

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 30, 1997
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Warden at 10:05 a.m. Deputy Mayor Warden adjourned the meeting at 12:05 p.m. into Closed Session in the 12th floor conference room at 2:00 p.m. to discuss existing litigation and public employee appointment.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-not present

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Agustin G. Figueroa,
Minister of Church of Christ.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
McCarty.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Sky commented on the problems of materialism and spoke
about karma. He also complimented the City Council on
a well run city.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A050-073.)

ITEM-PC-2:

Don Stillwell spoke regarding bond issuance for the stadium and seating at the stadium. He questioned who issued the bonds and who purchased them.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A074-100.)

ITEM-PC-3:

Rev. Harry Snyder commented on the cross on Mount Soledad and its importance to people. He stated that there would be a lawsuit if anyone removes the cross from Mount Soledad.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A101-126.)

ITEM-PC-4:

Mel Shapiro commented on the Housing Commission and family self sufficiency. He said the Housing Commission has operated a program called Family Self Sufficiency since 1993 with \$300,000 a year. 496 families are in the program. As of last year, only six households had achieved self sufficiency. That is, after a million dollars has been spent and four years of staff time, less than 1% have achieved the goal of self sufficiency.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A127-152.)

ITEM-PC-5:

Rev. Samuel Fosu-Mensah commented on adult materials being allowed on television and radio between the hours

of 6:00 a.m. and 10:00 p.m. when kids have access to these programs. He thought this should be stopped.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A153-177.)

ITEM-PC-6: REFERRED TO THE CITY MANAGER

James Lambert spoke about a business in downtown San Diego that operates as an attraction to kids as a video arcade and simultaneously offers pornographic peep shows to its adult customers in the same hall of business. He does not think peep shows should be allowed in areas available to kids.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A179-202.)

ITEM-PC-7:

John B. Taylor spoke about peep shows and pornography and the availability to children. He requested City Council take action to stop this.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A203-221.)

ITEM-PC-8:

Philip Paulson commented that the cross on Mount Soledad did not belong on Government property and suggested moving it to the Mount Soledad Presbyterian Church.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A225-255.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member McCarty thanked the employees in Development Services who made a special effort last week to process permits for a 70 unit senior citizen apartment complex with a HUD deadline. She said she cannot express enough her appreciation for the work these people did for the senior citizen apartment complex in the 7th District.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A257-282.)

ITEM-CC-2:

Council Member Vargas apologized with respect to Mr. Paulson if there was anyone who made derogatory comments toward him. Council Member Vargas said he felt very strongly about the cross staying on Mount Soledad, however, he also thought that everyone is entitled to their opinion and should be treated with respect and dignity.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A283-295.)

ITEM-CC-3:

Council Member Stevens commented on the opening of the farmers market at Euclid and Market and said it will be open every Saturday from 1:00 p.m. to 4:30 p.m. and is located in the Euclid and Market Trolley Station parking lot. He also commented that he feels the cross should stay where it is on Mount Soledad and suggested perhaps other religions would like to add a symbol there also.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A296-321.)

CLOSED SESSION ACTION:

Executive Assistant City Attorney Devaney announced that in Closed Session direction was given to the City Attorney to initiate a civil action.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A323-326.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

9/8/97

9/9/97

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A327-330.)

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

ITEM-31:

SUBJECT: Spanish Colonial Heritage Week.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-198) ADOPTED AS RESOLUTION R-289222

Proclaiming October 4 through 12, 1997 to be "Spanish Colonial Heritage Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A330-375, A540-547.)

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

ITEM-32:

SUBJECT: Recognizing Tucker, Sadler and Associates.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-336) ADOPTED AS RESOLUTION R-289223

Recognizing Tucker, Sadler and Associates for their forty years of contributions to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A376-420, A540-547.)

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

ITEM-33:

SUBJECT: AIDS Walk Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-344) ADOPTED AS RESOLUTION R-289224

Recognizing the outstanding contributions that AIDS Walk has made during the past eight years to improve the lives of citizens who are affected by HIV/AIDS and for their efforts to educate and provide HIV/AIDS information to the people of the San Diego region;

Proclaiming Sunday, October 5, 1997 to be "AIDS Walk Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A422-482, A540-547.)

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

ITEM-34:

SUBJECT: Walter T. Baczkowski Day.

DEPUTY MAYOR WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-98-337) ADOPTED AS RESOLUTION R-289225

Commending and thanking Walter Baczkowski for his

outstanding service to the San Diego Association of Realtors and the City of San Diego, and wishing him nothing but continued success in New Jersey;

Proclaiming Friday, October 3, 1997 to be "Walter Baczkowski Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A485-547.)

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

* ITEM-50:

SUBJECT: Amendment to the Carmel Valley Planned District Ordinance.

(Carmel Valley Community Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/16/97. (Council voted 9-0):

(O-98-26) ADOPTED AS ORDINANCE O-18437 (New Series)

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

FILE LOCATION: LAND-Carmel Valley Planned District

COUNCIL ACTION: (Tape location: A548-675.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the

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

* ITEM-100:

SUBJECT: Awarding a Contract to Orion Construction for
Construction of Sewer Pump Station No. 24.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-301) ADOPTED AS RESOLUTION R-289226

Accepting the low bid and awarding a contract to Orion
Construction for Construction of Sewer Pump Station No.
24, in the amount of \$3,595,325;

Authorizing the Auditor and Comptroller to transfer
\$746,336 from Rose Canyon Trunk Sewer, CIP-46-111.0, to
Sewer Pump Station No. 24, CIP-46-142.0;

Authorizing the additional expenditure of \$746,336 from
CIP-46-142.0, Sewer Pump Station No. 24, over the
amount of \$3,367,908, to supplement funds previously
authorized by Resolution R-288737 for Construction of
Sewer Pump Station No. 24, adopted on June 3, 1997, for
a new authorized expenditure of \$4,114,244 (based upon
the actual low bid submitted);

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer funds,
if any, to the appropriate reserves. (BID-K97070C)

CITY MANAGER SUPPORTING INFORMATION:

On June 3, 1997, pursuant to Resolution R-288737, the City
Council approved the plans and specifications and authorized the
City Manager to execute a contract for the construction to

relocate the existing 48-year old Sewer Pump Station No. 24 with the lowest responsible and reliable bidder. The project was advertised on May 19, 1997, and 80 bid packages were issued to prospective bidders. On July 22, 1997, seven bid packages were received. The lowest acceptable bid received from Orion Construction Corporation of \$3,595,325 was \$739,707 over the engineer's estimate of \$2,855,618. The bid was over the engineer's estimate due to additions and revisions made to the project's scope of work during the bidding process. These additions include a telemetry control system (ComNet), additional requirements and specifications from San Diego Gas and Electric for the transformer installation, field office, and additional pavement requirements. Subcontractors will perform 16.29% of the work for approximately \$585,760. It is not anticipated that the re-advertisement will result in any savings to the City; therefore, staff recommends that this project be awarded to the lowest bid contractor, Orion Construction Corporation, for the amount of \$3,595,325.

Aud. Cert. 9800287.

WWF-98-302.

FILE LOCATION: W.O. 172121 CONT-Orion Construction
CONT FY98-1

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-101:

SUBJECT: Inviting Bids for South Clairemont Community Park Tot
Lot and Parking Lot Upgrade.

(Clairemont Mesa Community Area. District-6.)

* ITEM-102:

SUBJECT: Three actions related to the Final Subdivision Map of Carmel Valley Neighborhood 10 North Unit Nos. 1, 2, and 3.

(A 12-lot subdivision. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-108) ADOPTED AS RESOLUTION R-289228

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

Subitem-B: (R-98-107) ADOPTED AS RESOLUTION R-289229

Approving the final map.

Subitem-C: (R-98-109) ADOPTED AS RESOLUTION R-289230

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

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 7.167 acre site into 12 lots for residential development. It is located south of Carmel Valley Road and east of Carmel Country Road in the Carmel Valley Community Plan area. On February 20, 1997 the Planning Commission of the City of San Diego approved Planning Commission Resolution No. 2252-PC-2 for Carmel Valley Neighborhood 10 North. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28572-1-D through 28572-3D on file in the Office of the City Clerk under Micro Number 139.43. All improvements are to be completed within 2 years. The Engineer's estimate for the

cost of public improvements is \$286,530 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$1,100, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development." Subdivider shall enter into a Landscape Maintenance Agreement agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility.

FILE LOCATION: SUBITEMS A & B: SUBD-Carmel Valley
 Neighborhood 10 North Unit Nos. 1, 2,
 and 3; SUBITEM C: STRT-FB-8 CONFY98-2

COUNCIL ACTION: (Tape location: A548-675.)

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

ITEM-103: RETURNED TO CITY MANAGER

SUBJECT: Two actions related to the Final Subdivision Map of
Carmel Mountain Ranch Unit 23A-3.

(A 28-lot subdivision. Carmel Mountain Ranch
Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-106)

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

Subitem-B: (R-98-105)

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 6.910 acre site into 28 lots for residential development. It is located south of Ted Williams Parkway and east of Shoal Creek Drive in the Carmel Mountain Ranch Community Plan area. On July 18, 1996 the Planning Commission of the City of San Diego approved Planned Residential Development Permit PRD-87-1082 for Carmel Mountain Ranch Unit 23. The City Engineer has approved the final map and states that all conditions to the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28621-1D through 28621-5D filed in the Office of the City Clerk under Micro Number 139.44. All improvements are to be completed within 2 years. The Engineer's estimate for the cost of public improvements is \$288,938 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$2,510, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Mountain Ranch Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City council and in effect in the Community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the

Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building industry Association and U.S. Department of Housing and Urban Development".

FILE LOCATION: SUBITEMS A & B: SUBD-Carmel Mountain
Ranch Unit 23A-3

COUNCIL ACTION: (Tape location: A548-675.)

CONSENT MOTION BY STALLINGS TO RETURN THIS ITEM TO THE CITY MANAGER AS REQUESTED BY DEPUTY MAYOR WARDEN. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-104: RETURNED TO CITY MANAGER

SUBJECT: Three actions related to the Final Subdivision Map of Carmel Mountain Ranch Unit 23B-1.

(A 54-lot subdivision. Carmel Mountain Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-64)

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

Subitem-B: (R-98-63)

Approving the final map.

Subitem-C: (R-98-65)

Accepting a grant deed of Carmel Mountain Ranch, granting to the City Lot 54 of Carmel Mountain Ranch Unit 23B-1 for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 31.285 acre site into 54 lots for residential development. It is located south of Ted Williams Parkway between Rancho Carmel Drive and Shoal Creek Drive in the Carmel Mountain Ranch Community Plan area. On July 18, 1996 the Planning Commission of the City of San Diego approved Planned Residential Development Permit PRD-87-1082 for Carmel Mountain Ranch Unit 23. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28436-1-D through 28436-7-D filed in the Office of the City Clerk under Micro Number 139.41. All improvements are to be completed within 2 years. The Engineer's estimate for the cost of public improvements is \$1,022,100 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$6,900, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Mountain Ranch Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."

FILE LOCATION: SUBITEMS A, B & C: SUBD-Carmel Mountain
Ranch Unit 23B-1

COUNCIL ACTION: (Tape location: A548-675.)

CONSENT MOTION BY STALLINGS TO RETURN THIS ITEM TO THE CITY MANAGER AS REQUESTED BY DEPUTY MAYOR WARDEN. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: San Diego Gas and Electric (SDG&E) Easement at Crosby Street.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-316) ADOPTED AS RESOLUTION R-289231

Authorizing the execution of an easement deed granting to San Diego Gas & Electric all of the City's right, title and interest in the easement to provide electrical service for improvements along Crosby Street and Logan Avenue.

CITY MANAGER SUPPORTING INFORMATION:

On February 1, 1995, the City granted SDG&E a right-of-entry permit to facilitate the installation of utility improvements in connection with the Crosby Street widening project. Portions of the improvements affect Paradise Senior Citizens Center. The easement is 60 x 7 feet at one point, and 28 x 3 feet at another point. The improvements are along Crosby Street and Logan Avenue. At this time SDG&E is requesting an easement for the above project. The Park and Recreation Department has approved of this easement grant.

FILE LOCATION: DEED F-7079 DEED FY98-1

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-106:

SUBJECT: San Diego Gas and Electric (SDG&E) Easement at Ocean View Boulevard.

(Memorial Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-317) ADOPTED AS RESOLUTION R-289232

Authorizing the execution of an easement granting to San Diego Gas and Electric all of the City's right, title and interest in the easement to provide electrical service for improvements along Ocean View Boulevard and 29th Street.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has requested SDG&E to underground the existing overhead electric lines along Ocean View Boulevard. In order to comply with this request, SDG&E is requesting an easement from the City for an underground extension to a cable pole outside the underground district. This easement is 235 feet in length and 6 feet in width. It affects a portion of Memorial Community Park and Recreation Center. The Park and Recreation Department approves this easement.

FILE LOCATION: DEED F-7080 DEED FY98-1

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-107:

SUBJECT: Crossroads Foundation Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-287) ADOPTED AS RESOLUTION R-289233

Recognizing the outstanding contributions that
Crossroads Foundation has made to improve the lives of
women in San Diego;

Proclaiming Saturday, October 4, 1997 to be "Crossroads
Foundation Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-108:

SUBJECT: Donation of a Conservation Easement by Willis M. Allen
Family Trust.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-318) ADOPTED AS RESOLUTION R-289234

Acknowledging and accepting the donation by the Willis
M. Allen Family Trust, of a Conservation Easement over

a four-acre parcel identified as a portion of Lot 1289 and Lot 1290 of the Pueblo Land of San Diego, located east of Torrey Pines Road, south of and adjacent to Pottery Canyon Park.

CITY MANAGER SUPPORTING INFORMATION:

The Willis M. Allen Family Trust has offered to donate to the City a Conservation Easement over an approximately four-acre parcel of land identified as a portion of Lot 1289 and Lot 1290 of the Pueblo Land of San Diego, which is contiguous with Pottery Canyon Park. The acceptance of this easement will restrict the future use and development of the property and insure that it will remain preserved in its natural scenic condition as an adjunct to the City's open space system. Park and Recreation has reviewed and approved the donation.

FILE LOCATION: DEED F-7088 DEED FY98-1

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-109:

SUBJECT: Spousal Abuser Prosecution Program Grant.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-330) ADOPTED AS RESOLUTION R-289235

Authorizing the City Attorney to apply for and accept a \$60,000 Spousal Abuser Prosecution Program (SAPP) Grant from the State of California Department of Justice, under the terms and conditions outlined in the letter dated September 9, 1997 to the City Attorney from Attorney General Daniel E. Lungren;

Agreeing to hold the Department of Justice and the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages and certifying that the City will not use the grant to supplant local expenditures.

CITY ATTORNEY'S SUPPORTING INFORMATION:

On November 13, 1994, the City Attorney's Child Abuse/Domestic Violence Unit received notification that they had been awarded a \$60,000 grant from the California Department of Justice for the prosecution of domestic violence cases. The money has been used to enhance the advocacy and investigative efforts of the Unit. On March 15, 1996 we were notified that a second year of funding had been approved. On June 28, 1996 we were notified that a third year of funding had been approved. On September 9, 1997 we were notified that a fourth year of funding had been approved. The grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant award agreement with the Department of Justice. It also indemnifies the Department of Justice from any civil suits which might arise from the City Attorney's use of the funds and certifies that the City will not use the grant to supplant local expenditures.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-110:

SUBJECT: Community Crime Resistance Southeast Asian Services
Grant - Office of Criminal Justice Planning.

(Project Housed in District-7. Serves Southeast Asians from all Districts with primary focus on City Heights and Chollas View Community Areas.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-276) ADOPTED AS RESOLUTION R-289236

Authorizing the City Manager to accept and administer funds for the continuation of the Community Crime Resistance Southeast Asian Program, including all aspects of the grant acceptance, operation, and expenditures;

Authorizing the City Manager to execute any amendments, extensions, renewals, or future funding for the program for a period of up to five years, provided funding is made available by the California Office of Criminal Justice Planning;

Declaring that the City agrees to provide all matching funds required for the project.

Aud. Cert. 9800342.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-111:

SUBJECT: Transfer of CDBG Funds from District 1 AIDS Foundation Allocation to Economic Development Enterprise Zone Activities.

(District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-208) ADOPTED AS RESOLUTION R-289237

Authorizing the City Manager to reprogram a total of \$19,000 in Community Development Block Grant (CDBG) Funds from Council District 1 CDBG AIDS Foundation Allocation (Fund 18502) to the Economic Development Enterprise Zone Fund (Fund 18533, Dept. 4134, Org. 3405), to provide funding for field consultant job development and business retention activities in the two City Enterprise Zones: Metro and San Ysidro/Otay Mesa;

Authorizing the expenditure of an amount not to exceed \$19,000 from Fund 18533.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the transfer of CDBG funds to provide funding for field consultant job development and business retention activities in the two City Enterprise Zones - Metro and San Ysidro/Otay Mesa.

Aud. Cert. 9800189.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-112:

SUBJECT: Completion of Project: Point Loma - Sedimentation Basins 11 and 12.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-27) ADOPTED AS RESOLUTION R-289238

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$337,285 within Fund No. 41508, from CIP-46-179.0, Point Loma - Power Generation and Upgrade, to CIP-46-177.0, Point Loma - Sedimentation Basins 11 and 12;

Authorizing the expenditure of an amount not to exceed \$337,285 from Fund No. 41508, CIP-46-177.0, Point Loma - Sedimentation Basins 11 and 12.

CITY MANAGER SUPPORTING INFORMATION:

Sedimentation Basins 11 and 12 at the Point Loma Wastewater Treatment Plant increase the capacity of the facility to its ultimate design capacity under the waiver from secondary treatment. This request will provide funds to close out the project for these sedimentation basins. This request will fund an accounting adjustment of prior years expenditures to the construction management costs in the amount of \$337,285 for this project.

Aud. Cert. 9800289.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-113:

SUBJECT: Budget Actions for the Approved FY 97-98 Budget
(Re loans) for the Southeastern Economic Development
Corporation.

(See memorandum from SEDC. District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-298) ADOPTED AS RESOLUTION R-289239

Accepting loan repayments from the Redevelopment Agency
of the City of San Diego, in the amount of \$231,917
from the Southcrest Redevelopment Project and \$250,000
from the Mount Hope Redevelopment Project, for a total
of \$481,917 in Community Development Block Grant funds;

Authorizing the same funds be loaned to the
Redevelopment Agency for implementation of the
following projects which were approved in the Fiscal
Year 1997-98 Agency budget:

Fund No.	Dept.	Fund Name	Amount
98770	98761	Central Imperial (General)	\$250,000
98780	98780	North Creek	\$163,917
98778	98778	Lincoln High Site	\$ 68,000
		Total	\$481,917

Directing the City Auditor and Comptroller to amend the
Fiscal Year 1997-98 budget in accordance with the loan
repayment and subsequent reallocations;

Directing the City Auditor and Comptroller to record
the loan of \$481,917 as an interest bearing loan to the
Redevelopment Agency, to be repaid as soon as
practicable from tax increment or other appropriate
revenues.

Aud. Cert. 9800306.

FILE LOCATION: MEET CONT FY98-1

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-114:

SUBJECT: Reimbursement Agreement with Affinity Homeowners
Association for Reclaimed Water Retrofitting.

(Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-284) ADOPTED AS RESOLUTION R-289240

Authorizing a Reimbursement Agreement with Affinity
Homeowners Association for reclaimed water retrofitting
in the amount of \$126,000;

Authorizing the expenditure of not to exceed \$141,000
from Water Revenue Fund 41500, CIP-70-941.0, Annual
Allocation for Reclaimed Water Retrofit Systems, of
which \$126,000 is to fund the Reimbursement Agreement
and \$15,000 is to fund required work by City forces.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is to reimburse the customer, identified as
Affinity Homeowners Association, located at 11115-11118 Affinity
Court, San Diego, for design and construction costs as described
in Exhibit A of the Reimbursement Agreement, required to retrofit
their existing onsite potable water distribution system to accept
reclaimed water for the purpose of irrigation. This agreement is

prepared in accordance with Council Resolution No. R-287560. Upon execution of this agreement, the customer shall within six (6) months complete the retrofit requirements as stated in Paragraph 1 of the Reclaimed Water Retrofit Agreement Recitals.

Aud. Cert. 9800260.

FILE LOCATION: MEET CONT FY98-1

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-115:

SUBJECT: First Amendment to the Agreement with Pro Kids Golf Academy, Inc.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-282) ADOPTED AS RESOLUTION R-289241

Authorizing a first amendment to the agreement with Pro Kids Golf Academy, Inc., for design and remodeling of its club house located at 4085 52nd Street, San Diego, CA 92105;

Authorizing the expenditure of not to exceed \$73,000 from CDBG Fund No. 18532, Dept. No. 4112, Org. No. 1224, J.O. 112556 and not to exceed \$50,000 from CDBG Fund No. 18533, Dept. No. 4132, Org. No. 3217, J.O. No. 112556.

CITY MANAGER SUPPORTING INFORMATION:

Pro Kids Golf Academy, Inc. is a non-profit organization formed for the purpose of teaching golf to youths in the area populated by low and moderate income families. Pro Kids Golf Academy, Inc. is proposing to remodel its facility located at 4085 52nd Street, San Diego. The project includes remodeling a club house interior and restrooms, installation of security fencing and a furnace, and minor improvements as needed. On May 6, 1996, the City Council adopted Resolution No. R-287272 authorizing the expenditure of \$40,000 of Fiscal Year 1996 CDBG Funds for the Pro Kids Golf Academy, Inc. to remodel its club house. However, this project has not been implemented since the available funding is not adequate. On April 23, 1996, the City Council adopted Resolution No. R-287238 granting \$73,000 of Fiscal Year 1997 CDBG Funds to the Pro Kids Golf Academy, Inc. On April 29, 1997, the City Council adopted Resolution No. R-288602 granting \$50,000 of Fiscal Year 1998 CDBG Funds to the Pro Kids Golf Academy, Inc. Council action is requested to allow \$123,000 to be expended for this remodeling project.

Aud. Cert. 9800267.

FILE LOCATION: MEET CONT FY98-1

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-116:

SUBJECT: Settlement of the Personal Injury Claim of Felena
Hanson.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-311) ADOPTED AS RESOLUTION R-289242

A Resolution approved by the City Council in Closed Session on Tuesday, September 9, 1997 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-not present; Vargas-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$1 million in the settlement of each and every claim against the City, its agents and employees, resulting from a personal injury, which occurred on May 4, 1996 to Felena Hanson (Superior Court Case No. 704504, Felena Hanson v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue two checks, one in the amount of \$900,000 made payable to Felena Hanson, and her attorney of record R. Christian Hulburt; and one check in the amount of \$100,000 made payable to BHG Structured Settlements, Inc., which constitutes full settlement of the lawsuit and all claims against the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Personal Injury Claim of Felena D. Hanson against the City of San Diego, its agents and employees, as a result of an incident which occurred on May 4, 1996.

Aud. Cert. 9800352.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A548-675.)

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

* ITEM-117:

SUBJECT: Settlement of the Personal Injury Claim of Jonathan M. Derringer.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-342) ADOPTED AS RESOLUTION R-289243

A Resolution approved by the City Council in Closed Session on Tuesday, September 16, 1997 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-not present; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$107,000 in the settlement of each and every claim against the City, its agents and employees, Superior Court Case No. 701968, Jonathan M. Derringer v. City of San Diego, et al.), resulting from an incident occurring on June 1, 1995;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$107,000 made payable to Jonathan Derringer and his attorney of record, Richard T. Hilmen, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Jonathan M. Derringer against the City of San Diego, its agents and employees, as a result of an incident which occurred on June 1, 1995.

Aud. Cert. 9800354.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A548-675.)

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

ITEM-200:

SUBJECT: Award of Contract for the Point Loma Outfall
Reballasting Project.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-310) ADOPTED AS RESOLUTION R-289244

Accepting the low bid of \$6,592,526 and authorizing the execution of a phase-funded contract with Manson Construction Company for the Point Loma Outfall Reballasting Project;

Authorizing the Auditor and Comptroller to transfer not to exceed \$1,713,551 within Fund No. 41508, consisting of \$1,500,000 from CIP-46-175.0, Point Loma Headworks, Odor Control & Grit Processing Facility, and \$213,551 from CIP-46-132.0, Point Loma Plant Access Road, to CIP-40-923.0, to Point Loma Outfall Reballasting Project;

Authorizing the expenditure of not to exceed \$3,580,593 from Fund No. 41508, consisting of \$3,415,780 from CIP-40-923.0, Point Loma Outfall Reballasting and \$164,813 from CIP-46-501.0, Annual Allocation - Metro Sewer Pooled Contingency, for Phase 1 of this contract, contingency, and related costs;

Authorizing the increased expenditure of \$2,376,474 to supplement funds of \$4,799,300 previously authorized by Resolution No. R-288298, for a revised expenditure of \$7,175,774 (based on actual low bid submitted, including contingencies and related costs), consisting of \$6,846,148 from CIP-40-923.0, Point Loma Outfall Reballasting, and \$329,626 from CIP-46-501.0, Annual Allocation - Metro Sewer Pooled Contingency, provided that the City Auditor first furnishes one or more

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

ITEM-201:

SUBJECT: Inviting Bids for the Point Loma Gas - Utilization Facility Upgrade and Electrical Distribution Upgrade.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-258) ADOPTED AS RESOLUTION R-289245

Inviting bids for construction of the Point Loma Gas Utilization Facility Upgrade and Electrical Distribution Upgrade on Work Order No. 193712;

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

Authorizing the expenditure of not to exceed \$9,195,432 as follows: \$8,801,771 from Fund No. 41508, CIP-46-179.0, Point Loma - Power Generation and Distribution Upgrade for project construction and related costs, and \$393,661 from Fund No. 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency, for project contingency, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under the established contract funding phases, are, or will be, on deposit in the City Treasury;

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

(BID-K97113)

CITY MANAGER SUPPORTING INFORMATION:

The scheduled expansion of the Point Loma Wastewater Treatment Plant (PLWTP) will result in power demands which exceed the capacity of the existing electrical power generation systems. The existing Gas Utilization Facility (GUF) consists of two engines which burn primarily digester gas to drive generators for the plant's electrical needs. The existing engines require frequent maintenance and the injection of anhydrous ammonia (an extremely hazardous material) into a catalytic convertor for emission control. Also the existing facility does not utilize all the available digester gas. Additional digester gas will be available with increases in wastewater flows. The existing system does not allow for the recovery of available exhaust heat energy for use by the treatment process. These factors and increased power requirements warrant the upgrades to the GUF and to the plant electrical distribution system. This project includes:

- Replacement of the existing two 1,350 kW engine/generators with the two prepurchased cleanburn 2,285 kW engine/generators
- Elimination of catalyst and ammonia injection systems
- Installation of exhaust heat recovery equipment
- Construction of access stairway at NE corner of GUF building
- Replacement of single buss 4 KVolt switchgear with prepurchased dual buss radial switchgear
- Upgrade of plant power centers 1,2,3,4,6 & 7 to meet current and future power demands
- Incorporate landscape concepts along First Street, at the power centers and around the GUF facility
- Locker rooms, break room, offices and a control room for staff at the GUF

Cost Analysis - Alternative 1: Proposed facility upgrade

Projected Annual Cost - \$837,336

Equivalent Energy Cost - \$0.029 per kWhr

Cost Analysis - Alternative 2: Continue operation as exists

Projected Annual Cost - \$2,287,945

Equivalent Energy Cost - \$0.092 per kWhr

Cost Analysis - Alternative 3: SDG&E as primary power
Projected Annual Cost - \$2,126,188
Equivalent Energy Cost - \$0.074 per kWhr

The projected cost for the cogeneration portion of this CIP project is \$5,700,000 of which \$3,500,000 was authorized as part of Council Resolutions R-288093 and R-288064. The remaining \$2,200,000 is included in this request.

FILE LOCATION: W.O. 193712 / CONT - Nielsen Dillingham
Builders CONT FY98-1

COUNCIL ACTION: (Tape location: B072-181.)

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

ITEM-202:

SUBJECT: Two actions related to Inviting Bids for the
Construction of Carmel Valley Community Park.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-21) ADOPTED AS RESOLUTION R-289246

Inviting bids for the Construction of Carmel Valley
Community Park on Work Order No. 119671B;

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

Authorizing the City Auditor and Comptroller to transfer and appropriate \$1,751,200 from Carmel Valley Benefit Assessment Fund No. 79002 to CIP-29-625.0, Carmel Valley Community Park - Town Center;

Authorizing the expenditure of \$10,482,197 from CIP-29-625.0, Carmel Valley Community Park - Town Center, Carmel Valley Facilities Benefits Assessment Fund No. 79002 for providing funds for said project and related costs, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K98021C)

Subitem-B: (R-98-319) ADOPTED AS RESOLUTION R-289247

Stating for the record that the City of San Diego as Lead Agency has reviewed and considered Environmental Impact Report DEP-94-0567.

CITY MANAGER SUPPORTING INFORMATION:

Carmel Valley Community Park - Town Center is located on the southeast corner of El Camino Real and Townsgate Drive in the Carmel Valley Community Planning Area. This 17.7-acre community park project will provide multi-use fields, tennis courts, soccer, and baseball fields, picnic areas, comfort station with concession stand, amphitheater, parking lots, street improvements, irrigation systems, landscaping, community recreation center, junior Olympic size swimming pool, children's pool, two water slides with receiving pool, and pool administration building. Site mass grading and retaining walls are currently under construction through a separate construction contract. Completion of grading operations is expected to occur prior to starting construction of park improvements. The recreation center building and the swimming pool complex were originally programmed as separate projects. In order to reduce construction time and costs, both projects were integrated into the Carmel Valley Community Park - Town Center project.

Aud. Cert. 9800300.

FILE LOCATION: SUBITEMS A & B: W.O. 119671B / CONT -
Taylor Ball of California Inc
CONFY98-1

COUNCIL ACTION: (Tape location: B072-181.)

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

ITEM-203:

SUBJECT: Rent Deferral - San Diego Sports Arena.

(Midway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-279) ADOPTED AS RESOLUTION R-289248

Authorizing an amendment to the operating sublease for the Sports Arena, in order to grant a rent deferral in an amount up to \$700,000.

CITY MANAGER SUPPORTING INFORMATION:

In 1995, the City and Arena Group 2000 (the arena operator) entered into an amendment to the then existing Memorandum of Understanding regarding development of a new sports arena. As part of the amendment, Arena Group relinquished to the City its exclusive right to bring a professional NBA or NHL franchise to San Diego. When this amendment was approved by the Council, the City Manager was directed to negotiate with Arena Group 2000 regarding the refurbishment of the existing Sports Arena facility. Arena Group requested a rent deferral in the amount of up to \$700,000 in order to finance repairs and improvements, most

of which have been completed. The operator proposes a deferral of monthly rental payments until the rent amount owed exceeds the cost of improvements, up to \$700,000. At that time, the operator would commence payment of current monthly rental payments, and repayment of the rent deferral, plus 6 percent annual interest on the deferral amount. It is anticipated that the rent deferral amount will be reached within two years from December 1996. The deferral amount plus interest will be repaid over a ten year period, in monthly installments of \$8,269.92. If approved, the rent deferral will be retroactive to the December 1996 rental period. Completion of the repairs and upgrades has improved the condition of the arena and quality of the services provided by the operators. Improvements include repair or replacement of a cooling tower, chillers, lighting clock controller, parking lot, staging and sound wings, restroom renovations and repainting of the concourse walls. The operator is not obligated to complete all of the improvements listed, but will receive a rent deferral for only those improvements completed. The proposed amendment to the existing operating sublease agreement provides for the above described rent deferral.

FILE LOCATION: LEAS-Arena Group 2000 LEAS FY98-1

COUNCIL ACTION: (Tape location: B182-436.)

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

ITEM-204:

(Continued from the meeting of September 16, 1997, Item 103, at the City Manager's request, to meet noticing requirements.)

SUBJECT: North Bay Redevelopment Project.

(See City Manager Report. Linda Vista, Peninsula, Midway, Uptown, Clairemont Mesa, Mission Valley and Old Town Community Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-268) ADOPTED AS RESOLUTION R-289249

Calling for the formation of a Project Area Committee for the proposed North Bay Redevelopment Project and adopting a procedure for the formation of the Project Area Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B440-477, C324-403.)

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

ITEM-205:

SUBJECT: City of San Diego Citizens Task Force on Ballpark Planning.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-373) ADOPTED AS AMENDED AS RESOLUTION
R-289250

Receiving the final Report of the Mayor's Task Force on Padres Planning;

Confirming the Mayor's creation and establishment of the City of San Diego Citizens Task Force on Baseball Planning and appointment of the following members:

Mr. Patrick Shea (As Chairman)
Partner, Pillsbury Madison & Sutro

Mr. Don Ings (As Vice Chairman)
President, Solar Turbines
Chairman, San Diego Regional Economic Development
Corporation

Mr. Doug Austin
Austin Design Group

Mr. Fred Baranowski
Vice President and General Manager
Bank of America, San Diego
Past President, Downtown Partnership

Mr. Tom Carter
General Partner, Carter Reese &
Associates

Mr. Steve Cushman
Chairman, Cush Automotive
Chairman, Greater San Diego
Chamber of Commerce

Mr. Ron Fowler
Chairman, Liquid Investments
Founding Chairman, San Diego
International Sports Council

Mr. Jesus Garcia
Retired Former Regional
Director of CALTRANS

Mr. John Johnson
President, San Diego Urban League

Mr. Herb Klein
Editor-in-Chief
Copley Newspapers

Mr. Kevin McNamara
Property Management Consultant

Mr. Jack Monger
Principle, The Monger Company
Chairman, San Diego Taxpayers
Association

Mr. Mike Neil
Partner, Neil Dymott
Perkins Brown & Frank

Mr. Ted Roth
Executive Vice President &
CFO, Alliance Pharmaceuticals

Ms. Gerri Stryker
Environmental Project Analyst
CALTRANS
Chair, San Diego City Community
Planners Committee

Mr. Gregory Thorpe
Of Counsel, Williams & Gilmore
Treasurer, Southeastern Economic
Development Corporation

Mr. David Watson
Partner, Gray, Cary,
Ware & Freidenrich
Member, San Diego City Planning
Commission

Ms. Karima Zaki-Pope
General Manager, Doubletree
Hotel, San Diego
Chairman, San Diego Hotel/Motel Association

Ex-Officio:
Councilman Byron Wear
Councilmember, District 2

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B479-C322.)

MOTION BY VARGAS TO ADOPT THE RESOLUTION ESTABLISHING THE
CITY OF SAN DIEGO TASK FORCE ON BALLPARK PLANNING AND
CONFIRMING THE APPOINTEES. FURTHER MOVE THAT THE CITY

MANAGER BE DIRECTED TO ASSIGN THE NECESSARY RESOURCES, INCLUDING CONSULTANTS, TO ASSIST IN THIS EFFORT WITHIN THE LIMITS OF THE CITY MANAGER'S CONTRACTUAL AUTHORITY. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Geologic Hazard Abatement District (GHAD) for the Casa De La Playa Property Owners.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-343) ADOPTED AS RESOLUTION R-289251

Ordering the formation of the proposed Geologic Hazard Abatement District (GHAD);

Appointing five owners of real property within the new District to the initial Board of Directors for the GHAD for terms not to exceed four years.

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, the formation of a Geologic Hazard Abatement District (GHAD) was proposed to specifically address the geologic hazard of coastal bluff retreat. Geologists have informed the Casa de la Playa property owners that if the hazardous condition which exists at the coastal bluff fronting their property is not quickly abated, then their condominium complex is in jeopardy of being severely damaged by further erosion resulting from high tides, storm surf or heavy winter rains. A GHAD is authorized to independently

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 bonds to finance a seawall that will protect their property. City staff and the City Attorney's Office believe that formation of a GHAD is the most expeditious means of assisting the property owners without creating a financial obligation of the City. On August 12, 1997, the City Council adopted a resolution declaring that the City will be subject to the statutory provisions for initiating GHAD formation proceedings and directed the City Clerk to forward a copy of the resolution to the State Controller's Office. On September 8, 1997, the City Council adopted a resolution accepting the Casa de la Playa property owner petition to form a GHAD (signed by 87.5 percent of the property owners) and establishing the City Council meeting on September 30, 1997 as the time and place for the requisite public hearing where any interested person may object to the proposed formation of the GHAD. The content and direction contained within the aforementioned adopted resolutions is in accordance with the legal statutes governing the formation of GHAD. The resolution on today's docket orders the formation of the proposed GHAD on behalf of the Casa de la Playa property owners and appoints five owners of real property within the new District (Lee Haralson, Eileen Higgins-Lower, Katherine Blohm, Sidney Karp, and Shirley Pepper) to 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. In accordance with the legal statutes governing the formation of GHAD, adoption of this resolution is the final action required of the City Council in order to form the GHAD. Once formed, the Casa de la Playa property owners are authorized to immediately proceed with their plan to bond finance a seawall which will abate the hazard to their property.

FILE LOCATION: STRT-D-2304

COUNCIL ACTION: (Tape location: A548-675.)

Hearing began at 10:45 a.m. and halted at 10:51 a.m.

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

ITEM-331:

(Continued from the meeting of September 9, 1997, Item 333, at Councilmember Warden's request, for further review of unresolved issues by City staff, businesses, and the community.)

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

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-126) ADOPTED AS RESOLUTION R-289252

Designating an area of benefit in Mira Mesa; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of the Mira Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-98-127) ADOPTED AS RESOLUTION R-289253

Declaring that the assessment fee schedule contained in the Mira Mesa Public Facilities Financing Plan, as adopted and approved in Resolution R-289086, is an appropriate and applicable Development Impact Fee.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/30/97, LU&H voted 3-0 to approve the City Manager's recommendation to accept recommendations as outlined in City Manager Report P97-132. (Councilmembers Mathis, Wear and Vargas voted yea. Councilmembers Kehoe and Stevens not present.)

FILE LOCATION: SUBITEMS A & B: STRT-FB-12

COUNCIL ACTION: (Tape location: A548-675.)

Hearing began at 10:45 a.m. and halted at 10:51 a.m.

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

ITEM-332:

SUBJECT: Two actions related to the Miramar Pipeline Access Easement - Phase I Project.

(See City Manager Report CMR-97-165. Miramar Naval Air Station. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-267) ADOPTED AS RESOLUTION R-289254

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION.

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the acquisition of a permanent easement and right-of-way over a portion of Sections 9 and 10, Township 15 South, Range 3 West, San Bernardino Meridian, for the Miramar Pipeline Access Easement - Phase I Project; that the interest to be acquired includes a permanent easement and right-of-way for access to construct, reconstruct, maintain, operate and repair the Miramar Pipeline; that the Miramar Pipeline Access Easement - Phase I Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; declaring that the offer to purchase the property required has been made to the owners of record and rejected; declaring the intention of the City to acquire the permanent easement and right-of-way under eminent domain proceedings; directing the City Attorney to commence an eminent domain action in the Superior Court of the State of California, to condemn, acquire and obtain immediate possession of the property for the use of the City.

Subitem-B: (R-98-266) ADOPTED AS RESOLUTION R-289255

Authorizing the expenditure of an amount not to exceed \$50,000 from Fund 41500, Organization 698, Object Account 4638, Job Order 182189 (CIP-70-910.2), exclusively for costs related to condemnation of a permanent easement and right-of-way in connection with the Miramar Pipeline Access Easement - Phase I Project.

Aud. Cert. 9701078.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: A548-675.)

Hearing began at 10:45 a.m. and halted at 10:51 a.m.

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

ITEM-333:

SUBJECT: Support for Tax-Exempt Capital Equipment Financing for Loftin Business Forms, Inc.

(District-4.)

CITY MANAGER'S RECOMMENDATION:

Hold the required public hearing and adopt the following resolution:

(R-98-272) ADOPTED AS RESOLUTION R-289256

Approving the issuance of Equipment Only Purchase Program Notes by the California Statewide Communities Development Authority to Loftin Business Forms, Inc., in the maximum principal amount of \$2,500,000.

CITY MANAGER SUPPORTING INFORMATION:

The City Council is requested to hold a public hearing supporting the issuance of tax-exempt private activity conduit revenue bonds by the California Statewide Communities Development Authority Joint Powers Agency (CSCDA) of up to \$2.5 million for the purchase of capital equipment by Loftin Business Forms which will support the expansion of its operations in the Gateway Center Industrial Park. The company, a family-owned commercial printing business, will use bond proceeds to finance purchase of an advanced commercial printing press, resulting in a major expansion of its operations in the Gateway Center and the projected doubling of its employment from 41 to 80 people. CSCDA, which will be the issuer, has previously issued bonds through the City for various San Diego companies including other Gateway tenants Figi Graphics and Johansen Dielectrics. It is endorsed by the League of California Cities and the County Supervisors' Association of California. The City has been a member since 1991.

As with previous CSCDA issues, the City's name will not appear on the bonds and there will be no further City involvement in the financing. By authorizing this financing by the CSCDA, the Council will be facilitating the expansion and continued competitiveness of an important employer in the City's urban core area by assisting the company in obtaining the most cost-effective financing available for its capital expansion project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A548-675.)

Mayor Golding announced that the hearing is closed.

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

ITEM-S500:

(Trailed from the meeting of Tuesday, August 5, 1997, Item 330a & b; continued from the meeting of Monday, August 11, 1997, Item S406b; continued from the meeting of September 16, 1997, Item 334; continued from the meeting of September 23, 1997, Item S501; last continued at Councilmember Mathis's request, to allow time to review the proposed language.)

(District-1.)

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

NOTE: The resolution certifying Addendum DEP-96-7580 to Environmental Impact Report EIR-92-0199 was adopted by Council on 8/12/97, Resolution R-289096; the rezoning ordinance was approved by Council on 9/8/97, Ordinance O-18430.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-93) RETURNED TO CITY MANAGER

Adoption of a Resolution amending the La Jolla
Community Plan and Local Coastal Program Land Use Plan.

NOTE: The public testimony portion of the hearing is open.
No testimony taken on 9/16/97 or 9/23/97.

OTHER RECOMMENDATIONS:

On December 1, 1994, the Planning Commission voted 5-1 to approve the La Jolla Community Plan Update with a modification regarding low-income housing and also to approve the associated rezonings to implement the plan, modifying the proposal to include the razoring of all City-owned open space to OS-OSP. The January, 1995 Draft Community Plan incorporated the modifications approved by the Planning Commission.

On June 6, 1996, the La Jolla Community Planning Association approved a motion (by a vote of 13-0-0) to "request (that the) City draft (a) policy which eliminates requirements for vertical accessway and visual corridors through private property." On July 10, 1997, the proposed revisions to the text regarding access were presented to the Association and, after discussion, there was no motion to reconsider their action of June 6th. The Association did, however, vote 8-1-1 to approve the proposed revisions clarifying the "Cultural Complex" designation of the Plan, as well as the proposed amendments to the La Jolla Planned District Ordinance to rezone the two "split-zoned" properties as proposed on Rezone Map C-630.2.

CITY MANAGER SUPPORTING INFORMATION:

On January 17, 1995, the City Council approved the La Jolla Community Plan and Local Coastal Program Land Use Plan. On May 11, 1995, the California Coastal Commission denied the Plan as submitted, but adopted the Plan with modifications. On August 15, 1995, the City Council approved the modifications, with the exception of one item which proposed to amend the Community Plan

recommendation 2.e. on page 44 of the January, 1995 draft of the Plan, regarding the physical and visual access to the coast. The Council directed the City Attorney and Community Planning staff to work with California Coastal Commission staff to revise the recommendation in a manner that is legal and mutually acceptable, and to bring the revisions back to the Council for adoption.

FILE LOCATION: LAND-La Jolla Community Plan

COUNCIL ACTION: (Tape location: A548-675.)

CONSENT MOTION BY STALLINGS TO RETURN THE ITEM TO THE CITY MANAGER AT HER REQUEST. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-S501:

SUBJECT: Recognizing the San Diego Grand Military Encampment.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-341) ADOPTED AS RESOLUTION R-289257

Recognizing the San Diego Grand Military Encampment for its success in keeping our treasured American history alive.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A548-675.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Warden at
12:05 p.m. in honor of the memory of:

Joe Martinez as requested by Council Member
Vargas.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C404-424).