeal of the Consumers' Alternative to the Ninth Circuit Council Court of Appeals was approved by Council on January 3, 1994, Resolution No. R-283202. Amendment No. 2 for \$800,000 was for continued legal support and was approved by Council on April 25, 1994, Resolution No. R-283754. Amendment No. 3 for \$800,000 continued advocacy of City interest in the following matters, among others: 1) Interim Order; 2) State Spills Litigation; 3) Fiesta Island Enforcement Action; 4) MSCP; and 5) Participating Agencies Arbitration and was approved by Council on December 4, 1995, Resolution No. R-286697. This 4th Amendment provides for continued support in the following matters: 1) EPA Litigation; Sierra Club announced intention to petition for award of attorney's fees; 2) continuing Participating Agency negotiations; and 3) litigation with the Surfrider Foundation and Save Our Bay. This action also authorizes the City Manager to execute payment of Invoice No. 279294 in the amount of \$24,691.99 for services rendered relating to the Multiple Species Conservation Program.

Aud. Certs. 9800056/9800227.

FILE LOCATION: LAND-MSCP Multiple Species
Conservation Program CONFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-131:

SUBJECT: Amendment No. 1 to Agreement with KCM, Inc. for
As-Needed Value Engineering Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-242) ADOPTED AS RESOLUTION R-289145

Authorizing an amendment to the agreement of April 15, 1996 with KCM, Inc. for as-needed value engineering services to the Water Department;

Authorizing the expenditure of not to exceed \$600,000 from Water Fund No. 41500;

Authorizing the City Auditor and Comptroller to reallocate appropriations and costs to those CIP projects where costs are incurred, upon advice from the administering department.

CITY MANAGER SUPPORTING INFORMATION:

In April 1996, the City awarded a contract to KCM, Inc. for As-Needed Value Engineering (VE) Services for a period of three years for the Metropolitan Wastewater Department (MWWD). The City has identified a need for As-Needed Value Engineering Services for the Water Department (WD). Amendment No. 1 to KCM's As-Needed Value Engineering Services contract will provide VE services for the Water Department. These services are critical to the successful implementation of the Water Department's Strategic Plan for Water Supply. Work to be performed under this contract will be by task orders issued for conducting VE workshops and associated reports for MWWD and WD.

MBE/WBE UTILIZATION

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, including minorities and women, KCM has retained subconsultants as members of their engineering consultant team. Due to the nature of As-Needed projects, the percentage utilization of MBE/WBE subconsultants is dependent upon the tasks authorized by the City and the type of work required by those tasks.

Aud. Cert. 9800225.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-132:

SUBJECT: Four Renewal Leases with FAA for City-Owned Property.

(Kearny Mesa and Lake Murray Community Areas.
Districts-6 & 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-104) ADOPTED AS RESOLUTION R-289146

Authorizing the City Manager or designee to execute
four non-revenue renewal leases with FAA for the
following City-owned property:

- 1) FAA Localizer Runway 28R (.097 acres at Montgomery
Field Airport);
- 2) FAA MALSR Runway 28R (14.73 acres at Montgomery
Field Airport);
- 3) FAA REIL Runway 28L (.0184 acres at Montgomery Field
Airport);
- 4) FAA Compass Locator at Outer Market for Runway 28R,
City's Alvarado Treatment Plant.

CITY MANAGER SUPPORTING INFORMATION:

The City currently has four, non-revenue leases with FAA that are
either on holdover or will be expiring shortly. These leases are
essential for FAA to operate and maintain its navigational
equipment that is part of the runway lighting and Instrument and
Landing System for Montgomery Field Airport. Both parties wish
to execute renewal leases with basic terms shown below:

- 1) FAA Localizer Runway 28R - .097 acres at Montgomery Field Airport.
Term: Commencing retroactive on July 1, 1997 with annual renewal options, not extending beyond September 30, 2012.
Use: Ingress and egress for FAA to operate and maintain its navigation equipment.
- 2) FAA MALSR Runway 28R - 14.73 acres at Montgomery Field Airport
Term: Commencing retroactive on July 1, 1997 with annual renewal options, not extending beyond September 30, 2012.
Use: Ingress and egress for FAA to operate and maintain runway end lighting systems for approaching aircraft to Montgomery Field.
- 3) FAA REIL Runway 28L - .0184 acres at Montgomery Field Airport
Term: Commencing October 1, 1998 with annual renewal options, not extending beyond September 30, 2015.
Use: Ingress and egress for FAA to maintain its navigational aids for aircraft.
- 4) FAA Compass Locator at Outer Marker for Runway 28R, City's Alvarado Treatment Plant
Term: Commencing retroactive on July 1, 1997, with annual renewal options, not extending beyond September 30, 2012.
Use: Ingress and egress for FAA to operate and maintain its navigational aids for approaching aircraft.

FILE LOCATION: LEAS-FAA LEASFY98-4

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-133:

SUBJECT: Proposed Lease Renewal - F.A.A. Centerfield Weather
Equipment at Brown Field.

(District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-183) ADOPTED AS RESOLUTION R-289147

Authorizing a one-year lease with annual renewals through September, 2016, with the Federal Aviation Administration (F.A.A.) for the centerfield weather equipment at Brown Field Airport.

CITY MANAGER SUPPORTING INFORMATION:

The F.A.A. operates the centerfield weather equipment at Brown Field Airport as part of its service to the aviation community. The present agreement expired recently and was put on holdover pending the proposed renewal. The proposed new lease is for a one-year term with provisions for the F.A.A. to renew it annually through September 30, 2016, and also contains a cancellation clause whereby they may terminate the agreement on 30 days' notice to the City. No renewal shall extend beyond September 30, 2016.

FILE LOCATION: LEAS-Federal Aviation Administration
(F.A.A.) LEASFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-134:

SUBJECT: Lease - San Diego Transit Corporation (Mount Woodson).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-103) ADOPTED AS RESOLUTION R-289148

Authorizing a five-year lease with the San Diego Transit Corporation for communication purposes at a yearly rental of \$26,700.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Transit Corporation (SDTC) has maintained its equipment at the City's Mount Woodson communication complex since 1988. In 1992, the City of San Diego executed a five-year lease agreement with the SDTC for its use of five racks of equipment space within the City's communication vault and antenna site on Mount Woodson. SDTC currently pays rent of \$13,459 per year under the existing lease, which was placed on holdover in December 1996. SDTC requires continued radio communications capabilities to maintain its operations and has requested renewal of the agreement. The basic terms and conditions of the proposed lease are as follows:

USE - To construct, maintain, repair, alter and operate radio transmitting and receiving equipment.

TERM - Five years.

RENT - The new annual rent is \$26,700. Rent is based upon an appraisal and is subject to annual CPI adjustments.

FILE LOCATION: LEAS-San Diego Transit Corporation
LEASFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-135:

SUBJECT: Lease Agreement with San Diego Tune-Up Company.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-204) ADOPTED AS RESOLUTION R-289149

Authorizing the City Manager to execute a seven-year

lease agreement with San Diego Tune-Up Company, commencing on the first day of the calendar month following execution by the City Manager, for the operation of an automotive repair facility at the southeast corner of 10th Avenue and B Street in downtown San Diego, at a yearly rent of \$20,280 or 10 percent of gross revenue per year.

CITY MANAGER SUPPORTING INFORMATION:

The City owns a 5,000 square-foot parcel of land at the southeast corner of 10th Avenue and B Street in downtown San Diego. Tuneco Partners #1 originally leased the property in 1977 and constructed the existing auto repair and tune-up facility. In 1990, Tuneco Partners #1 was granted a new lease for a term of five years. The agreement is now on holdover. In 1995, the City Council authorized exclusive negotiations with the Tuneco Partners #1, which has since changed names to San Diego Tune-Up Company. The terms of the proposed lease are as follows:

Location: 10th Avenue and B Street
Term: Seven years commencing on the first day of the calendar month following execution by the City Manager
Use: Operation of an automotive repair facility specializing in minor automotive tune-ups, lubrication, repair, sale of minor automotive parts, accessories and related goods
Rent: Ten percent of gross income against a guaranteed annual minimum rent of \$20,280. (A market value appraisal was performed to determine the new minimum rent which is an increase of \$2,280 over the old agreement minimum rent of \$18,000).

FILE LOCATION: LEAS-San Diego Tune-Up Company
LEASFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-136:

SUBJECT: Sutherland Reservoir Boating Facilities Phase II - Funding.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-199) ADOPTED AS RESOLUTION R-289150

Authorizing the Auditor and Comptroller to transfer not to exceed \$12,627 within Water Service Revenue Fund 41500 from CIP-73-330.0, Mission Valley Aquaculture Facility Demolition to CIP-73-325.0, Sutherland Reservoir Boating Facilities - Phase II;

Authorizing the expenditure of not to exceed \$12,627 from Water Service Revenue Fund 41500, CIP-73-325.0, Sutherland Reservoir Boating Facilities - Phase II;

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

CITY MANAGER SUPPORTING INFORMATION:

On May 6, 1996, the City Council authorized Resolution R-287253 for the re-advertisement and construction funding for this project which will provide a new four-stall restroom, widened roadways, additional parking, sidewalks, upgraded utilities, landscaping, irrigation, and other facilities required for the anticipated increase in the usage of the lake's recreational facilities. During the construction, the Water Department requested the replacement of deteriorated and substandard storm drains in the areas adjacent to the project site to prevent erosion near the new facilities.

Additional engineering work was also required to design and inspect these storm drains. Also, additional San Diego Data Processing Corporation costs were incurred for additional telephone system work requested by the Water Department.

Aud. Cert. 9800167.

WWF-97-297.

FILE LOCATION: CONT-Orion Construction Corporation
CONFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

* ITEM-137:

SUBJECT: Appointments and Reappointments to the Wetlands
Advisory Board.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-273) ADOPTED AS RESOLUTION R-289151

Consideration of the following appointments and
reappointments by the Mayor to the Wetlands Advisory
Board, for terms and categories as indicated:

NOMINEES	CATEGORY	TERM ENDING
Barbara E. Kus (Reappointment)	Wetlands Scientist	July 1, 1998
Lisa A. Levin (Filling a previously vacant position)	Wetlands Scientist	July 1, 1998
Paul K. Dayton (Replacing Dr. Joy B. Zedler)	Wetlands Scientist	July 1, 1999
Barbara Coffin-Moore (Replacing Jim Bell)	Environmental Education	July 1, 1999
James Michael Sulentich (Filling a previously	Fundraiser	July 1, 1999

vacant position)

Gail MacLeod (Replacing Craig Beam)	Land Use Expert	July 1, 1999
Michael A. Boudrias (Filling a previously vacant position)	Vernal Pools	July 1, 1998
Jeffrey A. Crooks (Replacing Lois Fong-Sakai)	Coastal Salt Marsh	July 1, 1999
Michael D. Kelly (Replacing Isabelle Kay)	Freshwater Habitat	July 1, 1998
Mia J. Tegner (Reappointment)	Marine Resources	July 1, 1998
Paul Slayton (Reappointment)	Community Organization	July 1, 1998
James A. Peugh (Reappointment)	Community Organization	July 1, 1998
Philip R. Pryde (Replacing Akinniyi Savage)	Community Organization	July 1, 1999
Jim Whalen (Replacing Allen Jones)	Landowner	July 1, 1998

Waiving Council Policy 000-13 regarding residency requirements for Barbara K. Kus.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A588-646.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

ITEM-138:

SUBJECT: Quarterly Council Meeting in the Community.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-259) ADOPTED AS RESOLUTION R-289152

Declaring that the quarterly night City Council meeting shall be scheduled for Monday, September 8, 1997 and shall be conducted at Doyle Recreation Center, 8175 Regents Road, San Diego, California, at 6:00 p.m; Directing the City Clerk to post and publish, as necessary, the notice of the meeting with the date, time and location, and make necessary preparations and arrangements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

ITEM-200: RETURNED TO THE CITY MANAGER

SUBJECT: Fiscal Year 1998 Proposed San Diego Convention Center Corporation Budget.

(See City Manager Report CMR-97-158. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-35)

Approving the Fiscal Year 1998 Proposed San Diego Convention Center Corporation Budget, which totals \$19,082,201 and includes San Diego Concourse (CPAC)

operations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER REVIEW. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-201:

SUBJECT: San Diego Princess Resort - Marina Improvements and Environmental Document.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-229) ADOPTED AS RESOLUTION R-289153

Approving the marina improvements as required in the lease agreement with VVH, Ltd. for the San Diego Princess Resort;

Certifying that Mitigated Negative Declaration LDR-94-9511 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency, and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of San Diego Princess Resort - Marina Improvements and Environmental Document;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, and approving the Mitigated Negative Declaration;

Adopting the Mitigation, Monitoring and Reporting Program, or alterations to implement changes to the project in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6.

CITY MANAGER SUPPORTING INFORMATION:

In 1994, the City Council authorized a 50-year lease with VVH Resorts, Ltd. One of the requirements of the lease is that, subject to obtaining all approvals, the Princess Resort improve the property with a new marina and dockmaster's facility. The lease provided that in connection with such improvements the lessee prepare any required environmental documents and that the City Council has the absolute authority, after reviewing such environmental documents, to approve or disapprove such improvements based upon such environmental documents. The project consists of a 53-slip marina to be constructed within the existing leasehold boundary at the location of the existing boat rental dock. In addition, a dockmaster's facility is proposed on a grassy area adjacent to the new marina. The Mission Bay Park Committee unanimously endorsed the project on May 6, 1997. Well in advance of the project, the lessee completed off-site mitigation of impacted eelgrass beds, with an area larger than that required for the project. The mitigation appears very successful so far. Required monitoring of the mitigation is underway. Mitigated Negative Declaration LDR-94-0511 has been issued and is now presented for consideration and certification by the City Council.

FILE LOCATION: LEAS-VVH, Ltd San Diego Princess Resort
LEASFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

ITEM-202:

SUBJECT: Two actions related to the Point Loma Wastewater
Treatment Plant - North Operations Building and

Certifying Addendum to Environmental Impact Report
LDR-96-7156.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-28) ADOPTED AS RESOLUTION R-289154

Inviting bids for the Point Loma Wastewater Treatment Plant - North Operations Building on Work Order No. 192831;

Authorizing the City Manager to establish contract funding phases with the lowest responsible bidder, based on the actual low bid submitted, and authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that the funds for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the use of City Forces to do additional minor construction services related to the project, for a cost not to exceed \$25,000;

Authorizing the expenditure of an amount not to exceed \$6,625,000 from Fund No. 41508, to provide funds necessary for the project, as follows:

1. An amount not to exceed \$6,180,000, consisting of \$5,902,870 from CIP-46-180.0, Point Loma - North Operations, to provide funds for project construction and related costs; and an amount not to exceed \$277,300 from CIP-46-501.0, to provide funds for project contingency, provided that the City Auditor and Comptroller, first furnishes a certificate demonstrating that the funds are, or will be on deposit in the City Treasury.
2. An amount not to exceed \$420,000, consisting of \$400,000 from CIP-46-175.0, Point Loma - Headworks, Odor Control & Grit Processing Facility, to provide funds for modification of Odor Removal System No. 6 and related costs; and an amount not to exceed \$20,000 from CIP-46-501.0,

to provide funds for project contingency, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury.

3. An amount not to exceed \$25,000 from CIP-46-180.0, Point Loma - North Operations Building, to provide funds for the use of City Forces, for additional minor construction services.

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice of the administering department. (BID-K98101)

Subitem-B: (R-98-29) ADOPTED AS RESOLUTION R-289155

Certifying that the information contained in Addendum to Environmental Impact Report LDR-96-7156, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the addendum, together with any comments received during the public review process, has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION:

The Point Loma Wastewater Treatment Plant is currently being built out to its full advanced primary design capacity as allowed under the waiver from secondary treatment.

CIP-46-180.0 is for the construction of a three story building of approximately 22,305 square feet for the purpose of centralizing plant operations. The building will include men's and women's locker rooms, a small kitchen, lunch room and training room on the first level. The second level will include an automatic control and communications system work station, offices, a conference room and administrative facilities. Laboratory facilities, which are currently located at scattered locations around the plant, will be relocated to the building's third floor. Odor removal system number 6 (ORS No. 6) is currently on the site of the new North Operations Building. As part of the project, ORS No. 6 will be demolished and reconstructed into a

temporary odor removal complex.

FILE LOCATION: SUBITEM A & B: W.O. 192831
CONT - Nielsen Dillingham Builders,
Inc. CONFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

ITEM-203:

SUBJECT: Two actions related to Sewer Force Main No. 2 Scour
Protection Project and Certifying Mitigated Negative
Declaration LDR-96-7492.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-237) ADOPTED AS RESOLUTION R-289156

Inviting bids for Sewer Force Main No. 2 Scour
Protection project on Work Order No. 192731;

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

Authorizing the expenditure of an amount not to exceed
\$2,175,000 from Fund No. 41508, as follows: \$2,100,000
from CIP-46-181.0, Force Main No. 1 and No. 2 Sluice
Gates; and \$75,000 from CIP-46-501.0, Annual Allocation
- Metro Sewer Pooled Contingency, to provide funds for
the project's contingency, provided that the City
Auditor and Comptroller first furnishes a certificate
demonstrating that the funds necessary for the
expenditure are, or will be on deposit in the City

Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves, upon advice from the administering department. (BID-K97114)

Subitem-B: (R-98-238) ADOPTED AS RESOLUTION R-289157

Certifying that the information contained in Mitigated Negative Declaration LDR-96-7492, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council;

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Force Main No. 2 is an existing 14,000 foot long, 84-inch diameter pipeline that conveys approximately 90 million gallons of raw wastewater per day from Pump Station No. 2 on Harbor Drive to the Point Loma Wastewater Treatment Plant. This pipeline, which was built in 1963, crosses under San Diego Bay from Spanish Landing Park to Kellogg Street. Designed to be buried under at least five feet of soil, a 1994 survey determined bay mud above the pipe has eroded to less than that along 5,000 feet of the pipeline. In two places, sections of the pipeline are exposed. Without the required five feet of cover, the pipeline may become buoyant and dislodge from the bottom, possibly resulting in a sewage spill in the bay. The exposed sections of the pipe are presently exposed to damage from sunken debris and ships anchors.

This project will provide for the placement of approximately 6,000 cubic yards of rock armorment ballast on top of the pipeline. This heavy covering will not be carried away by the swift bay currents and will protect the pipe and provide the weight needed to keep the pipeline in place. This project will require underwater inspections, as needed services from a design engineering firm, and funding to provide for the owner controlled insurance program. Funding for these services are requested as "related costs."

FILE LOCATION: SUBITEM A & B: W.O. 192731
CONTFY98-1

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

ITEM-204:

SUBJECT: Water Bond Reimbursement Expenditures.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-82) ADOPTED AS RESOLUTION R-289158

Declaring the intent of the City of San Diego to use
proceeds of indebtedness to reimburse itself for
expenditures in connection with certain improvements,
additions, and/or rehabilitations to the Municipal
Water System.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego (City), or the Public Facilities Financing Authority of the City of San Diego (Authority), on behalf of the City, intends to acquire and construct, or cause to be acquired or constructed, certain improvements, additions, and/or rehabilitations to the City Water Systems (Project). The City or the Authority expects to pay certain expenditures (Reimbursement Expenditures) in connection with the Project prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long-term basis. The City or the Authority reasonably expects (i) that debt obligations in a total amount not expected to exceed eight hundred million dollars (\$800,000,000) will be issued, of which amount not to exceed two hundred ninety million dollars (\$290,000,000) is expected to be issued in a first tranche by approximately September 1, 1998, and (ii) that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures. Section

1.150-2 of the Treasury Regulations requires the City or the Authority to declare its reasonable official intent to reimburse prior expenditures for the Project with subsequent borrowing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

ITEM-205:

SUBJECT: Sewer Bond Reimbursement Expenditures.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-83) ADOPTED AS RESOLUTION R-289159

Declaring the intent of the City of San Diego to use proceeds of indebtedness to reimburse itself for expenditures in connection with certain improvements, additions, and/or rehabilitations to the Metropolitan Sewer System and the Municipal Sewer System.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego (City), or the Public Facilities Financing Authority of the City of San Diego (Authority), on behalf of the City, intends to acquire and construct, or cause to be acquired or constructed, certain improvements, additions, and/or rehabilitations to the City Metropolitan and Municipal Wastewater Systems (Projects). The City or the Authority expects to pay certain expenditures (Reimbursement Expenditures) in connection with the Projects prior to the issuance of indebtedness for the purpose of financing costs associated with the Projects on a long-term basis. The City or the Authority reasonably expects (i) that debt obligations in a total amount not expected to exceed one billion dollars (\$1,000,000,000) for the Metropolitan Wastewater System and two hundred million dollars (\$200,000,000) for the Municipal Wastewater System will be issued, of which amount not to exceed two hundred fifty million dollars (\$250,000,000) for the Metropolitan Wastewater System and one

hundred million dollars (\$100,000,000) for the Municipal Wastewater System is expected to be issued by approximately June 30, 1999, and (ii) that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures. Section 1.150-2 of the Treasury Regulations requires the City or the Authority to declare its reasonable official intent to reimburse prior expenditures for the Projects with subsequent borrowing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A407-585.)

CONSENT MOTION BY STALLINGS 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-not present, Mayor Golding-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:52 p.m. in honor of the memories of Christine McKee as requested by Mayor Golding and City Clerk Charles Abdelnour; Gloria Self as requested by Mayor Golding; Ernesto Azhocar as requested by Council Member Stevens; Jeanne Brace as requested by Council Member McCarty; and Constantine Economou as requested by Council Member McCarty and City Clerk Charles Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B102.)