

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 2, 1998
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:07 p.m. Mayor Golding adjourned the meeting at 6:40 p.m. into Closed Session on Tuesday, February 3, 1998, at 9:00 a.m. in the twelfth floor conference room to discuss existing and anticipated litigation and property acquisition.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present

- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Rabbi Avram Bogopulsky of the Beth Jacob Congregation.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stallings.

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO CITY MANAGER

Scott McLachlan said, "Thank you," to the Mayor and Councilmembers for providing a forum for public input regarding the new Padres' stadium; to Council Member Stallings for taking an unpopular position; to Council Member Stevens for his courage; to Council Member McCarty for showing uncommon amounts of common sense; to Council Member Warden for being a worthy component; and to Deputy Mayor Wear, City Manager Michael Uberuaga, and Deputy City Manager Bruce Herring for their prompt response. Mr. McLachlan then inquired of the Mayor about questions he posed to her back in September and allegedly were drafted in November.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A042-069.)

ITEM-PC-2: REFERRED TO CITY MANAGER

Dr. Art Salzberg inquired as to the unnecessary killing of a homeless man in which police were pursuing for stealing a bicycle. He said on November 25th, a San Diego Police Officer, fatally shot and killed a

mentally ill and homeless man who was unarmed at the time. The only thing this man did was yell obscenities and throw bottles. Dr. Salzberg said mentally ill people do not have any medical care facilities or outreach programs in this county. He has requested Attorney General Janet Reno to investigate this matter and called upon the City Council to do the same.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A070-099.)

ITEM-PC-3:

Mr. Stillwell commented on the amount of money the Chargers receive for tickets. He said the Chargers receive \$20 for each \$40 ticket sold; yet they receive \$40 if the ticket is not sold. Mr. Stillwell then said goodbye to the only legal joint powers of authority, the stadium authority. He said the Public Facilities Financing Authority is an illegal joint powers of authority.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A100-133.)

ITEM-PC-4:

Walt Hall said he was advised by the Park and Recreation Department with five months remaining in Fiscal Year 1998 for their matching funds program, \$500,000 has been exhausted. He said many businesses and residents have contributed to the matching funds program and this will curtail children's programs at the recreation centers. Mr. Hall requested the Council to take action and add \$200,000 to the Park and Recreation budget.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A134-156.)

ITEM-PC-5:

John Z. Mraz, representing La Jolla Parks, Inc., and Troup 4 of Boy Scouts of America, was before Council to speak about the matching funds program for the Park and Recreation Department. He emphasized the fact that many businesses and residents have contributed to the matching funds program. The matching funds program shortfall will impact all council districts. He said this is one of the most profitable and successful programs in which there is a 100 percent return.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A157-172.)

ITEM-PC-6:

Richard Glenn, Executive Director of the San Diego Oceans Foundation, said a mile stone was reached in solving pollution. He commended Deputy Mayor Wear and Council Member Mathis for the storm drain conversion program. Mr. Glenn then commented on a La Jolla project in which the San Diego Oceans Foundation and others are involved. It is the removal of the unused shuffleboard courts at the Cove. He said they will be replaced with landscaping and a small marine oriented and nature education center. Mr. Glenn said although this project was approved, it is on hold due to inadequate City matching funds.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A173-198.)

COUNCIL COMMENT:

None.

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

1/12/98
1/13/98

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B027-040.)

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-yea.

ITEM-31:

SUBJECT: Proclaiming ElderHelp of San Diego Month.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-759) ADOPTED AS RESOLUTION R-289671

Recognizing ElderHelp for its tremendous contribution to seniors and proclaiming February 1998 to be "ElderHelp of San Diego Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A212-272/B027-040.)

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: Lunar New Year Celebration.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-799) ADOPTED AS RESOLUTION R-289672

Declaring that the City Council joins with the San Diego Chinese Center in welcoming the Year of the Tiger

and recognizing the historical and traditional
significance of celebrating the Lunar New Year.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A399-468/B027-040.)

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: Declaring Danny Garcia Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-800) ADOPTED AS RESOLUTION R-289673

Declaring Tuesday, January 13, 1998, to be "Danny
Garcia Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A470-575/B027-040.)

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: Jewish Education Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-803) ADOPTED AS RESOLUTION R-289674

Commending the Agency for Jewish Education and all those who will take part in the proceedings held January 31, 1998 through February 12, 1998 for Jewish Education Week, for their commitment to learning and exploring their rich heritage and future contributions to our city.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A576-B040.)

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 Otay Mesa Development District Ordinance.

(Otay Mesa Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/13/98. (Council voted 8-0. Mayor not present):

(O-98-74) ADOPTED AS ORDINANCE O-18462 (New Series)

Amending Chapter X, Article 3, Division 11, of the San Diego Municipal Code by amending Section 103.1103 relating to industrial uses within the commercial subdistrict of the Otay Mesa Development District.

FILE LOCATION: Otay Mesa Community Area - 96-7560 (65)

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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-51:

SUBJECT: Land Dedication - Mission Trails Regional Park.

(Camp Elliott Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was re-introduced on
1/12/98. (Council voted 8-0. Mayor not present):

(O-98-29) ADOPTED AS ORDINANCE O-18463 (New Series)

Dedicating portions of Lots 1 and 2, Blocks G and H,
Fanita Ranch, and portions of Tract C and T, Rancho El
Cajon, as a park, and for inclusion in Mission Trails
Regional Park.

FILE LOCATION: DEED F-7134 DEEDFY98-1

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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-52:

SUBJECT: Amendments to the Regulations of Bingo Games in San
Diego Municipal Code Division 34.

(See City Manager Report CMR-98-07.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-101 Corr.Copy) INTRODUCED, TO BE ADOPTED FEBRUARY
17, 1998

Introduction of an Ordinance amending Chapter III,
Article 3, Division 34, of the San Diego Municipal Code
by amending Section 33.3406, relating to terms of Bingo
License and Fees, and Section 33.3408, relating to
Limitations.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 1/14/98, PS&NS voted 4-0 to approve on consent.
(Councilmembers Wear, Warden, McCarty and Vargas voted yea.
Councilmember Stevens not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

CONSENT MOTION BY STALLINGS TO INTRODUCE 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 Carus Chemical, Co. for
Potassium Permanganate.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-214) ADOPTED AS RESOLUTION R-289675

Awarding a contract to Carus Chemical Co. (Peru, IL),
for furnishing potassium permanganate, as may be
required for a period of one year beginning December 1,
1997 through November 30, 1998, for a total estimated
cost of \$146,518.72, including tax and terms, with
options to renew the contract for four additional one
year periods;

Authorizing the expenditure of the following: not to
exceed \$27,355 from Fund No. 41500, Dept. No. 760, Org.
No. 481, Object Account No. 3221, Job Order No. 004140;
not to exceed \$76,673.29 from Fund No. 41500, Dept. No.
760, Org. No. 476, Object Account No. 3221, Job Order
No. 004136; and not to exceed \$42,490.43 from Fund No.
41500, Dept. No. 760, Org. No. 471, Object Account No.
3221, Job Order No. 004132;

Authorizing the Auditor and Comptroller, upon advice

from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-P6378/98)

CITY MANAGER SUPPORTING INFORMATION:

The proposed contract is to supply the City of San Diego with approximately 219,500 lbs of Free Flowing Potassium Permanganate for use at the City Water Treatment Plants, as may be required for a period of one year beginning December 1, 1997 through November 30, 1998. Twenty potential bidders were contacted and six bids were received. The apparent low bids of Astor Chemical Co., Inc. of Stuart, FL were rejected following testing of a sample of their product at the City Water Quality Lab. The bid specifications required that the product bid meet American Water Works Association Standard (B603-93). The sample of product furnished by Astor Chemical Co., Inc. failed to meet these standards. Furthermore, Astor Chemical Co., Inc. failed to demonstrate that they had the required experience of providing 200,000 lbs of product per year, for at least two years to other agencies in the U.S.A. Although there is a potential cost savings of \$19,866.95 if the low bid of Astor Chemical Co., Inc. was accepted, staff does not consider it to be in the City's best interest to accept a product which does not meet its specifications. The award of this contract to Carus Chemical Co., represents a decrease of 1 percent over the previous contract which was also with Carus Chemical Co. Astor Chemical Co., Inc. has stated that they want the award of bid docketed before the City Council as they intend to protest at that time.

Aud. Cert. 9800838.

FILE LOCATION: PURCHASE CONFY98-1

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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-101:

SUBJECT: Two actions related to the Final Subdivision Map of
Torrey Hills Unit No. 1.

(A 112-lot subdivision. Sorrento Hills Community Area.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-751) ADOPTED AS RESOLUTION R-289676

Authorizing a Subdivision Improvement Agreement with
Presley Torrey I Associates, LLC, for the installation
and completion of public improvements.

Subitem-B: (R-98-750) ADOPTED AS RESOLUTION R-289677

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 25.483 acre site into 112 lots for residential development. It is located south of Carmel Mountain Road in the Sorrento Hills Community Plan Area. On March 17, 1997 the Council of the City of San Diego approved Vesting Tentative Parcel Map VTPM-95-0554, Torrey Hills by Resolution No. R-288438 for Torrey Hills Unit No. 1 Subdivision. 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. 28612-1-D through 28612-21-D, filed in the Office of the City Clerk under Micro Number 139.56. The improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$1,255,153.35 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$42,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Sorrento Hills Community Area. This subdivision has a development agreement which provides for the payment of public facilities. 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 - Torrey Hills Unit No. 1
(40) CONFY98-1

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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-102:

SUBJECT: Reclaimed Water Easement Set Aside - Pueblo Lots 1330,
1331 and 1333.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-741) ADOPTED AS RESOLUTION R-289678

Accepting a reclaimed water easement set aside in
City-owned land in those portions of Pueblo Lots 1330,
1331 and 1333 of the Pueblo Lands of San Diego,
Miscellaneous Map-36, as shown on Engineering Drawing
No. 28739-D.

CITY MANAGER SUPPORTING INFORMATION:

This is a City project proposing to install a reclaimed waterline on City owned golf course property. Since the City cannot grant itself an easement, an easement set aside is necessary to perpetuate the waterline location and to insure that an easement is reserved in case of future sale of the property.

FILE LOCATION: DEED F-7159 DEEDFY98-1

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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:

SUBJECT: Conduct Bathymetric Survey (Aerial and Hydrographic
Surveys) for Eight of the City's Raw Water Reservoirs.

(Mid-City, Scripps-Miramar, and Otay Mesa Community
Areas. Districts-4, 5, 7 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-796) ADOPTED AS RESOLUTION R-289679

Authorizing the City Auditor and Comptroller to
transfer an amount not to exceed \$202,138 within Water
Revenue Fund 41500, from CIP-73-277.0, Annual
Allocation - Standpipes and Reservoirs, to Program
Element 76426, Object Account 4226;

Authorizing the expenditure of an amount not to exceed
\$202,138 from Water Revenue Fund 41500, Program Element
76426, Object Account 4226, for providing funds for
performing the Bathymetric Survey (Aerial and
Hydrographic Surveys), and related work, for the
Barrett, El Capitan, Lower Otay, Miramar, Morena,
Murray, San Vicente and Sutherland Raw Water
Reservoirs, 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 reserve;

Authorizing the expenditure of an amount not to exceed
\$82,012 from the \$202,138 within Water Revenue Fund
41500, Program Element 76426, Object Account 4226, for
City Forces to perform work related to the Water
Reservoir Bathymetric Surveys;

Authorizing a contract for Aerial Mapping services, with a consultant to be selected from the City's existing Qualified As-Needed Aerial Consultant List in an amount not to exceed \$120,126 from the \$202,138 within Water Revenue Fund 41500, Program Element 76426, Object Account 4226.

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is currently using thirty to forty year old bathymetric survey information to estimate raw water reservoir capacity in eight of its nine reservoirs. Bathymetric survey information will determine the current reservoir capacity, evaluate the impact of reservoir siltation on storage capacity, and quantify the emergency storage drawdown mandated by the State Division of Safety of Dams for the following eight Raw Water Reservoirs: Barrett, El Capitan, Lower Otay, Miramar, Morena, Murray, San Vicente and Sutherland. During the scope negotiations with the Pre-Design consultant for the Dams and Appurtenances Modifications Study, it was determined that Bathymetric surveys will be needed to help determine the extent of siltation in the City's raw water reservoirs, their current physical shape and the volume of water they contain. This survey information will help to determine the Capital Improvements needed for the reservoirs. The consultant presented the City with a bid in excess of \$500,000 to do the Bathymetric Surveys. The City's survey section was asked to bid on the same survey work; the cost estimate was \$202,138. Having the City Survey Section perform the work would result in a cost savings in excess of \$300,000.

Aud. Cert. 9800853.

WD-98.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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-104:

SUBJECT: Fiscal Year 1999 Park Trailer Bill.

(See City Manager Report CMR-98-17.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-780) ADOPTED AS RESOLUTION R-289680

Authorizing the City Manager or designee to submit the list of park projects to be included in the Legislative Park Trailer Bill regarding State grant funds to the City's State Legislature lobbyist in Sacramento;

Authorizing the City Manager or designee to conduct all negotiations and execute and submit all documents which may be necessary for the completion of the projects;

Authorizing the City Manager to accept and expend any grant funds that may be obtained;

Authorizing the City Auditor and Comptroller to establish separate interest bearing accounts for each project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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-105:

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-98-704) ADOPTED AS RESOLUTION R-289681

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

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

COUNCIL ACTION: (Tape location: G256-296.)

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

* ITEM-106:

SUBJECT: Recognizing the Coalition for Reproductive Choice.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-758) ADOPTED AS RESOLUTION R-289682

Recognizing the outstanding contributions that the Coalition for Reproductive Choice has made towards supporting the full range of reproductive rights for all citizens of the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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

* ITEM-107:

SUBJECT: Re-Capitalization of the EmTek Fund.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-748) TRAILED TO FEBRUARY 3, 1998

Authorizing the reallocation and transfer of \$110,000 in Industrial Development Bond Fund Fee revenues previously allocated to Facade Rebate Program Fund 10242, Org. 150, to the EmTek Seed Capital Program Fund 10242, Org. 160, for the purpose of re-capitalization of the EmTek Fund;

Authorizing the allocation of an additional \$15,000 from Fund 10240 to the EmTek Seed Capital Fund, for a total of \$125,000.

CITY MANAGER SUPPORTING INFORMATION:

The EmTek Fund was established in 1994 as part of a \$5.8 million federal defense conversion grant to provide financing for promising smaller early stage high tech businesses located throughout the San Diego region unable to obtain conventional loans or attract venture capital. EmTek's initial \$1 million capitalization came from a \$750,000 EDA Title IX Revolving Loan Fund grant, with a \$250,000 local matching contribution provided by the City. EmTek has committed a total of \$1,080,000 in loans to 8 companies; 1 loan has been repaid in full; 1 loan is delinquent; the remainder of the portfolio is current and performing. 74 new jobs have been retained or created and over \$3.9 million in total public and private investment has been generated to date.

\$162,000 is currently available for lending, with several additional loan requests pending. In order to build upon EmTek's accomplishments, rather than suspending EmTek's operations upon obligation of its remaining initial capital, the City Manager is seeking to continue the program with a proposed \$1 million re-capitalization, as follows: \$125,000 has been committed from the County of San Diego by action of the Board of Supervisors on December 9; \$125,000 of additional City funding would be

committed by the proposed action; \$750,000 is being sought from other public (e.g. EDA) and/or private (e.g. banks) sources. The proposed action authorizes a transfer to EmTek of \$110,000 previously allocated for the Facade Rebate Program in 1993 (R-282405) but still available due to the fact that in the intervening period, annual funding has been allocated for facade rebates as part of the Small Business Enhancement Program; and allocation of \$15,000 in revenues on-hand from the Industrial Development Bond Fund.

Aud. Cert. 9800798.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: G314-378.)

* ITEM-108:

SUBJECT: Amending the FY 1998 Capital Improvements Program
Budget for Balboa Park Paving Repair.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-793) ADOPTED AS RESOLUTION R-289683

Authorizing the addition of CIP-21-848.0, Balboa Park - Paving Repair, to the Fiscal Year 1998 Capital Improvements Program;

Authorizing the transfer of not to exceed \$100,000 from Water Utilities Operations Fund No. 41500, and \$19,900 from Metropolitan Wastewater Department Sewer Revenue Fund 41506, to CIP-21-848.0, Balboa Park - Paving Repair;

Authorizing the expenditure of not to exceed \$119,900 from CIP-21-848.0, Balboa Park - Paving Repair, for repair work necessary to Sefton Plaza and the Museum of Man in Balboa Park to restore and return them to their original grades.

CITY MANAGER SUPPORTING INFORMATION:

In late Spring of 1997, a water main break underneath Sefton Plaza in Balboa Park, at Laurel Street and Balboa Drive, and a sewer main repair in the plaza paving in front of the Museum of Man, damaged the subgrade and required excavation of existing paving.

This project involves the removal, repair and replacement of the existing decorative, interlocking pavers and sand base material, and the return of the plazas to their original grades. This repair work was postponed until after the summer season.

Aud. Cert. 9800823.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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: North City Water Reclamation Plant Additional Funding.

(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-760) ADOPTED AS RESOLUTION R-289684

Authorizing the expenditure of not to exceed \$510,000 from Fund No. 41509, CIP-42-910.1, North City Water Reclamation Plant, to provide funds for additional project related costs, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

This request provides for authorization to expend an amount not to exceed \$510,000 for the project related costs. The major portion of this expenditure covers City Departments labor charges and in-house engineering services to close out the multiple construction contracts at the North City Water Reclamation Plant (NCWRP). These services include review and implementation of punch list items and enforcing the contractors to comply with replacement or repair of the materials, or equipment under contracts warranty requirements. In addition, this cost includes City staff's contract management and administrative services related to the ongoing construction for the Demineralization Facility.

Other items covered under this cost are related to the plant start-up, such as: review of the engineering report and cross-connection test performed by the San Diego County Department of Environmental Health Services. The amount of \$510,000 amends the previously authorized cost to expend for project related costs by Resolution No. R-288091 adopted on November 26, 1996, for revised cost estimates for in-house engineering services and plantstart-up costs.

Aud. Cert. 9800810.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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: Renewal of Presidio Hills Golf Course Lease with Donna Abrego.

(See City Manager Report CMR-97-198. Presidio Hills
Community Area. District-2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-756) ADOPTED AS RESOLUTION R-289685

Authorizing the execution of a ten-year lease with one five-year option with Donna Abrego for the operation, management and maintenance of Presidio Hills Golf Course.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/5/97, NR&C voted 4-0 to approve by consent the City Manager's recommendation to direct staff to negotiate exclusively with Donna Abrego for renewal of the lease. (Councilmembers Mathis, Stallings, McCarty and Vargas voted yea. Councilmember Kehoe not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Abrego Family has operated the Presidio Hills Golf Course since 1931. The granddaughter, Donna Abrego, has operated the course with her father since 1983. Donna Abrego has requested a renewal of the agreement. The basic terms and conditions of the proposed lease are as follows:

- USE - To operate, manage and maintain a nine-hole pitch and putt public golf course
- TERM - Ten years with one five-year option
- RENT - The rent is based on a percentage of gross sales, subject to a minimum rent adjustment (80 percent) each two years of the lease term. The percentages are: 11 percent on golf fees and 5 percent on food, beverage and retail sales. These percentage rates are comparable with similar operations in the City of San Diego.
- OTHER - The Real Estate Advisory Committee has recommended exclusive negotiations and not to RFP the lease. On November 5, 1997, Natural Resources and Cultural Committee recommended exclusive negotiations with Donna Abrego for renewal of the lease.

In accordance with Council Policy 700-10, the City will be receiving a fair market value of return; the lessee has consistently paid above the minimum rent; improvements proposed will upgrade the facilities; and the lessee and her family have proved to have been excellent tenants.

FILE LOCATION: LEAS - Donna Abrego, Presidio Hills Golf
Course LEASFY98-1

COUNCIL ACTION: (Tape location: G304-313.)

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

* ITEM-111:

SUBJECT: Amendments to Sewage Disposal Agreements for Metro System Capacity Transfer of 0.17 Million Gallons Per Day.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-776) ADOPTED AS RESOLUTION R-289686

Authorizing a second amendment to the sewage disposal agreement with The City of La Mesa, to allow the City of La Mesa to acquire an additional 0.17 million gallons per day of capacity from the Spring Valley Sanitation District;

Authorizing a fifth amendment to the sewage disposal agreement with the Spring Valley Sanitation District, to allow the District to transfer 0.17 million gallons per day of capacity to the City of La Mesa.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has sewage disposal agreements with both the Spring Valley Sanitation District and the City of La Mesa. In Section 22 of the agreements it is stated that, "The Participating Agency may acquire additional capacity service from another Participating Agency or transfer capacity service to

another Participating Agency..." and that, "No capacity service shall be increased or decreased...unless the City shall first determine that said change will not unbalance the Metropolitan Sewage System to the detriment of the City of other Participating Agencies...". The City has determined that this transfer will not unbalance the system and approval of the transfer is recommended. The respective capacity service charges for the two Participating Agencies will be increased or decreased to correspond with the changed capacity service. On November 18, 1996, the San Diego County Board of Supervisors approved the sale of capacity to La Mesa and on November 20, 1996, the City Council of La Mesa approved the purchase of capacity from the Spring Valley Sanitation District.

FILE LOCATION: MEET CONFY98-2

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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: Amended Improvement Agreement with Otay Pacific for the
Extension of Heritage Road.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-742) ADOPTED AS RESOLUTION R-289687

Authorizing an Amended Improvement Agreement with Otay
Pacific LLC, for the installation and completion of
public improvements for the extension of Heritage Road.

CITY MANAGER SUPPORTING INFORMATION:

Weyerhaeuser Mortgage Company has sold Pacific Gateway
Subdivision to Otay Pacific LLC. The new subdivider, Otay
Pacific LLC, as a condition of the sale, must assume all
remaining responsibilities for the completion of this project.

Although the subdivision is mostly constructed, one remaining responsibility is the improvement agreement for the extension of Heritage Road (off-site, but adjacent to the subdivision). This agreement was authorized by the City Council on August 1, 1988 by Resolution R-271547, and will expire on August 1, 1998. City Council approval is required to amend the agreement to change subdividers. A new estimate for the work has been submitted and approved by the City Engineer. A new bond has been submitted for the amount of the new estimate (\$55,366). Staff has reviewed this request and recommends approval.

FILE LOCATION: LUP - Amendment to Improvement Agreement
Extension of Heritage Road CONTFY98-1

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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: Agreement with Impact Sciences, Inc. for Environmental
Monitoring - North Mission Valley Interceptor Sewer,
Phase II.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-745) ADOPTED AS RESOLUTION R-289688

Authorizing an agreement with Impact Services, Inc.
(Los Angeles, CA), for environmental maintenance and
monitoring for the North Mission Valley Interceptor
Sewer, Phase II;

Authorizing the Auditor and Comptroller to transfer not
to exceed \$111,941 within Fund 41506 from CIP-44-001.0,
Annual Allocation for Sewer Main Replacements, to Dept.
773, Org. 830, Job Order 8317;

Authorizing the expenditure of not to exceed \$111,941
from Fund 41506, Dept. 773, Org. 830, Job Order 8317,
to provide funds for the agreement with Impact

Sciences, Inc.;

Authorizing the Auditor and Comptroller to transfer not to exceed \$322,744 within Fund 41506 from CIP-44-001.0, Annual Allocation for Sewer Main Replacements, to CIP-46-140.0, North Mission Valley Interceptor Sewer, Phase II;

Authorizing the expenditure of not to exceed \$322,744 from Fund 41506, CIP-46-140.0, North Mission Valley Interceptor Sewer, Phase II, for preliminary and construction engineering services.

CITY MANAGER SUPPORTING INFORMATION:

The purpose of the agreement between the City and Impact Sciences, Inc. is to retain consulting services to complete the remaining four years of environmental maintenance and monitoring services to comply with the Army Corps of Engineers permit requirements for the North Mission Valley Interceptor Sewer Phase II (NMVIS2) Project. The construction of North Mission Valley Interceptor Sewer, Phase II was completed in December 1996 as mandated by the EPA Consent Decree. A list of environmental consultants, to maintain and monitor revegetation and arundo removal areas for the NMVIS2, was requested from the Consultant's Services Coordinator. The Consultant Nominating Committee nominated five firms to participate in the final selection process. The firms were interviewed in conformance with Council Policy 300-7, and the firm of Impact Sciences, Inc. was selected as the best qualified firm to provide the consulting services. The consulting services will be for four years and will cost a total of \$111,941. Habitat West (WBE) is a sub-consultant on this contract and will provide support services at a cost of \$44,858. Additional construction engineering funds of \$322,744 are necessary to cover full time inspection by the construction management team as a result of multiple project coordination in the area, i.e. the Mission Valley Trolley and North Metro Interceptor Sewer.

Aud. Cert. 9800786.

WWF-98-301.

FILE LOCATION: MEET CONTFY98-1

COUNCIL ACTION: (Tape location: G379-387.)

MOTION BY STEVENS TO ADOPT WITH DIRECTION TO STAFF FOR AN AUDIT ON THIS ITEM TO THE EQUAL OPPORTUNITY OFFICE. 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: Indemnification of the Enterprise Community Board.

(See City Manager Report CMR-98-06. Centre City East, Barrio Logan, Logan Heights/Memorial, Mt. View, Mt. Hope, Chollas View, and City Heights Community Areas. Districts-3,4,7 & 8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-662) ADOPTED AS RESOLUTION R-289689

Authorizing the indemnification of the Enterprise Community Governance Board.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 1/14/98, PS&NS voted 5-0 to accept the City Manager's recommendation to support indemnification of the Enterprise Community Board. (Councilmembers Wear, Stevens, Warden, McCarty and Vargas voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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: Excusing Mayor Golding from the RULES Committee Meeting of 1/12/98 and the Council Meetings of 1/12/98 and 1/13/98.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-767) ADOPTED AS RESOLUTION R-289690

Excusing Mayor Golding from attending the regularly scheduled Rules, Finance and Intergovernmental Relations Committee Meeting of January 12, 1998, and the City Council meetings of January 12 and 13, 1998, due to illness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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: Four actions related to the Final Subdivision Map of California Terraces, North Phase Unit No. 1.

(A 127-lot subdivision. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-782) ADOPTED AS RESOLUTION R-289691

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

Subitem-B: (R-98-781) ADOPTED AS RESOLUTION R-289692

Approving the final map.

Subitem-C: (R-98-783) ADOPTED AS RESOLUTION R-289693

Authorizing a Landscape Maintenance Agreement with Pardee Construction Company, for the maintenance and monitoring of landscaping within the public rights-of-way as shown on the City of San Diego Public Improvement Plan 29013-D.

Subitem-D: (R-98-785) ADOPTED AS RESOLUTION R-289694

Accepting a grant deed of Pardee Construction Company, granting to the City Lots A, B and C of California Terraces, North Phase Unit No. 1 for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 111.128 acre site into 133 lots (127 residential and 6 common) for residential development, and 3 lots for open space purposes. It is located south of Palm Avenue and west of Dennery Road in the Otay Mesa Community Plan Area. On April 12, 1994 the Council of the City of San Diego approved City Council Resolution Nos. R-283694 and R-283695 for California Terraces, North Phase Unit No. 1 Subdivision. 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. 29013-1-D through 29013-91-D, filed in the Office of the City Clerk under Micro Number 139.57. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$6,418,687.11 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$28,200, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Western Otay Mesa Public Facilities Financing Plan Area, which provides for the payment of a Development Impact Fee (DIF), 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 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: LUP-Landscape Maintenance Agreement for Ocean View Hills, formerly known as California Terrace;
Subitem D: DEED F-7160
CONTFY98-2/DEEDFY98-1

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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: Two actions related to the Coral Gate Landscape Maintenance District.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-453 Cor.Copy) ADOPTED AS RESOLUTION
R-289695

Resolution of Intention to levy and collect 1998-99 annual assessments on Coral Gate Landscape Maintenance District.

Subitem-B: (R-98-454 Cor.Copy) ADOPTED AS RESOLUTION
R-289696

Preliminarily Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

The Coral Gate Landscape Maintenance District was established in 1995 to provide maintenance for parkway and slope landscaping along Camino de la Plaza, Sipes Lane and Bibler Drive, fences and walls along Camino de la Plaza, revegetation in open space areas

and cowbird trapping in the Open Space Easement Lots within Coral Gate.

The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

DESCRIPTION	FUND		
	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$ 0.00	\$ 0.00
REVENUE:			
Assessments	47,123.00	0.00	\$47,123.00
TRANSFER	(1,752.00)	1,752.00	0.00
EXPENSE:			
Personnel	1,386.00	0.00	1,386.00
Contractual	20,000.00	0.00	20,000.00
Incidental	\$23,985.00	\$ 0.00	\$23,985.00
TOTAL EXPENSE	\$47,123.00	\$ 00	\$45,371.00
ENDING BALANCE	\$ 0.00	\$1,752.00	\$ 1,752.00

The proposed assessment for Fiscal Year 1999 is \$98.81 per equivalent benefitting unit (EBU). The maximum authorized assessment is \$172.84 per EBU indexed annually to the San Diego Consumer Price Index-Urban Consumers. The district contains 476.89 equivalent benefitting units.

FILE LOCATION: Subitems A,B: STRT - M-412

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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-118:

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) ADOPTED AS RESOLUTION R-289697

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: LEAS - Gateway West Properties, Inc.
LEASFY98-1

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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-150:

SUBJECT: Government Cost Savings and Taxpayers Protection
Amendment.

(See Intergovernmental Relations Department Report
IRD-98-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-773) ADOPTED AS RESOLUTION R-289698

Approving the Intergovernmental Relations Department
Report IRD-98-1, dated February 2, 1998, and Deputy
City Manager memorandum dated January 7, 1998, opposing
the Government Cost Savings and Taxpayers Protection
Amendment appearing on the June 1998 state-wide ballot.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:

On 1/12/98, RULES voted 4-0 to accept the recommendation to
strongly oppose the Government Cost Savings and Taxpayers
Protection Amendment (PECG Initiative) on the June 1998 statewide
ballot. (Councilmembers Mathis, Wear, Warden and McCarty voted
yea. Mayor Golding not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B041-265.)

MOTION BY WEAR TO ADOPT THE RECOMMENDATION THAT THE CITY
FORMALLY OPPOSE THE GOVERNMENT COST SAVINGS AND TAXPAYERS
PROTECTION AMENDMENT AND TRANSMIT A RESOLUTION OF OPPOSITION
TO BOTH PROPONENTS AND OPPONENTS OF THE MEASURE. Second by
Warden. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Extension of the Waste Management of San Diego Curbside Recycling Contract.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-78) INTRODUCED, TO BE ADOPTED FEBRUARY 17, 1998

Introduction of an Ordinance authorizing an extension of the agreement with Waste Management of San Diego, for collection of curbside recyclables from March 1, 1998 to February 28, 1999.

CITY MANAGER SUPPORTING INFORMATION:

On June 20, 1990 Council authorized the City Manager to enter into a five year agreement with Waste Management of San Diego (WMSD) to provide curbside recycling service to 40,146 households. All contract extensions were utilized and on September 1, 1996, an eighteen month extension was granted, extending the contract to March 1, 1998. This action requests one final contract extension in lieu of releasing a Request for Proposal. The Curbside Recycling Program is currently being studied for significant changes based on the recommendation by the Manager's Committee on Curbside Recycling that curbside recycling be expanded city-wide with automated collection. If it is not expanded citywide, the recommendation is to discontinue the current program that serves only 1/3 of the City's single family homes. Due to the uncertain future of the Curbside Recycling Program, it is not feasible to put the service out to bid. The only alternatives to extending the WMSD contract would be to discontinue the service to the 40,146 households currently serviced by WMSD, or to take over the service with City collection crews and retired refuse collection trucks.

Aud. Cert. 9800856.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: G297-303.)

MOTION BY WARDEN TO INTRODUCE THE ORDINANCE. 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-201:

SUBJECT: Expend FY98 Funding for Rubber Emulsion Aggregate
Slurry Coating of Various Streets City Wide Group S-1.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-307 Cor. Copy) ADOPTED AS RESOLUTION R-289699

Authorizing the City Manager to execute a contract with the lowest responsible/responsive bidder, or if mutually favorable terms and conditions exist, enter into an option contract agreement with the Group 12 Slurry Seal contractor;

Authorizing the expenditure of not to exceed \$2,426,489 from Street Division Operating Fund 10440, and \$173,511 from CIP-59-001.5 (Fd 30300) Slurry Seal Streets Citywide;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K98052C)

CITY MANAGER SUPPORTING INFORMATION:

The Street Division is asking for authorization to expend the FY98 funding for Rubberized Emulsion Aggregate Slurry Coating and to either advertise for bids, or enter into an option agreement with the existing private contractor. As requested by Council, to ensure all monies are expended by June 30, 1998 our contract process has been accelerated. Due to the approval process it is not known at the time of this writing whether it will be more economical and desirable to advertise for bids or enter into an option contract for the S-1 Slurry Coating Contract. This type of slurry seal coating lasts longer, better resists damage from water/rain, and stays black in color longer. Slurry Seals are a pavement surface treatment applied as part of a comprehensive pavement maintenance program. It is used on streets which are in good condition to keep them in good condition. Slurry Sealing, when used in a timely manner can be very effective in reducing the need for later, more expensive pavement repairs. The

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B274-D102.)

MOTION BY MATHIS TO ACCEPT THE REPORT OF THE TASK FORCE ON TRAFFIC AND PARKING IN LA JOLLA WITH DIRECTION TO THE CITY MANAGER AND CITY ATTORNEY TO EVALUATE THE TASK FORCE'S RECOMMENDATIONS AND REPORT BACK TO COUNCIL WITHIN 60 DAYS WITH THE FEASIBILITY OF IMPLEMENTING THE RECOMMENDATIONS AND A SCHEDULE FOR DOING SO. 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: Amendment No. 13 to the Agreement with Westinghouse Electric Corporation for the Wastewater Operations Management Network (COMNET).

(See City Manager Report CMR-98-18.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-777) ADOPTED AS RESOLUTION R-289701

Authorizing a thirteenth amendment to the agreement of August 8, 1994, with Westinghouse Electric Corporation, a division of CBS Corporation, for the Wastewater Operations Management Network (COMNET), in an amount not to exceed \$6,500,336;

Authorizing the expenditure of not to exceed \$6,500,336, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be on deposit in the City Treasury, as follows:

\$4,324,631 from CIP-45-920.0, Wastewater Operations Management Network (COMNET);

\$ 25,590 from CIP-46-055.0, FIRP Pump Station;

\$ 356,610 from CIP-42-911.4, Metro Biosolids Center;

\$1,074,949 from CIP-46-170.0, Point Loma Digester Upgrade and Expansion;

\$ 568,026 from CIP-46-110.0, Point Loma Scum Removal System;

\$ 150,530 from CIP-46-117.0, Pump Station 65 Expansion and Force Main.

Authorizing the City Manager to revise contract funding phases with Westinghouse Electric Corporation;

Authorizing the expenditure of an amount not to exceed \$350,000 from Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET), to provide funds for additional project 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.

Aud. Certs. 9800845 and 9800846.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

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-204:

SUBJECT: Presentation of Referendary Petition to the City Council and Alternate Actions related to the Convention Center Expansion on the Ballot Referendary Petition.

(See City Clerk Report CCR-98-01.)

TODAY'S ACTION IS:

Adoption of either Subitem A or Subitem B:

Subitem-A: (R-98-762) NOTED AND FILED

Granting the referendary petition and directing the City Attorney to prepare and docket an ordinance repealing Ordinance O-18443 (New Series).

or

Subitem-B: (R-98-763) ADOPTED AS RESOLUTION R-289702

Rejecting the referendary petition and directing the City Attorney to prepare an ordinance calling an election to be held no later than January 2, 1999.

NOTE: The City Council may also take no action, in which case the Council has 10 working days from the date the petition is presented to Council to repeal the legislative act; after that date, the Council must adopt a resolution of its intent to submit the matter to the voters in an election.

FILE LOCATION: Subitems A,B: MEET

COUNCIL ACTION: (Tape location: D323-F016.)

MOTION BY WARDEN TO ADOPT SUBITEM B, PLACING IT ON THE JUNE BALLOT. 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-205:

SUBJECT: Proposed Ballot Proposition for the June, 1998 Election regarding Tax Appropriation Limit Waiver.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-795) ADOPTED AS RESOLUTION R-289703

Directing the City Attorney to prepare the necessary language to submit to the voters at the next citywide election a proposition increasing the City's Fiscal Year 2000 Tax Appropriations limit at \$543 million, with annual adjustments, as provided by State law, for Fiscal Years 2001, 2002 and 2003.

CITY MANAGER SUPPORTING INFORMATION:

Under Article XIII B of the California Constitution, the City is required to annually adopt a tax appropriations limit which places a limit on the amount of tax revenues it may expend during the fiscal year. In November, 1994, voters approved a four year waiver to the City's Tax Appropriations Limit which increased the limit by \$50 million beginning in Fiscal Year 1996. This waiver will expire as of June 30, 1999. The purpose of the waiver was to provide the City with additional protection against exceeding its limit during this period. It is requested that the City Council take action to place on the ballot a measure that would ask voters to approve a similar four year waiver to cover the period of Fiscal Year 2000 through Fiscal Year 2003. The requested waiver would establish the City's tax appropriations limit at \$543 million for Fiscal Year 2000, an amount of \$50 million over the projected limit for that same year. Increases to this limit for the following three fiscal years would be based on changes in the State's inflation and population adjustment factors, as prescribed by Article XIII B of the California Constitution. Although it is projected that the City would be over its appropriations limit by approximately \$59 million in Fiscal Year 2000, even without the requested waiver, there is a possibility that a combination of strong growth in existing revenues and/or an unanticipated increase in revenues due to unforeseen factors, such as a restructuring of State and local revenues, could result in the City exceeding its limit at some time during the four year period of the requested waiver. With the waiver, the City would be provided with an additional cushion against such an occurrence. This waiver would not increase any existing taxes or fees.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F020-089.)

MOTION BY STEVENS TO ADOPT STAFF'S RECOMMENDATION. 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-206:

(Continued from the meeting of January 12, 1998, Item 206, at the request of Mingus Constructors, Inc., to allow time for Mingus to prepare for the hearing.)

SUBJECT: Debarment and Assessment of Penalty Against Mingus
Constructors, Inc.

(See City Manager Report CMR-98-01.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-660) ADOPTED AS RESOLUTION R-289704

Adopting in full the findings of fact in City Manager
Report CMR-98-01, relative to the corrupt practices of
Mingus Constructors, Inc.;

Declaring that as a consequence of the facts, Mingus
Constructors, Inc. is permanently debarred from
performing contract work for the City of San Diego;

Assessing Mingus Constructors, Inc. a penalty of
\$79,594.77, representing 10 percent of the reinforcing
steel subcontract value for the Pump Station 65
Relocation Project, and depositing the penalty in Sewer
Revenue Fund No. 41506;

Directing the City Manager to report these matters
involving Mingus Constructors, Inc. to the California
Contractors Licensing Board.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D265-317/F330-G254.)

MOTION BY WARDEN TO ADOPT THE FINDINGS OF FACT IN THE CITY
MANAGER'S REPORT CMR-98-01 RELATIVE TO THE CORRUPT PRACTICES
OF MINGUS CONSTRUCTORS; DECLARING AS A CONSEQUENCE TO THE
FACT, MINGUS IS PERMANENTLY DEBARRED FROM PERFORMING
CONTRACT WORK FOR THE CITY OF SAN DIEGO AND ASSESSING THEM A
PENALTY OF \$79,594 REPRESENTING TEN (10) PERCENT OF THE
REINFORCING STEEL SUBCONTRACT VALUE FOR THE PUMP STATION 65
RELOCATION PROJECT, AND DEPOSITING THE PENALTY IN SEWER
REVENUE FUND NO. 41506; AND DIRECTING THE CITY MANAGER TO
REPORT THESE MATTERS INVOLVING MINGUS, INC., TO THE
CALIFORNIA CONTRACTORS LICENSING BOARD TAKING INTO ACCOUNT
THE DOCUMENTS WHICH HAVE BEEN PROVIDED COUNCIL AND THE ORAL
ARGUMENTS. 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-207:

SUBJECT: Salary Setting Commission Report on Mayor and
Councilmember Recommendations.

(See the San Diego Salary Setting Commission Report
dated 1/14/98.)

PERSONNEL DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-801) ADOPTED AS AMENDED AS RESOLUTION R-289705

Accepting the report of the Salary Setting Commission
dated January 14, 1998, regarding their salary
recommendations for the Mayor and Councilmembers for
Fiscal Years 1999 and 2000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F110-324.)

Motion by Stevens to continue until such time as Council is
furnished with information from the City Manager and
negotiations are finished with City employees as far as
their raises are concerned. No second.

MOTION BY McCARTY TO ADOPT THE RESOLUTION WITH THE AMENDMENT
TO NOT ACCEPT THE SALARY INCREASE THIS YEAR. Second by
Kehoe. Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400: REFERRED TO CLOSED SESSION

SUBJECT: Authorizing Property Negotiations with Pacific
Southwest Realty (Bank of America).

In the matter of authorizing the City Manager to
negotiate with Pacific Southwest Realty (Bank of
America) concerning a lease amendment for the Civic

Center Plaza to extend the City's office space lease through the year 2014. This agreement provides for a favorable rental rate. The City must approve this agreement no later than February 17, 1998.

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

TODAY'S ACTION IS:

1) Open the Public Hearing and accept testimony from any members of the public who wish to address the Council on this subject; 2) Close the public hearing; and 3) Refer the matter to Closed Session on February 3, 1998.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: LEAS - Pacific Southwest Realty (Bank of America), Civic Center Plaza
LEASFY98-1

COUNCIL ACTION: (Tape location: A199-211/A276-398.)

CONSENT MOTION BY STALLINGS TO REFER TO CLOSED SESSION.
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 Mayor Golding at 6:40 p.m. in honor of the memory of:

Reuben Danny Marschall as requested by Council Member Vargas; and

Nick Baca as requested by Council Member Stevens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G388-421).