

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 4, 1997
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:11 a.m. Council Member Stevens said there are two special guests here today as part of the U.S. and South Africa Sister Communities Projects and he welcomed City Counciller Mandu Mildred Ramakaba and City Administrator Feziwe Victoria Kumalo, both from the City of Capetown, South Africa. They are here to promote and observe how women perform in government and how women relate to the community and children here in San Diego.

Mayor Golding welcomed the new City Manager Michael Uberuaga, and also welcomed his wife and son who were at the Council Meeting. City Clerk Abdelnour administered the oath of office to City Manager Michael Uberuaga.

The meeting was recessed by Mayor Golding at 11:09 a.m. to convene the Redevelopment Agency. The meeting was reconvened by Mayor Golding at 11:10 a.m. with all Council Members present. The meeting was recessed at 11:43 a.m. to reconvene the Redevelopment Agency. The meeting reconvened at 11:45 a.m. with all Council Members present. Mayor Golding adjourned the meeting at 12:55 p.m.

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

ITEM-10: INVOCATION

Invocation was given by Pastor Richard Hensgen of The First Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding abolishing the Internal Revenue Service. He also does not believe it is lawful to tax wages.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A033-056.)

ITEM-PC-2:

Comment by Mel Shapiro regarding the Housing Commission voting yesterday to give themselves authority to approve contracts up to \$500,000. Formerly, the Council had to approve anything over \$100,000. He said this will be coming before the City Council, and he does not think that it should be approved.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A058-070.)

ITEM-PC-3: REFERRED TO CITY MANAGER

Comment by Larry Milligan about the homeless and the lack of 24 hour public restrooms for them to use. He said that after 10:00 p.m. there are no public restroom facilities available for the homeless to use. He thinks this is in violation of Council Policy Number 000-51 dated July 12, 1995.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A078-098.)

ITEM-PC-4:

Comment by Ron Boshun about our harbor. He is concerned about the City Council, the Board of Supervisors and the Port of San Diego walling off our harbor from the people and filling it up with concrete.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-126.)

ITEM-PC-5:

Comment by Joanne Pearson regarding Item S500 and the docket stating that the hearing is closed. However, when they called they were told the hearing would be open.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A127-139.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member McCarty thanked Penny Culbreth-Graft and George Loveland for their service to the City during the absence of a City Manager. She then welcomed the New City Manager, Michael Uberuaga. She said that since she was elected she has considered the budget process the most important policy issue the Council has to decide. Every year she has presented budget memos and other council members have done the same. The Select Committee on Government Efficiency and Fiscal Reform has spent countless hours on the budget issue. Based on reports in the newspaper, she thinks now would be an appropriate time to bring back some of these memos from the council members and present them once again since we are going to be spending more time now on the budget. She requested that Mayor

Golding include the proposals from the council member memos in the January discussion that she puts out in her press release. She suggested and requested that the budget discussions be scheduled at the Committee of the Whole. If the public perceives that the Council is not doing the job they were elected to do, then each member has the right and responsibility to show the public they are doing the job. Hopefully next year the budget can be discussed when the TV cameras are here and the public can watch. She thinks the Council needs to look at the proposals made in the past and any that anyone else has to suggest. She requested the Mayor to docket those at the full council committee so each council member has an opportunity to discuss them.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A145-186.)

ITEM-CC-2:

Council Member Wear responded to the public speaker regarding the waterfront. He said that the City, along with the Redevelopment Agency, the Port, the County, and the Navy have all created the North Embarcadero Alliance which is looking at the issue of land development along our waterfront to create open spaces and parks and development. He urged the speaker to call his office to be a part of this. He also congratulated the lifeguards for a job well done this weekend.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A187-206.)

ITEM-30:

SUBJECT: America Recycles Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-436 Cor. Copy) ADOPTED AS RESOLUTION R-289351

Proclaiming November 15, 1997 as "America Recycles Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A300-330, B058-219.)

CONSENT MOTION BY WARDEN 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-31:

(Continued from the meeting of October 21, 1997, Item 110, at Councilmember Vargas's request, to allow representatives of MEA to be present to accept the proclamation.)

SUBJECT: San Diego Municipal Employees Association Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-350) ADOPTED AS RESOLUTION R-289352

Designating September 19, 1997 as "San Diego Municipal Employees Association Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A333-374, B058-219.)

CONSENT MOTION BY WARDEN 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:

An Information Item regarding the City of San Diego's Investment Policy.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-398, B058-219.)

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

ITEM-33: DENIED REQUEST FOR HEARING OF THE APPEAL

SUBJECT: Request for a hearing of an appeal from the decision of the Planning Commission in approving Mid-City Development/ Hillside Review Permit No. MCD/HRP-96-0735. Otsego Drive. (District-2.)

TODAY'S ACTION IS:

A motion either granting or denying the request for a hearing of the appeal.

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

NOTE: If the request for a hearing is granted, time has been reserved for the appeal to be heard on December 2, 1997 at 10:00 a.m.

OTHER RECOMMENDATIONS:

Planning Commission voted 7-0 on 9/11/97 to approve the project.

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

Nays: None

Abstaining: None

Not present: None

The Uptown Community Planning Group has recommended approval of the project.

SUPPORTING INFORMATION:

Mid-City Communities Planned District Development Permit and Hillside Review Permit MCD/HRP-96-0735, will allow development of a 4,171-square-foot vacant steeply-sloping site with a three-story, 2,541-square-foot residence. Variances to: 1) allow a two-foot street (front) yard setback where ten feet is required, 2) allow a crib/retaining wall 12 feet in height where six feet maximum height is permitted, and 3) exceed the allowable gross floor area of living space by 211 square feet for the residence.

PROJECT LOCATION:

Located within the 3600 block of Otsego Drive on the west side, between Torrance Street and Brookes Avenue, west of Curlew Street in the Uptown Community.

NOTE: Mitigated Negative Declaration MND-96-0735 was prepared and reviewed in accordance with CEQA guidelines.

FILE LOCATION: PERM-Mid City Development/Hillside
Review Permit No. MCD/HRP-96-0735

COUNCIL ACTION: (Tape location: B038-057.)

MOTION BY WEAR TO DENY THE REQUEST FOR A HEARING OF THE APPEAL. 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-34:

SUBJECT: Cynthia Haney Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-98-505) ADOPTED AS RESOLUTION R-289353

Recognizing and commending Cynthia Haney for her commitment to volunteering to care for San Diego's stray cats and kittens and her award as "Volunteer of the Month" for October 1997;

Proclaiming Monday, November 10, 1997 to be "Cynthia Haney Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A570-640, B058-219.)

CONSENT MOTION BY WARDEN 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-100:

SUBJECT: Six actions related to Approving the Final Subdivision Map of Del Mar Heights I Unit No. 1.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-67) ADOPTED AS RESOLUTION R-289354

Authorizing the execution of a Subdivision Improvement Agreement with the Congregation Beth Am of North County, for the installation and completion of public improvements.

Subitem-B: (R-98-66) ADOPTED AS RESOLUTION R-289355

Approving the final map.

Subitem-C: (R-98-68) ADOPTED AS RESOLUTION R-289356

Approving the acceptance by the City Manager of a grant deed of the Lougeay Family Trust, granting to the City an easement for public street purposes in that portion of the Northeast Quarter of the Northeast Quarter of Section 17, Township 14 South, Range 3 West, San Bernardino Meridian; dedicating said land as and for a public street and naming the same White Emerald Drive.

Subitem-D: (R-98-69) ADOPTED AS RESOLUTION R-289357

Authorizing a Landscape Maintenance Agreement with the Congregation Beth Am of North County, for the maintenance of landscaping in the public right-of-way.

Subitem-E: (R-98-70) ADOPTED AS RESOLUTION R-289358

Authorizing a Biological Monitoring and Maintenance Agreement with the Congregation Beth Am of North County, assuring establishment of Summer Holly plantings, including the identification of specific criteria for measuring success, and accepting responsibility of maintenance of the plantings.

Subitem-F: (R-98-495) ADOPTED AS RESOLUTION R-289359

Authorizing an Improvement Agreement with the Congregation Beth Am of North County, for the north half of Del Mar Heights Road and for the installation and completion of public improvements.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 6.004 acre site into one lot for a church and pre-school site. It is located north of Del Mar Heights Road and east of Landsdale Drive in the Carmel Valley Community Plan area. This project also proposes the street dedication of White Emerald Drive. On November 19, 1996 the City

COUNCIL ACTION: (Tape location: A468-554, C527-590.)

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

* ITEM-101:

SUBJECT: Two actions related to Approving the Final Subdivision Map of Otay Mesa Business Park, Ltd.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-122) ADOPTED AS RESOLUTION R-289360

Authorizing a Subdivision Improvement Agreement (Deferred Improvement Development) with Otay Mesa Business Park, Ltd., for the installation and completion of public improvements.

Subitem-B: (R-98-121) ADOPTED AS RESOLUTION R-289361

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 74.001 acre site into 23 lots for industrial development. It is located south of Otay Mesa Road and west of Britannia Boulevard in the Otay Mesa Community Plan area. On May 18, 1992 the Subdivision Board of the City of San Diego approved Tentative Map TM-91-0395 by Resolution R-55640 for Otay Mesa Business Park, Ltd. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-438) ADOPTED AS RESOLUTION R-289362

Authorizing the acceptance by the City Manager of a grant deed of San Diego Metropolitan Transit Development Board, granting to the City an easement for public street purposes in that portion of Lot 3 of Rancho Mission Villas according to Map-8996; dedicating said land as and for a public street and naming the same Rancho Mission Road.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Trolley extension, east of Interstate 15, necessitated the re-alignment of a portion of Rancho Mission Road. The existing right-of-way does not have sufficient width to accommodate the new road location. To provide the needed width, the San Diego Metropolitan Transit Board has purchased additional land and is offering to the City an easement for road purposes. The City Council is requested to accept and dedicate the easement area as Rancho Mission Road.

FILE LOCATION: DEED F-7112 DEED FY98-1

COUNCIL ACTION: (Tape location: B058-219.)

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

* ITEM-103:

SUBJECT: Three actions related to the Broadway (12th Avenue to I-5) Underground Utility District.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-447) ADOPTED AS RESOLUTION R-289363

Designating December 11, 1997, as the date upon which all property in the Broadway (12th Avenue to I-5) Underground Utility District must be ready to receive underground service and February 13, 1998 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-98-448) ADOPTED AS RESOLUTION R-289364

Authorizing the City Auditor and Comptroller to open Fund 78092 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Broadway (12th Avenue to I-5) Underground Utility District;

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

Authorizing payment to all property owners in the Broadway (12th Avenue to I-5) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

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

Subitem-C: (R-98-449) ADOPTED AS RESOLUTION R-289365

Authorizing the transfer of \$22,000 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0 to sublet CIP-37-291.1 and authorizing expenditure of these funds to replace existing street lights.

CITY MANAGER SUPPORTING INFORMATION:

The Broadway (12th Avenue to I-5) Underground Utility District was created by the City Council on November 28, 1995. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set December 11, 1997 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish February 13, 1998 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

FILE LOCATION: Subitems A,B,C: STRT-K-237

COUNCIL ACTION: (Tape location: B058-219.)

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

* ITEM-104:

SUBJECT: Accepting \$166,650 of Federal Funds for the City's Multiple Species Conservation Program (MSCP) Plan.

* ITEM-105:

SUBJECT: Transfer of Funds for Sidewalks in Mission Valley and Sorrento Valley.

(Torrey Pines and Mission Valley Community Areas.
Districts-1 & 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-409) ADOPTED AS RESOLUTION R-289367

Authorizing an agreement with the Metropolitan Transit Development Board (MTDB), to transfer and expend an amount not to exceed \$55,500 from TransNet Fund 30300, CIP-64-004.3, FY 1997 Railroad Warning Devices to MTDB Fund 416, for the installation of missing sidewalk in Mission Valley;

Authorizing an agreement with the Metropolitan Transit Development Board (MTDB), to accept the transfer of \$27,500 from MTDB Fund 415 to TransNet Fund 30300, CIP-64-004.3, FY 1997 Railroad Warning Devices, for the installation of missing sidewalk in Sorrento Valley.

CITY MANAGER SUPPORTING INFORMATION:

The City and the Metropolitan Transit Development Board (MTDB) have recognized the need for sidewalk in the vicinity of the Fashion Valley Transit Center, the Morena/Linda Vista Light Rail Transit (LRT) Station and the Sorrento Valley Station. There are a number of sections of missing sidewalk in these areas which serve the communities of Mission Valley and Torrey Pines. In the vicinity of the Mission Valley stations, pedestrians are presently walking from their homes or from nearby hotels to the business district or commercial centers in the area without a continuous paved walkway.

Pedestrian activity is expected to increase when the Mission Valley LRT line is in operation. North of the Sorrento Valley Station there is also missing sidewalk which is needed for those pedestrians walking from the business offices, to the shopping center on Roselle Street and/or to the train station. It is proposed that the cost of installing the missing sidewalk in Mission Valley and Sorrento Valley be shared 50/50 between the City and MTDB. In Mission Valley, the sidewalk will be constructed by MTDB and reimbursed 50 percent by the City. The total cost of the sidewalk is \$111,000 (50 percent share is \$55,500) and will be installed at the following locations:

- 1) North side of Friars Road, east of the Morena/Linda Vista Station (1,100 feet);
- 2) East side of Fashion Valley Road, north of Hotel Circle North (660 feet);
- 3) West side of Fashion Valley Road from Hotel Circle North to the bus stop (230 feet); and
- 4) North side of Hotel Circle North, west of Fashion Valley Road (800 feet).

In Sorrento Valley, the sidewalk will be installed by the City and reimbursed 50 percent by MTDB. The total cost of this sidewalk is \$55,000 (50 percent share is \$27,500). The missing sidewalk is located just north of the Sorrento Valley train station for approximately 1,500 feet.

Aud. Cert. 9800398.

FILE LOCATION: MEET CONT FY98-2

COUNCIL ACTION: (Tape location: B058-219.)

CONSENT MOTION BY WARDEN 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: Transfer/Reallocation of Funds for the Holiday Bridge Lighting Project.

(See memorandum from SEDC for the agenda of 11/4/97.
District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-480 Cor Copy) ADOPTED AS RESOLUTION R-289368

Reallocating \$6,700 from Fourth District Community Development Block Grant funds, Fund 18532, Dept. 4117, Org. 1712, to the Southeastern Economic Development Corporation, Fund 18532, Dept. 411, Org. 1133, to fund the Holiday Bridge Lighting Project;

Authorizing the expenditure of \$6,700 from Fund 18532, Dept. 4111, Org. 1133.

Aud. Cert. 9800497.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B058-219.)

CONSENT MOTION BY WARDEN 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: San Diego Safe Communities-2000 Grant Application.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-441) ADOPTED AS RESOLUTION R-289369

Authorizing the City Manager to apply for, accept and administer funds for the Safe Communities-2000 program;

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 Traffic Safety (OTS);

Declaring that the Safe Communities-2000 proposal was developed by the current Buckle Up San Diego (BUSD) staff, and that it is the intent of OTS that BUSD staff operate the Safe Communities-2000 program; after OTS approval of the proposal, SDPD staff will separately process documentation and recommendation for sole-source selection, along with Subcontract Agreements for these individuals.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department (SDPD) has been funded for 7 years by the California Office of Traffic Safety (OTS) for the Buckle Up San Diego (BUSD) program to promote correct use of seat belts, child safety seats and air bags through police, corporate, public and school-based education and assistance programs, including low-cost child seats to low income families.

The City has sole-source subcontracted the BUSD program to David Thompson, an original founder of the San Diego County Safety Council and sole developer of BUSD, and Louise Nichols, the only licensed San Diego County provider of the "Family Safety in the Car" child safety seat program. BUSD staff write all BUSD grant proposals and reports, and manage all BUSD activities. The City acts as applicant and fiscal administrator as required by OTS and State law.

Safe Communities Program: OTS developed Safe Communities in cooperation with the California Department of Health Services (DHS) to expand the goals of programs such as BUSD by creating multi-disciplinary coalitions to focus on a broader spectrum of traffic safety issues, and ultimately to expand to workplace, home and recreational safety and create a permanent Injury Prevention Center. BUSD receives a small grant from DHS to lay the groundwork for this expansion. BUSD staff developed the Safe

Communities-2000 proposal, which incorporates both BUSD and Safe Communities concepts. This resolution authorizes the City to apply for and, if selected, to accept and expend the Safe Communities-2000 grant. This two-year grant will pay staff salaries and program supplies and expenses.

Staff Selection: It is the intent of OTS, DHS and SDPD that current BUSD staff operate the Safe Communities-2000 program. Documentation and recommendation to Council for sole-source selection, and subcontract agreements, accompany these grant acceptance materials.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B058-219.)

CONSENT MOTION BY WARDEN 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: San Diego Safe Communities-2000 Grant Program Executive Director Agreement.

(See memorandum dated 9/2/97 from Senior Management Analyst, Grants.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-442) ADOPTED AS RESOLUTION R-289370

Authorizing the execution of a sole-source selection of the consultant David Thompson as Executive Director of the San Diego Safe Communities-2000 grant project;

Authorizing the City Manager to enter into an agreement with David Thompson as Executive Director of the San Diego Safe Communities-2000 grant project in accordance with the approved grant proposal.

Aud. Cert. 9800375.

FILE LOCATION: MEET CCONT FY98-1

COUNCIL ACTION: (Tape location: B058-219.)

CONSENT MOTION BY WARDEN 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: San Diego Safe Communities-2000 Grant Program Assistant Director Agreement.

(See memorandum dated 9/2/97 from Senior Management Analyst, Grants.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-443) ADOPTED AS RESOLUTION R-289371

Authorizing the execution of a sole-source selection of the consultant Louise Nichols as Assistant Director of the San Diego Safe Communities-2000 grant project;

Authorizing the City Manager to enter into an agreement with Louise Nichols as Assistant Director of the San Diego Safe Communities-2000 grant project in accordance with the approved grant proposal.

Aud. Cert. 9800376.

FILE LOCATION: MEET CCONT FY98-1

COUNCIL ACTION: (Tape location: B058-219.)

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

ITEM-110:

SUBJECT: Agreement with the Jehovah's Witnesses for Construction Services at Qualcomm Stadium.
(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-456) ADOPTED AS RESOLUTION R-289372

Authorizing an agreement with the Jehovah's Witnesses to provide construction services in exchange for the use of Qualcomm Stadium.

CITY MANAGER SUPPORTING INFORMATION:

Since 1984 the Jehovah's Witnesses of San Diego have conducted their conventions at Qualcomm Stadium which are a positive impact to the San Diego economy. Beginning in 1985, the Jehovah's Witnesses performed various construction projects which benefitted the Stadium in exchange for rent credits for their events. The projects included: remodeling offices; construction of offices for the 1988 Super Bowl Task Force; and construction of a game day event room. In addition, the Jehovah's Witnesses have also performed numerous construction projects for the Stadium and extensive cleaning of the facility at no cost to the City. This relationship has worked extremely well for both the City and Jehovah's Witnesses.

With the expansion of the Stadium, there is now a need for providing administrative offices for the Stadium staff. Also, the locker room, lunch room, and offices for the Stadium field crew are in extremely poor condition and are in need of major renovations. These areas are planned to be used by the NFL for the Super Bowl. The Jehovah's Witnesses are willing to take on

both of these projects in exchange for rent credits. It is estimated that the cost of both projects is \$383,000. The City will provide funds, not to exceed \$54,000, towards the projects, with the balance of \$329,000 given as 44 days of rent credits. In addition, the Jehovah's Witnesses would continue to perform miscellaneous projects as requested by the City and the usual outstanding job of cleaning the Stadium.

Aud. Cert. 9800475.

FILE LOCATION: MEET - Stadium (61)

COUNCIL ACTION: (Tape location: D418-488.)

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

ITEM-111:

SUBJECT: Industrial/Office Space Lease with Gateway West Properties, Inc.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-492) RETURNED TO CITY MANAGER

Authorizing the City Manager to execute a lease with Gateway West Properties, Inc., for the relocation of Westinghouse to 5446 Complex Street, Suite 203, San Diego, of approximately 6,310 square feet at a monthly rent of \$4,606.30 or \$.73 per square foot;

Authorizing the expenditure of not to exceed \$63,031.50, FY 1998 from MWWD's Fund No. 41508.

CITY MANAGER SUPPORTING INFORMATION:

MWWD, located at 9192 Topaz Way, (MOC 2), will be relocating its staff from downtown 600 B Street, in early 1999 to the MOC 2 building (during 1998, MWWD will refurbish MOC 2 and prepare for the relocation from 600 B Street). MWWD's Consultant, Westinghouse, currently occupies space in MOC 2 that is needed for the relocation of MWWD's staff. Due to the daily interaction between MWWD and Westinghouse, Westinghouse will need to remain in close proximity to MWWD.

Westinghouse currently occupies 14,000 square feet at MOC 2. Per their contract with MWWD, the City provides them with office/industrial space at no charge to Westinghouse. MWWD proposes to lease space for Westinghouse across the street at 5446 Complex Street, Suite 203. Westinghouse will be occupying approximately 6,310 square feet at a rental rate of \$.73 per square foot or \$4,606.30 per month for five years. This rent is considered below market for comparable office/industrial space (being in the range of \$.78 per square foot). The landlord will be providing a \$10,000 Tenant Improvement Allowance. Tentative move-in date is February 1, 1998. MWWD estimates paying approximately \$40,000 in tenant improvements.

Aud. Cert. 9800498.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B058-219.)

CONSENT MOTION BY WARDEN TO RETURN THIS ITEM TO THE CITY MANAGER, AT HIS REQUEST, FOR FURTHER REVIEW. 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: Fair Business Practices for the Super Bowl.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-476) ADOPTED AS RESOLUTION R-289373

Declaring the desire of the City of San Diego to encourage the business community to provide fair prices and friendly service during the Super Bowl festivities.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is proud to be the host of Super Bowl XXXII, which is expected to bring more than 100,000 visitors to our city. In keeping with our intention to be a good host, and to preserve our image as a friendly and fair community, it is the desire of the City of San Diego to encourage the business community to provide fair prices and friendly service during the Super Bowl festivities.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B058-219.)

CONSENT MOTION BY WARDEN 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: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

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

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-382) ADOPTED AS RESOLUTION R-289374

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

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

COUNCIL ACTION: (Tape location: B058-219.)

CONSENT MOTION BY WARDEN 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: Three actions related to the Final Subdivision Map of Carmel Valley Neighborhood 10 North Unit No. 4.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-324) ADOPTED AS RESOLUTION R-289375

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

Subitem-B: (R-98-323) ADOPTED AS RESOLUTION R-289376

Approving the final map.

Subitem-C: (R-98-325) ADOPTED AS RESOLUTION R-289377

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

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 7.169 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 Drawings Nos. 28574-1-D through 28574-23-D, filed in the Office of the City Clerk under Micro Number 139.46. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$705,127 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$3,200, 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 has entered into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility.

FILE LOCATION: Subitems A,B,C: SUBD-Carmel Valley
 Neighborhood 10 North Unit No. 4
 CONT FY98-1

COUNCIL ACTION: (Tape location: B058-219.)

CONSENT MOTION BY WARDEN 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: Transfer of CDBG Funds - District One.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-504) ADOPTED AS RESOLUTION R-289378

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$20,000 from Department 4145, Org. 4511 (ADA Compliance - District 1) to Department 4135, Organization 3503 (Christmas in April);

Authorizing the expenditure of an amount not to exceed \$20,000 from Dept. 4135, Org. 3503 for the Christmas in April project.

CITY MANAGER SUPPORTING INFORMATION:

Council District One wishes to transfer \$20,000 from its ADA Compliance Reserve to the Christmas in April project. Christmas in April is a non-profit organization that serves low income, disabled, and senior citizens by repairing and rehabilitating their homes.

Aud. Cert. 9800513.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B058-219.)

CONSENT MOTION BY WARDEN 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: Annual Election of College Community Project Area
Committee (PAC) Members.

(See City Manager Report CMR-97-193.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-482) ADOPTED AS RESOLUTION R-289379

Approving a Representative Project Area Committee for
the College Community Redevelopment Project Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B058-219.)

CONSENT MOTION BY WARDEN 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: Special Events Ordinance.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-31) INTRODUCED, TO BE ADOPTED NOVEMBER 18, 1997

Introduction of an Ordinance amending Chapter II,
Article 2, Division 2 by repealing Section 22.0207; and
by creating a new Division 40, Sections 22.4001,
22.4002, 22.4003, 22.4004, 22.4005, 22.4006, 22.4007,

22.4008, 22.4009, 22.4010, 22.4011, 22.4012, 22.4013, 22.4014, 22.4015, 22.4016, 22.4017, 22.4018, 22.4019, 22.4020, 22.4021, 22.4022, 22.4023, 22.4024, 22.4025, 22.4026, 22.4027, 22.4028, 22.4029, 22.4030, 22.4031, 22.4032, 22.4033, 22.4034, 22.4035, 22.4036, 22.4037, and 22.4038; and amending Chapter V, Article 4, Division 1 by amending Section 54.0105 and by repealing Section 54.0106, all relating to Special Events.

CITY MANAGER SUPPORTING INFORMATION:

Various Municipal Code changes are proposed:

Reorganization of the Special Event Ordinance, clean up of the existing Ordinance, repeal of Section 22.0207, and additional new enforcement powers, including:

1. Granting the City Manager certain Administrative and enforcement powers;
2. Granting permit holders the right to control sales in a special event venue;
3. Requiring display of vendor authorization;
4. Making it unlawful to solicit attendance at any special event without a special event permit;
5. Authorizing the City Manager to invalidate any permit/license issued in error, or if permittee violates special event provisions;
6. Making it unlawful to sell in a special event venue without authorization - except from a building or temporary structure approved with a special event permit;
7. Making it unlawful to scalp tickets within a special event venue;
8. Making it unlawful to display signs/advertising in violation of Chapter X, Article 1, Divisions 11 and 11.5; and
9. Allowing the City Manager to charge sponsors for all City costs incurred because of adverse impacts of a special event or violation of the special event permit.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B229-C059.)

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

ITEM-201:

SUBJECT: Amending Sections of the Municipal Code which refer to "San Diego Jack Murphy Stadium" to now refer to "Qualcomm Stadium."

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-33) INTRODUCED, TO BE ADOPTED NOVEMBER 18, 1997

Introduction of an Ordinance amending Chapter IX, Article 5 Section 95.0102; Chapter V, Article 9; and Chapter V, Article 9, Division 1, Sections 59.0101, 59.0102, 59.0103 and 59.0104 of the San Diego Municipal Code by amending sections which currently refer to "San Diego Jack Murphy Stadium" to now refer to "Qualcomm Stadium," in accordance with the agreement conveying naming rights to the stadium approved by Ordinance O-18397 on April 7, 1997.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C060-106.)

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

ITEM-202:

SUBJECT: Awarding a Contract to PTO Sales Corporation for Lease/Purchase of 30 Automated Refuse Packers.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-211) ADOPTED AS RESOLUTION R-289380

Awarding a contract to PTO Sales Corporation, (Fontana, CA), for the purchase of 30 automated refuse packers (Alternate No. 3), at a cost of \$149,531 each for a total cost of \$4,485,930, including tax and terms, with options to renew the contract for 4 one year periods, with option period price escalations not to exceed 6 percent of prices in effect at the end of each prior contract year;

Authorizing the City Manager to finance the total acquisition under the Master Lease Program over a period of five years for a total estimated cost of \$5,688,000 of which \$116,000 will come from FY98 funds;

Authorizing the expenditure of not to exceed \$116,000 from Fund No. 500311, Dept. No. 500311, Org. No. 512, Object Account No. 6019, Job Order No. 00512;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-C6311/98)

(2 bids received. For use by the Environmental Services Department, Refuse Collection Division.)

CITY MANAGER SUPPORTING INFORMATION:

The automated packers are requested by the Transportation Department, Equipment Division for use by Environmental Services Department, Refuse Collection Division. They are replacements for 30 rear loaders. The new automated refuse packers will improve productivity, allowing routes to be expanded while reducing worker compensation claims for back injuries. Twenty-nine potential bidders were contacted; two bidders responded. Award is recommended for Alternate Bid No. 3 from PTO Sales Corporation. The lower bids from Carmenita Truck Center

did not meet minimum specifications, which require a Caterpillar Model C-10 engine; Carmenita offered a Cummins engine. Lower bids (Alternate Bids No. 1 and No. 2), from PTO Sales Corporation did not meet specifications. Alternate Bid No. 1 offered a chain type lift with motor, while the specifications stated that lifts which incorporate chains in design parameters are unacceptable. Alternate Bid No. 2 did not meet specifications in three areas: 1) bid specifications required that transport to service facility by vendor be included in the bid price; the bid required the City to transport vehicles to the vendor's service facility; 2) bid specifications required bidder to list five previous customers and stated that failure to include customer references would void the bid. The bid listed only two references, one of which was a demonstration unit; 3) bid specifications required that body design eliminate any residual trash remaining in body after ejecting the load, eliminating any manual clean out by operator. The Alternate No. 2 bid did not eliminate residual trash. The most recent purchase of similar equipment was made in March 1996 from T&J Garage, Inc. at a cost of \$107,750 each. The current bid price is approximately 39 percent above the previous contract price. This increase is attributable to normal annual product price increases and to changes made in the new specifications which included addition of requirements for electronic engines and transmission, fully hydraulic lift mechanisms, more extensive warranty coverage, on-board scales, multiple camera systems, mobile radio systems and a performance bond requirement.

Aud. Cert. 9800480.

FILE LOCATION: PURCHASE CONT FY98-1

COUNCIL ACTION: (Tape location: C150-308.)

MOTION BY WARDEN 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: Two actions related to Inviting Bids for the Fiesta Island Sludge Processing Facility - Demobilization Operation Phase III.

(Mission Bay Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-334) ADOPTED AS RESOLUTION R-289381

Inviting bids for the Fiesta Island Sludge Processing Facility - Demobilization Operation Phase III on Work Order No. 4012;

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

Authorizing the expenditure of not to exceed \$2,110,000 from Metro Sewer Fund No. 41508 for providing funds for said project and related costs. (BID-K98104)

Subitem-B: (R-98-335) ADOPTED AS RESOLUTION R-289382

Certifying that the information contained in Negative Declaration LDR-96-7489, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said declaration reflects the independent judgement of the City as Lead Agency and that the information contained, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with approval of the Fiesta Island Sludge Demobilization Operation Phase III Closure Plan.

CITY MANAGER SUPPORTING INFORMATION:

Demobilization of Fiesta Island Sludge Processing Facility Phase III is the final phase of the comprehensive closure plan developed by City staff to remove the sludge processing and dewatering facility off Fiesta Island and to restore the facility

to a condition suitable for the Park and Recreation Department to develop this area in accordance with the Mission Bay Master Plan. The new dewatering facility will be located at the Metro Biosolids Center (MBC), currently under construction. Phase III consists of approximately 62 acres and is scheduled to be returned to the Park and Recreation Department by December 1998.

Aud. Cert. 9800408.

FILE LOCATION: Subitems A and B: W.O. 4012 CONT-Clauss
Construction CONT-FY98-1

COUNCIL ACTION: (Tape location: B058-219.)

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

ITEM-204:

SUBJECT: Dairy Mart Road and Bridge Improvements.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-413) ADOPTED AS RESOLUTION R-289383

Authorizing the expenditure of an additional amount not to exceed \$1,029,904.50 from Sewer Fund No. 41509, CIP-45-923.0, Dairy Mart Road and Bridge Improvements, to provide construction funds for this project, and an additional amount not to exceed \$51,495.50 from Sewer Fund No. 41509, CIP-46-502.0, Pooled Contingency, to provide contingency funds for this project, pending approval of the Fiscal Year 1999 Appropriation Ordinance, provided that the City Auditor first furnishes a certificate demonstrating that funds

necessary for expenditure under 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.

CITY MANAGER SUPPORTING INFORMATION:

The Dairy Mart Road and Bridge Improvements Project will replace the existing Dairy Mart Road and provide all-weather access to the South Bay Water Reclamation Plant and southern Tijuana River Valley. The project consists of a 1,000 foot long bridge, 4,000 feet of road improvements, a multi-use trail and public art. The advertisement and award for this contract was authorized by City Council on May 13, 1997 under Resolution R-288662. This construction contract was advertised for bids on August 14, 1997. The bids were opened on September 30, 1997. The lowest responsible bidder is Herzog Contracting Corporation of St. Joseph, Missouri with a bid amount of \$14,350,532.50. This bid amount is over the final design estimated amount. It is felt that this higher than anticipated bid amount is due to the threat of severe winter weather and the large amount of work that will occur in the Tijuana River, which is subject to flooding. This action is being processed to increase the funding originally requested for the Dairy Mart Road and Bridge Improvements Project. This project is needed to provide all-weather access to residents and visitors to the Tijuana River Valley.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C309-526.)

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

ITEM-205:

SUBJECT: Reclaimed Water Distribution System - Fund Transfer and Expenditure.

(University, Mira Mesa, Scripps Miramar Ranch, Miramar Ranch North Community Areas. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-472) ADOPTED AS RESOLUTION R-289384

Authorizing the City Auditor and Comptroller to amend the CIP budget to increase the total appropriations in Water Operating Fund No. 41500 by the amount of \$2,604,490, in accordance with the 1998 Appropriation Ordinance;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$2,604,490 from the unappropriated balance in Fund No. 41500 as follows:

- 1) \$510,660 to CIP-70-911.0, Genesee Avenue Subsystem;
- 2) \$440,780 to CIP-70-917.0, Miramar Storage Tank and Raw Water Connection;
- 3) \$1,653,050 to CIP-70-927.0, University City Subsystem;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$302,203 within Fund 41500, as follows: 1) \$122,533 from CIP-70-918.0, Scripps Ranch Boulevard/I-15 Subsystem, to CIP-70-917.0, Miramar Storage Tank and Raw Water Connection; 2) \$179,670 from CIP-70-921.0, Scripps Poway Parkway Subsystem, to CIP-70-927.0, University City Subsystem;

Authorizing the expenditures of the following amounts from Fund No. 41500, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be on deposit in the City Treasury:

- 1) An amount not to exceed \$1,061,630 from CIP-70-911.0, Genesee Avenue Subsystem, consisting of \$770,900 for additional contingency and \$290,730 for additional related costs and use of City Forces;
- 2) An amount not to exceed \$1,430,885 from CIP-70-916.0, Miramar Road Subsystem, consisting of \$1,195,085 for additional contingency and \$235,820 for additional related costs;
- 3) An amount not to exceed \$637,483 from CIP-70-917.0, Miramar Storage Tank and Raw Water Connection, consisting of \$440,780 for additional contingency and \$196,703 for additional related costs and use of City Forces;
- 4) An amount not to exceed \$247,475, from CIP-70-918.0, Scripps Ranch Boulevard/I-15 Subsystem, consisting of \$228,565 for additional contingency and \$18,910 for additional related costs and use of City Forces;
- 5) An amount not to exceed \$42,324 from CIP-70-921.0, Scripps Poway Parkway Subsystem for additional related costs;
- 6) An amount not to exceed \$1,792,970 from CIP-70-927.0, University City Subsystem, consisting of \$1,653,050 for additional contingency and \$139,920 for additional related costs and use of City Forces;

Authorizing the use of City Forces to do the minor construction work as required in connection with the following projects: 1) Genesee Avenue Subsystem, with the cost not to exceed \$3,000; 2) Miramar Storage Tank and Raw Water Connection, with the cost not to exceed \$25,000; 3) Scripps Ranch Boulevard/I-15 Subsystem, with the cost not to exceed \$10,000; 4) University City Subsystem, with the cost not to exceed \$10,000.

CITY MANAGER SUPPORTING INFORMATION:

In order to increase the flexibility and service area of the recently installed reclaimed water distribution system, several

of the construction contracts require change orders to include additional distribution pipelines and lateral services. The reasons for the additional work are as follows: 1) The new services will provide reclaimed water to new users not recognized by previous market assessments to maximize the initial amount of reclaimed water being used. 2) Users that had been previously identified, particularly the users with multiple potable water meters, were originally assumed to require one reclaimed water service point. Upon further investigation, users of this nature will require reclaimed water services at multiple locations, thereby creating the need for additional pipeline and laterals. Construction of these additional pipelines and service laterals will allow the City to provide reclaimed water to an additional 38 customers located mainly within the University City and Mira Mesa areas with an average yearly reclaimed water use of approximately 560 acre feet per year (AFY). This action represents a transfer of funds from the Retrofit Program CIP to the individual reclaimed water CIPs to fund the additional work to maximize the number of initial reclaimed water users, authorizing the expenditure of those funds in each of the reclaimed water construction contracts, and authorization for the use of City Forces to provide minor construction services. These projects are included in the Interim Order issued by the U. S. Federal Court.

Aud. Cert. 9800489.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B058-219.)

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

ITEM-206:

SUBJECT: Change Order Request for the Reclaimed Water Distribution System.

(University, Mira Mesa, Scripps Miramar Ranch, Miramar Ranch North Community Areas. Districts-1 & 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-473 Cor. Copy) ADOPTED AS RESOLUTION R-289385

Authorizing the City Manager to enter into negotiations and to execute change orders in connection with the following subsystems of the Reclaimed Water Distribution System:

- 1) Change Order No. 6, with Ortiz Construction Company for the Genesee Avenue Subsystem, increasing the contract price by \$275,000;
- 2) Change Order No. 24, with Albert W. Davies, Inc. for the Miramar Road Subsystem Extension, increasing the contract price by \$1,026,220;
- 3) Change Order No. 16, with Schlumberger Industries for the Scripps Ranch Boulevard/I-15 Subsystem, increasing the contract price by \$276,409;
- 4) Change Order No. 8, with Vadnais Corporation for the University City Subsystem, increasing the contract price by \$495,000;
- 5) Change Order No. 16, with Thomas Pipeline for the University City Subsystem, increasing the contract price by \$700,427.

CITY MANAGER SUPPORTING INFORMATION:

In order to increase the flexibility and service area of the recently-installed reclaimed water distribution system, several of the construction contracts require change orders to include additional distribution pipelines and lateral services. The reasons for the additional work are as follows:

- 1) The new services will provide reclaimed water to new users not recognized by previous market assessments to maximize the initial amount of reclaimed water being used;
- 2) Users that had been previously identified, particularly the users with multiple potable water meters were originally assumed to require one reclaimed water service point. Upon further investigation, users of this nature will require water services at multiple locations, thereby creating the need for additional pipeline and laterals.

Construction of these additional pipelines and service laterals will allow the City to provide reclaimed water to an additional 38 customers located mainly within the University City and Mira Mesa areas with an average yearly reclaimed water use of approximately 560 acre feet per year (AFY). An accompanying Request for Council Action requested the transfer and authorized the expenditure of the funds necessary to perform the work. This subsequent action authorized the City Manager to enter into negotiations with the various reclaimed water pipeline contractors for change orders to construct the additional pipelines and service laterals. These projects are included in the Interim Order issued by the U.S. Federal Court.

Aud. Certs. 9800488/9800491/9800492/9800493.

FILE LOCATION: CONT-Ortiz Construction Company;
 CONT-Albert W. Davies, Inc.;
 CONT-Schlumberger Industries;
 CONT-Vadnais Corporation; CONT-Thomas
 Pipeline CONT FY98-5

COUNCIL ACTION: (Tape location: B058-219.)

CONSENT MOTION BY WARDEN 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-330:

SUBJECT: This is the second of two scheduled public hearings regarding the annual assessments for the Coronado View Landscape Maintenance District. Following public

testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(South Encanto Neighborhood. District-8.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following resolution:

(R-98-133) ADOPTED AS RESOLUTION R-289386

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Coronado View Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1998 assessments for the Coronado View Landscape Maintenance District. 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	\$15,883.00	\$ 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: STRT-M-387-98

COUNCIL ACTION: (Tape location: B058-219.)

Hearing began at 10:57 a.m. and halted at 11:09 a.m.

CONSENT MOTION BY WARDEN TO VALIDATE THE ELECTION AND TO ADOPT THE RESOLUTION. 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:

SUBJECT: This is the second of two scheduled public hearings regarding the annual assessments for the Newport Avenue Landscape Maintenance District. Following public testimony at today's meeting the Council will consider and may confirm the proposed assessments.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following resolution:

(R-98-136) ADOPTED AS RESOLUTION R-289387

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Newport Avenue Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1998 assessments for Newport Avenue Landscape Maintenance District. 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: STRT-M-496-98

COUNCIL ACTION: (Tape location: B058-219.)

Hearing began at 10:57 a.m. and halted at 11:09 a.m.

CONSENT MOTION BY WARDEN TO VALIDATE THE ELECTION AND TO ADOPT THE RESOLUTION. 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: This is the second of two scheduled public hearings regarding the annual assessments for the San Ysidro Boulevard Landscape Maintenance District No. 1. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following resolution:

(R-98-139 REV. 1) DISTRICT ABANDONED, ADOPTED AS
RESOLUTION R-289388

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the San Ysidro Boulevard Landscape Maintenance District No. 1.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1998 assessments for the San Ysidro Boulevard Landscape Maintenance District No. 1. 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: STRT-M-364-98

COUNCIL ACTION: (Tape location: B058-219.)

Hearing began at 10:57 a.m. and halted at 11:09 a.m.

CONSENT MOTION BY WARDEN TO VALIDATE THE ELECTION THEREBY ABANDONING THE DISTRICT . 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: Four actions related to Centre City Coastal Development Permit CDP-96-7330 (Mainstay Suites).

(See CCDC's memorandum dated 10/6/97. Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-477) ADOPTED AS RESOLUTION R-289389

Certifying that the information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project and the Secondary Study with respect to the Construction of a Hotel Development, has been reviewed and considered by Council;

Making certain findings and determinations regarding Environmental Impacts of the Development.

Subitem-B: (R-98-478) ADOPTED AS RESOLUTION R-289390

Vacating a portion of West Elm Street between Pacific Highway and California Street.

Subitem-C: (R-98-642) ADOPTED AS RESOLUTION R-289391

Approving Coastal Development Permit CDP-96-7330 and variances to the Centre City Planned District Ordinance with appropriate findings to support Council action.

Subitem-D: (R-98-479) ADOPTED AS RESOLUTION R-289392

Making certain findings with respect to the payment for installation and construction of certain sidewalk improvements on Pacific Highway in the Little Italy Redevelopment District.

FILE LOCATION: Subitems A, C and D: PERM-CDP-96-7330
(Mainstay Suites)
Subitem B: STRT-J-2876 DEED FY98-1

COUNCIL ACTION: (Tape location: C115-120.)

Hearing began at 10:57 a.m. and halted at 11:09 a.m.

MOTION BY KEHOE TO ADOPT THE RESOLUTIONS WITH A CHANGE UNDER REFINEMENTS, CIRCULATION AND PARKING. THE LAST SENTENCE SHOULD READ "THE PARKING SHALL BE LANDSCAPED WITH THE EXCEPTION OF PARKING ENTRANCES AND EXITS SCREENED FROM THE PUBLIC RIGHT OF WAY". 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: CONTINUED TO NOVEMBER 18, 1997

(Continued from the meeting of October 28, 1997, Item 331, at City Council's request to allow time for changes to be made to the Resolutions and Ordinances as directed by City Council.)

SUBJECT: Matter of amendments to the Municipal Code and Rezoning of property being proposed as part of the Land Development/Zoning Code Update Project.
(Citywide.)

(Districts-1,2,3,4,5,6,7, and 8.)

NOTE: Hearing closed. Public testimony taken on 10/28/97.

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A-E; and introduce Subitems F and G:

Subitem-A: (R-98-288)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR-96-0333 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and

considered by the Council and adopting appropriate findings and Statement of Overriding Considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-98-289)

Adoption of a Resolution directing the City Manager to return to the City Council with implementing actions in connection with adoption of the Land Development Code.

Subitem-C: (R-98-290)

Adoption of a Resolution revising the Steep Hillside Guidelines, Biology Guidelines, Landscape Standards, and the new Coastal Bluffs and Beaches Guidelines, and Historical Guidelines.

Subitem-D: (R-98-291)

Adoption of a Resolution directing the City Manager to submit the Land Development Code to the Coastal Commission for certification.

Subitem-E: (R-98-425)

Adoption of a Resolution directing the City Manager to submit a request for categorical exclusion to the Coastal Commission for demolition and single dwelling units.

Subitem-F: (O-98-27)

Introduction of an Ordinance amending the Municipal Code by repealing the Municipal Code provisions to be replaced by the Land Development Code.

Subitem-G: (O-98-28)

Introduction of an Ordinance razoring single-unit residential property to distinguish between the urbanized area and the planned urbanizing and future urbanizing areas consistent with the Land Development Code.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to approve the Land Development Code and related actions in accordance with the City Manager's recommendation except as modified by the Planning Commission at their hearings on April 24, May 1, and May 8, 1997.

Ayes: Neils, Anderson, Butler, Skorepa, Watson, White
Not Present: Quinn

SUPPORTING INFORMATION:

The proposed revisions are the result of four years of work by City Staff and dedicated community participants. More than 240 public forums have been held and four drafts of proposed revisions have undergone public review. The revisions are a comprehensive amendment to all regulations in the Municipal Code that regulate the development of land in the City of San Diego. Changes are proposed to decision processes, zones, and development regulations through this action. Existing Municipal Code Chapters 2,5,6,9,10, and 11 would be amended. New Chapters 12,13, and 14 will be combined with an amended Chapter 11 to form the Land Development Code.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B058-219.)

CONSENT MOTION BY WARDEN TO CONTINUE THIS ITEM UNTIL NOVEMBER 18 TO BE PROPERLY NOTICED WITH THE HEARING OPEN. Second by Wear. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-S501:

SUBJECT: Discussion of City Purchase of Charger Tickets.

TODAY'S ACTION IS:

(R-98-548) ADOPTED AS RESOLUTION R-289393

In the matter of discussing the purchase of unsold general admission tickets to San Diego Charger home games.

FILE LOCATION: LEAS-San Diego Chargers (STADIUM-61)

COUNCIL ACTION: (Tape location: C591-D417, D501-520.)

MOTION BY STEVENS TO AUTHORIZE AND DIRECT THE CITY MANAGER TO PURCHASE WHATEVER REMAINING GENERAL ADMISSION TICKETS ARE AVAILABLE AT THE END OF THE FIRST QUARTER AT EACH HOME GAME TO BRING THE NUMBER OF GENERAL ADMISSION TICKETS SOLD TO THE 60,000 NUMBER WHICH IS OUR GUARANTEE, PROVIDING THAT PRIOR TO EACH PURCHASE, THE CITY AUDITOR CERTIFIES THAT SUFFICIENT FUNDS ARE AVAILABLE AND HAVE BEEN APPROPRIATED AND IT SHOULD COME FROM THE STADIUM FUND OR THE TICKET GUARANTEE RESERVE, NOT THE GENERAL FUND. THIS WILL BE ONLY FOR THE 1997 SEASON. Second by Mathis.

Substitute motion by Vargas to purchase some tickets on Friday with the best estimate of how many tickets we think we will need to buy anyway. With TOT and other money we sometimes do this to give kids an opportunity. Second by Kehoe. Failed. Yeas-3,8; Nays-1,4,5,6,7,M; Not present-2.

Motion by Stevens passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 12:55 p.m..

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D521).