

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 17, 1998
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 10:12 a.m. The meeting was recessed by Mayor Golding at 10:49 a.m to convene the Housing Authority. The regular meeting was reconvened by Mayor Golding at 10:50 a.m. with all Council Members present. Mayor Golding recessed the meeting at 12:16 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Chairperson Warden at 2:07 p.m. with Mayor Golding, Deputy Mayor Wear, and Council Member Vargas not present. The meeting was adjourned by Mayor Golding at 2:40 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/mp)

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 Victor Najor of Horizon Christian Fellowship.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wear.

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell presented \$100 to the City toward the construction of a new public library. He challenged the City to raise funds so the library can be built debt free. He challenged the 10,000 City employees to match his \$100 donation. He challenged the Council Members and the Mayor to find corporate sponsors to provide supporting funds to match the contributions. He challenged Friends of the Library and the employees of the City Schools to contribute. He requested that a separate Library Fund be established so the people's money cannot be spent for anything else.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A039-058.)

ITEM-PC-2:

Joseph Fox commented on lack of communication in the City. He said he has written letters to several Council Members and the City Manager, and has had no response from any of them.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A067-103.)

ITEM-PC-3:

William Claycomb spoke regarding Save Our Bay, Inc. He commented on the global warming and the chronic problems that must be faced.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A112-140.)

ITEM-PC-4:

Billy Paul commented on the Mission Bay Park leases. He wants to make sure that any new leases are at fair market value and that there are no special deals made.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A141-167.)

ITEM-PC-5:

Scott Barnett said that the San Diego County Taxpayers Association has extended their nomination period for Golden Fleece and Golden Watchdog Awards to March 2. He asked for assistance from Mayor Golding and the Council Members in giving them nominations, particularly for the Golden Watchdog Award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A169-181.)

ITEM-PC-6:

Wes Johnson commented on the new Access San Diego Guide, an access guide for travelers with disabilities. He said that a private public partnership has funded this program, and the City of San Diego TOT was involved in this. He thanked the City, Weaver Pacific Publications, hotels, attractions, transportation providers, and many others who helped with this publication. He said that it is very important to capture this market and bring it to San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A183-238.)

COUNCIL COMMENT:

None.

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

1/19/98 Adjourned
1/20/98
1/26/98 Adjourned
1/27/98 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A239-245.)

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

ITEM-31:

SUBJECT: Mt. View Tennis Club Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-815) ADOPTED AS RESOLUTION R-289714

Commending the Mt. View Tennis Club for their dedicated
hard work and numerous community contributions;

Proclaiming February 17, 1998 to be "Mt. View Tennis
Club Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A246-300, A410-415.)

MOTION BY WEAR 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-32:

SUBJECT: Commemorating the 50th Anniversary of the San Diego
Chapter of the Sierra Club.

COUNCILMEMBER WEAR'S AND COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-854) ADOPTED AS RESOLUTION R-289715

Declaring and affirming appreciation for the
contributions to the community and the environment of
the Sierra Club San Diego Chapter and formally
acknowledging its 50th anniversary.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A300-378, A410-415.)

MOTION BY WEAR 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-50:

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/2/98. (Council voted 9-0):

(O-97-101 Corr.Copy) ADOPTED AS ORDINANCE O-18464 (New Series)

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.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Kehoe. Passed by the following Vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Agreement with San Dieguito Water District and Santa Fe Irrigation District.

(See City Manager Report CMR-98-14. San Pasqual/Lake Hodges Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-84) INTRODUCED, TO BE ADOPTED MARCH 2, 1998

Introduction of an Ordinance authorizing the City Manager to execute an agreement with Santa Fe

Irrigation District and San Dieguito Water District
restating rights concerning local water in Lake Hodges.

NOTE: 6 votes required pursuant to Section 99 of the
City Charter.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/21/98, NR&C voted 5-0 to approve on consent the City
Manager's recommendation to adopt the agreement. (Councilmembers
Mathis, Wear, Kehoe, Warden and Stallings voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A416-494.)

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

* ITEM-100:

SUBJECT: Three actions related to the Final Subdivision Map of
Cypress Valley Unit No. 1.

(A 152-lot subdivision. Miramar Ranch North Community
Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-805) ADOPTED AS RESOLUTION R-289716

Authorizing a Subdivision Improvement Agreement with
Cypress Valley, LLC, for the installation and
completion of public improvements.

Subitem-B: (R-98-804) ADOPTED AS RESOLUTION R-289717

Approving the final map.

Subitem-C: (R-98-819) ADOPTED AS RESOLUTION R-289718

Authorizing a Landscape Maintenance Agreement with Cypress Valley, LLC, for the maintenance and monitoring of landscaping within the public rights-of-way.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 41.573 acre site into 152 lots for residential development. It is located on the south side of Cypress Canyon Road in the Miramar Ranch North Community Plan Area. On July 15, 1997 the Council of the City of San Diego approved Tentative Map TM-96-0315 by Resolution No. R-288964 for Cypress Valley 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. 28858-1-D through 28858-22-D, filed in the Office of the City Clerk under Micro Number 139.59. All improvements are to be completed with two years. The Engineer's estimate for the cost of public improvements is \$3,667,878 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$20,020, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development.

FILE LOCATION: SUBITEMS A,B,C: SUBD-96-0315(65)
CONT FY98-2

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-101:

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

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-812) ADOPTED AS RESOLUTION R-289719

Designating April 6, 1998 as the date upon which all property in the Sunset Cliffs Boulevard (Brighton Avenue to West Point Loma Boulevard) Underground Utility District must be ready to receive underground service and July 6, 1998 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open Fund 78099 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Sunset Cliffs Boulevard (Brighton Avenue to West Point Loma Boulevard) 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 Sunset Cliffs Boulevard (Brighton Avenue to West Point Loma Boulevard) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

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

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$10,000 from CIP-37-028.0 to Sublet CIP-37-287.3;

Authorizing the expenditure of an amount not to exceed \$30,000 from TransNet Fund No. 30300, Sublet CIP-37-287.3, solely and exclusively to replace existing street lights in the Sunset Cliffs Boulevard (Brighton Avenue to West Point Loma Boulevard) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The Sunset Cliffs Boulevard (Brighton Avenue to West Point Loma Boulevard) Underground Utility District was created by the City Council on May 10, 1994. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set April 6, 1998 as the Customer Ready Date, which will require that upon this date, all affected customers 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.

Aud. Cert. 9800869.

FILE LOCATION: STRT-K-221

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-102:

SUBJECT: Saturn Boulevard (Elder Avenue to Palm Avenue)
Underground Utility District.

(Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-813) ADOPTED AS RESOLUTION R-289720

Designating March 31, 1998 as the date upon which all property in the Saturn Boulevard (Elder Avenue to Palm Avenue) Underground Utility District must be ready to receive underground service and May 22, 1998 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open Fund 78098 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Saturn Boulevard (Elder Avenue to Palm Avenue) 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 Saturn Boulevard (Elder Avenue to Palm Avenue) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

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

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$10,000 from CIP-37-028.0 to Sublet CIP-37-290.0;

Authorizing the expenditure of an amount not to exceed \$22,500 from TransNet Fund No. 30300, Sublet CIP-37-290.0, solely and exclusively to replace existing street lights in the Saturn Boulevard (Elder Avenue to Palm Avenue) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The Saturn Boulevard (Elder Avenue to Palm Avenue) Underground Utility District was created by the City Council on November 28, 1995. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set March 31, 1998 as the Customer Ready Date, which will require that upon this date, all affected customers 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.

Aud. Cert. 9800868.

FILE LOCATION: STRT-K-233

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-103:

SUBJECT: Three actions related to Street Dedications - Anna Avenue and Napa Street.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-808) ADOPTED AS RESOLUTION R-289721

Accepting a grant deed of San Diego Metropolitan Transit Development Board, granting to the City an easement for public street purposes in those portions of Parcels 2 and 3 of Parcel Map PM-9229;

Dedicating and naming the same Napa Street.

Subitem-B: (R-98-809) ADOPTED AS RESOLUTION R-289722

Accepting a grant deed of San Diego Metropolitan Transit Development Board, granting to the City an easement for public street purposes in a portion of Block 2, Vernon Park, Map-569;

Dedicating and naming the same Anna Avenue.

Subitem-C: (R-98-810) ADOPTED AS RESOLUTION R-289723

Approving the acceptance of a street dedication set aside in City-owned land in a portion of Block 2, Vernon Park, Map-569.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Trolley extension, east of Interstate 15, necessitated the re-alignment of portions of Anna Avenue and Napa Street. The existing right-of-ways do not have sufficient width to accommodate new road locations. To provide the needed width, the San Diego Metropolitan Transit Board has purchased additional land and is offering to the City easements for road purposes. The City Council is requested to accept and dedicate the easement areas as Anna Avenue and Napa Street.

FILE LOCATION: SUBITEMS A,B,C: DEED F-7167 DEED
FY98-3

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-104:

SUBJECT: Fiscal Year 1998 Deappropriations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-822) ADOPTED AS RESOLUTION R-289724

Authorizing the deappropriation of funding for 31 projects in the Metropolitan Wastewater Department Fiscal Year 1998 budget in the amount of \$71,973,035, as set forth in the Schedule on file in the Office of the City Clerk.

CITY MANAGER SUPPORTING INFORMATION:

Deappropriations that were previously scheduled within the Sewer Revenue Fund in FY97 were postponed due to scheduling and cost estimate concerns in several projects. Four months of project expenses in FY98 has suggested that bidding levels are within anticipated budgeted amounts and it is now prudent to return these previously approved appropriations to fund balance in the Sewer Revenue Fund. FY98 deappropriations reflects cancellation of one annual allocation project in the Municipal Sewer Fund and refining the previously approved budget to meet actual FY98 needs in other projects. Due to revised project schedules, funds can be more effectively utilized by deferring some appropriations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-105:

SUBJECT: Mid-Year Budget Adjustment to Add Lisbon Street.

(Skyline/Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-816) ADOPTED AS RESOLUTION R-289725

Authorizing the City Auditor and Comptroller to:

- 1) Add a new CIP Project, CIP-52-654.0 to Lisbon Street - Imperial Avenue to 217 feet east of 71st Street.
- 2) Transfer \$25,500 (Fund No. 30300 - TransNet from CIP-52-506.0, Euclid Avenue - Lyon Street to 54th Street to CIP-52-654.0, Lisbon Street - Imperial Avenue to 217 feet east of 71st Street, contingent upon certification of fund availability by the Auditor and Comptroller.
- 3) Transfer \$55,000 Skyline/Paradise Hills Development Impact Fees (Fund No. 79509) to CIP-52-654.0, Lisbon Street - Imperial Avenue to 217 feet east of 71st Street.
- 4) Delete CIP-52-506.0, Euclid Avenue - Lyon Street to 54th Street.

CITY MANAGER SUPPORTING INFORMATION:

Recent traffic volumes on Lisbon Street exceeded 12,000 vehicles per day. The proposed new project will widen Lisbon Street from Imperial Avenue to 71st Street to provide two westbound lanes and one eastbound lane. The portion of Lisbon Street/Jamacha Road east of 71st Street to Cardiff Street is currently being widened (CIP-52-509.0). This new project will complete the widening of Lisbon Street, which will provide the needed increase in capacity to efficiently move traffic to and from Imperial Avenue.

Aud. Cert. 9800907.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-106:

SUBJECT: Commercial Vehicle Prohibition on Eads Avenue.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-798) ADOPTED AS RESOLUTION R-289726

Prohibiting commercial vehicles with a gross vehicle weight rating of over 10,000 pounds from operating on Eads Avenue, between Pearl Street and Kline Street;

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

CITY MANAGER SUPPORTING INFORMATION:

This resolution prohibits commercial vehicles with a rated capacity of five tons or more from using Eads Avenue between Pearl Street and Kline Street. By law, passenger buses, public utility vehicles, and commercial vehicles with an origin or destination on the affected streets are exempt from this provision. A petition representing 16 of the 21 fronting properties (76%) was submitted requesting the establishment of this prohibition. Alternate routes for through trips by commercial vehicles include Prospect Street, La Jolla Boulevard, and Girard Avenue. The La Jolla Traffic and Transportation Board supports this proposal.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-107:

SUBJECT: Third Amendment to the Lease Agreement with Angelo Renco.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-757) ADOPTED AS RESOLUTION R-289727

Authorizing a third amendment to the lease agreement with Angelo Renco, extending the lease term one year, with annual options for renewal until November 14, 2004, for Suite "E", (90 square feet) in the MYF Terminal Building, at a yearly rent of \$1,800.

CITY MANAGER SUPPORTING INFORMATION:

In 1995, the City and the Lessee executed a short-term percentage lease, scheduled to terminate on November 14, 1998, for a small suite in the Airport Terminal. The Lessee teaches a bilingual flight instruction program, thereby filling the needs of both domestic and European students. The Lessee is an excellent tenant, with a small growing business. The City has been receiving market rent of \$1,800 per year. Both parties wish to extend the lease term until November 14, 2004 by a third amendment.

The Basic Terms and Conditions of the Third Amendment:

Premises: Suite "E" (90 sq.ft.) in the MYF Terminal Building.
Lease Term: One year, with annual options for renewal until November 14, 2004.
Earlier Termination: Either party may terminate the lease earlier by serving the other party with a prior 180-day written notice by U.S. Third Class, certified mail.
Rent: \$1,800 annual minimum (\$1.67 sq. ft), or percentages of gross income, whichever gives the City the greater revenue. This amount represents

fair market rent, plus an estimated reimbursement to the City for the lessee's reasonable use of electricity.

Periodic CPI Rent

Adjustments: The minimum rent shall be adjusted on November 1, 1998 and every two years thereafter by increases in the Consumer Price Index (CPI).

Use: Flight instruction and ground school.

Effective: The first of the month following execution by the City.

Conclusion: By approving the third amendment, the lessee will be able to continue providing desired services on the airport until November 14, 2004 or until the lease is terminated earlier by either party.

FILE LOCATION: LEAS-Angelo Renco LEAS FY98-1

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-108:

SUBJECT: Agreement with the Regents of the University of California for Studies of the Point Loma Kelp Forest.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-778) ADOPTED AS RESOLUTION R-289728

Authorizing a phase-funded agreement with the Regents of the University of California for studies of the Point Loma kelp forest;

Authorizing the expenditure of not to exceed \$500,000 from Metropolitan Wastewater Department/Environmental Monitoring and Technical Services Division, Fund No. 41508, as follows: \$200,000 from Fiscal Year 1998 appropriations; \$200,000 from Fiscal Year 1999

appropriations, contingent on Council's approval of the Fiscal Year 1999 operating budget; and \$100,000 from Fiscal Year 2000 appropriations, contingent on Council's approval of the Fiscal Year 2000 operating budget.

CITY MANAGER SUPPORTING INFORMATION:

The National Pollutant Discharge Elimination System (NPDES) permit for the Point Loma sewerage outfall includes an annual provision that the aerial extent at the kelp canopy be mapped and reported to the Regional Water Quality Control Board. Significant changes in the canopy must be followed up by an underwater investigation. These studies have been conducted by the Regents of the University of California (Scripps Institution of Oceanography) through a contract with the City of San Diego since 1992. Studies to date have not found any correlation between fluctuations in the kelp beds and the outfall, especially since its extension. Several factors could, however, effect the local kelp beds in the near future. These include dredging of San Diego Bay and the much anticipated El Ni o. This continued agreement with the Regents of the University of California could insure that any impact on the kelp could be clearly established as not originating from outfall discharge. To continue our investigations into the controlling factors for the health of the Point Loma kelp beds, it is requested that this agreement be approved for a period of two years.

Aud. Cert. 9800850.

FILE LOCATION: MEET CCONT FY98-1

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-109:

SUBJECT: Renew Agreement for As-Needed Storm Water Sampling and Testing.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-734) ADOPTED AS RESOLUTION R-289729

Authorizing the City Auditor and Comptroller to accept funds of up to \$387,278.29 from agencies participating in the 3rd year of a 5-year cooperative agreement for wet weather sampling and testing of storm water and to deposit such funds in Storm Drain Fee Fund 105083;

Authorizing the City Manager to exercise the option to extend the agreement with Woodward-Clyde Consultants, to provide professional services for as-needed storm water sampling and testing;

Authorizing the expenditure of an amount not to exceed \$600,000 from Storm Drain Fee Fund 105083.

CITY MANAGER SUPPORTING INFORMATION:

This is the fifth year of a cooperative agreement for wet weather sampling and testing of storm water between 18 incorporated cities, the Unified Port District, and San Diego County. This program will satisfy the monitoring requirements of the County-Wide Federal Storm Water Discharge Permit (Regional Water Quality Control Board Order 90-42). The permit requires that storm water runoff from various sites around the County be tested for U.S., EPA priority pollutants during three storm events between October and May every year. In addition, water and sediment toxicity tests are also required. As Principal Permittee, the City of San Diego has agreed to administer the contract. All co-permittees share in the cost based on area and population of each jurisdiction. This is the third year of a five year agreement with Woodward-Clyde Consultants. The funding for this agreement is approved annually for a fee not to exceed \$600,000. Woodward-Clyde was originally selected per Administrative Regulation 25.60 and Council Policy 300-7.

Aud. Cert. 9800802.

FILE LOCATION: MEET CCONT FY98-1

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-110:

SUBJECT: Road Hump Evaluation Program.

(See City Manager Report CMR-97-177.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-737) ADOPTED AS RESOLUTION R-289742

Approving the City Manager's recommendation, as outlined in City Manager Report CMR-97-177, to accept the City of San Diego Road Hump Evaluation Program report dated August 8, 1997, by Kimley-Horn and Associates;

Directing the City Manager to revise the guidelines for the installation of road humps to be consistent with the Kimley-Horn and Associates report;

Rescinding the moratorium on the installation of road humps.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/8/97, LU&H voted 3-0 to: 1) Accept the consultant's report; 2) direct the City Manager to revise the guidelines for the installation of road humps to be consistent with the consultant's report; 3) rescind the moratorium on the installation of road humps; 4) produce a standardized road hump design prior to City Council action; and 5) require that notification of the affected Council Office be provided prior to installation or removal of road humps. (Councilmembers Mathis, Stevens and Vargas voted yea. Councilmembers Wear and Kehoe not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D016-093.)

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

* ITEM-111:

SUBJECT: Quarterly Council Meeting in the Community.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-853) ADOPTED AS RESOLUTION R-289730

Declaring that the quarterly night City Council meeting
shall be scheduled for Monday, February 23, 1998, and
shall be conducted at The House of Hospitality, Grand
Ballroom, 1549 El Prado in Balboa Park, San Diego at
6:00 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-112:

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-98-729) ADOPTED AS RESOLUTION R-289731

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: A416-494.)

CONSENT MOTION BY WEAR 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-200:

SUBJECT: Acquisition of Automated Refuse Packers - Contract Modification.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-828) ADOPTED AS AMENDED AS RESOLUTION R-289743

Authorizing the City Manager to modify the contract with PTO Sales Corporation (Fontana, CA), for the purchase of thirty automated refuse packers at a cost of \$149,531 each, authorized by Resolution R-289380, to add twelve additional automated refuse packers for the Curbside Recycling Program at the same unit price;

Authorizing the use of the City's Master Lease Program to lease-purchase twelve automated refuse packers for the recycling program.

CITY MANAGER SUPPORTING INFORMATION:

The Environmental Services Department currently oversees the Curbside Recycling Program, which has provided collection services to 82,093 single-family household since 1990. The Curbside Recycling Program was recently the focus of the Manager's Committee on Curbside Recycling (MCC), whose final recommendations were presented to the NR&C Committee on November 5, 1997. The MCCR's recommendations include citywide expansion

of the Curbside Recycling Program using an automated collection system.

As directed by the NR&C Committee, the Department is developing a phased implementation plan, however there are several impending deadlines that will impact the curbside program, including the potential for a lapse in service, if not acted upon immediately. Implementation of the first phase is being scheduled for December 1998 and includes the purchase of twelve automated refuse packers to collect commingled recyclable from 100,000 households (includes the existing 82,093 curbside customers). The vehicles will be purchased from an existing contract for automated refuse packers authorized by Council Resolution R-289380. 1) In order to act within a 45-day pricing guarantee from PTO Sales Corporation and to have equipment available to implement the program prior to the expiration of the collection contract with Waste Management, Inc. in February 1999, these vehicles must be ordered by February 25, 1998. Acquiring new recycling vehicles is also necessary due to the condition of the existing fleet. Most of these recycling vehicles have reached the end of the useful life and must be replaced if the curbside program is to continue. If this program is not continued using City Forces, these trucks will revert to Refuse Collection Division for automated refuse collection expansion.

Aud. Cert. 9800915.

FILE LOCATION: PURCHASE CONFY98-1

COUNCIL ACTION: (Tape location: D097-320.)

MOTION BY McCARTY TO ADOPT THE RESOLUTION AS AMENDED WITH AN EXPENDITURE OF \$1,933,436.00 FROM THE EXISTING REFUSE DISPOSAL ENTERPRISE VEHICLE ASSIGNMENT FUNDS WITH THE CONVERSION OF \$834,000.00 OF THAT AMOUNT TO THE CITY'S MASTER LEASE PROGRAM IN MAY WHEN THERE IS A NEW CONTRACT EXPECTED FOR THAT PROGRAM. Second by Warden. Passed by the following Vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-201:

SUBJECT: Third Amendment to the Agreement for State Route 56.

(Carmel Valley and Rancho Penasquitos Community Areas.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-823) ADOPTED AS RESOLUTION R-289732

Authorizing a third amendment to the agreement with Boyle Engineering, Corp., to provide professional engineering services for State Route 56 (SR-56) in the amount of \$1,434,934;

Authorizing the expenditure of not to exceed \$1,700,000 from CIP-52-463.0 (\$1,000,000 from the Rancho Penasquitos FBA Fund 79004; \$600,000 from the TransNet Sales Tax Fund 30300; and \$100,000 from the TransNet ISTEPA Exchange Fund 30303).

CITY MANAGER SUPPORTING INFORMATION:

This third amendment authorizes Technical Reports and Data Collecting for the Revised Environmental Impact Report (EIR), Modified Northern Alignment Studies, Engineering Support for the Revised EIR, Revised Project Report, Community Acceptance Program, SR-56/I-15 Interchange Studies, Additional Coordination and Meetings and Additional Services. The previous amendment provided engineering, design and environmental services and is on file in the Office of the City Clerk as Document No. RR-288176.

The next amendment will authorize R/W Engineering, Geotechnical Engineering and Environmental Mitigation. Subsequent amendments will appear before the City Council to authorize Final Design and Construction Services. The design work has been phased to fit the funding constraints of the project.

Aud. Cert. 9800910.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: A416-494.)

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

ITEM-202:

SUBJECT: Community Reinvestment Plans from Borrego Springs Bank, Comerica Bank of California, San Diego National Bank and Union Bank of California.

(See Housing Commission Report HCR-97-169.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-784) ADOPTED AS RESOLUTION R-289733

Accepting the Borrego Springs Bank, Comerica Bank of California, San Diego National Bank, and Union Bank of California Reinvestment Plans for San Diego County, as described in Housing Commission Report HCR-97-169, pursuant to the City's Community Reinvestment Master Plan Policy (Council Policy 900-9).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-203:

SUBJECT: Office Space Lease Amendment - Civic Center Plaza.

(See City Manager Report CMR-98-25. Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/3/98. (Council voted 7-0. Councilmembers Warden and Vargas not present):

(O-98-77) ADOPTED AS ORDINANCE O-18465 (New Series)

Authorizing the City Manager to execute a lease amendment for the existing City Departments located at the Civic Center Plaza, for approximately 181,630 square feet at a monthly rent of \$1.40 per square foot or \$254,282, for eleven years and three months.

NOTE: 6 votes required. Pursuant to Section 99 of the City Charter, a notice regarding the adoption of the Ordinance was published in the Daily Transcript on 2/6/98.

FILE LOCATION: LEAS-Pacific Southwest Realty Company
(City departments located at the Civic
Center Plaza) LEASFY98-1

COUNCIL ACTION: (Tape location: D321-335.)

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

ITEM-204:

SUBJECT: Scripps Ranch Reservoir Rehabilitation Project -
Default Original Contractor and Authorize the Award of
New Emergency Contracts.

(See City Manager Report CMR-98-27. Scripps Ranch
Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-852) ADOPTED AS RESOLUTION R-289734

Ratifying the City Manager's decision that West Coast
Painting and Blasting, Inc., is in default of its
contract for Scripps Ranch Reservoir Rehabilitation;

Authorizing the execution of an emergency contract with
Robinson-Prezioso, Inc., in the amount of \$124,000, for
lead paint clean-up/disposal at the Scripps Ranch
Reservoir site;

Authorizing an emergency amendment to the contract with Robinson-Prezioso, Inc., for lead paint clean-up /disposal at the Scripps Ranch Reservoir site in the amount of \$10,200;

Authorizing an emergency contract with Weststar, Inc., for the remaining work at the Scripps Ranch Reservoir site, in the amount of \$558,161;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$400,000 from the Water Fund Unallocated Reserve (Fund 41500, Program Element 76226) to CIP-73-277.0;

Authorizing the expenditure of an amount not to exceed \$803,361 from Water Fund 41500, CIP-73-277.0.

Aud. Certs. 9800931,9800932,9800933.

WWF-98-325.

FILE LOCATION: CONT-Robinson-Prezioso, Inc.
 CONT-Weststar, Inc. CONT FY98-3

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-330:

SUBJECT: Matter of the appeals of David A. Potter on behalf of the Clairemont Mesa Planning Committee and Matthew A. Peterson, (authorized agent for applicant) from the decision of the Planning Commission to conditionally approve an application to redevelop a 5.8 acre development located at the northwest corner of Balboa and Genesee Avenues (Balboa Genesee Towers).

(TM/PCD/CPIOZ"B"/CUP-96-7558. Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, and C to approve the appeal of the applicant, and approve, in part, the appeal of the Clairemont Mesa Planning committee by incorporating their recommendation #10 into the project requirements; and approve the maps and permits with conditions:

Subitem-A: (R-98-919) ADOPTED AS RESOLUTION R-289735

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR No.96-7558 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem B: (R-98-920 Cor.Copy 03/17/98)

ADOPTED AS RESOLUTION R-289736
GRANTING TENTATIVE MAP AS AMENDED

Adoption of a Resolution granting or denying the Tentative Map, with appropriate findings to support Council action.

Subitem-C: (R-98-921 Cor.Copy 04/08/98)

ADOPTED AS RESOLUTION R-289737
GRANTING APPEAL IN PART AND
GRANTING PERMITS AS AMENDED

Adoption of a Resolution granting or denying the appeals in part and/or in total, and granting or denying the permits, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

The project proposes demolition of selected existing structures, remodeling of selected existing structures, construction of new structures and various site improvements. The redeveloped site would contain 138,218 square feet of floor area which would include a 16,730 square feet drugstore with drive through pharmacy, a 2,121 square feet restaurant with drive through pick-up, 20,225 square feet of commercial retail space, 34,484 square feet of medical office space, 45,658 square feet of

commercial office space and 19,000 square feet of storage space
for use by on-site tenants. The drugstore and restaurant,

consistent with provisions of the underlying land use zone, are proposed to be open 24 hours. The proposed Tentative Map (TM) would subdivide two existing lots totaling 4.6 acres into four lots. An adjoining 1.2 acre property (San Diego Gas and Electric Company) is proposed to provide a portion of the development's required parking.

LEGAL DESCRIPTION:

The project site is more particularly described as Lots 1 and 2 of Clairemont Towers in the City of San Diego, County of San Diego, State of California, according to Map-11432, filed in the Office of the County Recorder of San Diego County on January 31, 1986 and SDG&E property per book 6354.

FILE LOCATION: SUBITEMS A,B,C: LUP -Balboa - Genesee Towers

COUNCIL ACTION: (Tape location: A538-C627.)

Hearing began at 10:51 a.m. and halted at 12:16 p.m.

Testimony in opposition by David Potter, Dorothy Jensen, Fran Lauer, Margaret Lee, Billy Paul, and Linda Maskovich.

Testimony in favor by Matt Peterson, Josh Weiner, Robert O'Sullivan, and Cynthia Brandenburg.

MOTION BY STALLINGS TO APPROVE THE APPEAL OF CLAIREMONT MESA PLANNING COMMITTEE, RETAINING PLANNING COMMISSION CONDITIONS 1 AND 2 AS STATED IN MANAGER'S REPORT P-98-017 REGARDING REFUSE COLLECTION AND SECURING THE PARKING LOT IN THE EASEMENT AREA; AND ADDING THE FOLLOWING CONDITIONS:

1. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY BUILDING, AN 8 FOOT HIGH BLOCK WALL SHALL BE CONSTRUCTED ALONG THE WESTERN BOUNDARY OF THE SAN DIEGO GAS AND ELECTRIC PROPERTY. THE EXACT LOCATION TO BE SUBJECT TO DEVELOPMENT SERVICES APPROVAL.
2. IN THE EVENT THAT BALBOA AVENUE IS WIDENED IN THE FUTURE, THE APPLICANT SHALL CONTINUE TO PROVIDE A MINIMUM 5 FOOT LANDSCAPE STRIP WITHIN THE BOUNDARIES OF THE SUBJECT PROPERTY.
3. THE ARCHITECTURE OF ALL TENANT IMPROVEMENTS SHALL COMPLY WITH EXHIBIT A DATED DECEMBER 18, 1997.

4. AMEND CONDITION 7 TO STATE THAT NO VARIANCES FROM THE SIGN CODE SHALL BE PERMITTED.

5. THIS PROJECT SHALL BE SUBJECTED TO A THREE MONTH MANDATORY REVIEW BY THE CITY MANAGER SO THAT ANY POTENTIAL ADVERSE IMPACTS CAN BE ADDRESSED.

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

Motion by Stallings to limit the hours of operation from 7:00 a.m. to 11:00 p.m. seven days a week. Second by Kehoe. Failed. Yeas-3456; Nays-127M; Not Present-8.

MOTION BY MATHIS TO ALLOW THE DRIVE THRU OPERATION TO FUNCTION THROUGHOUT THE NIGHT, BUT THE DINING ROOM WOULD BE CLOSED BETWEEN 11:00 P.M. AND 7:00 A.M., AS PROPOSED BY THE APPLICANT, AND THE DRIVE THRU SPEAKER HOURS ARE TO BE RESTRICTED FROM 9:00 P.M. TO 8:00 A.M. AS PROPOSED BY THE PLANNING COMMISSION. Second by Wear. Passed by the following Vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-nay, Stallings-nay, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-331: RETURNED TO CITY MANAGER

SUBJECT: Two actions related to CCDC Area 1 - Phase 1, "K" Street to Imperial Avenue (6th Avenue to 12th Avenue) Underground Utility District.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-716)

Establishing the CCDC Area 1 - Phase 1, "K" Street to Imperial Avenue (6th Avenue to 12th Avenue) Underground Utility District.

Subitem-B: (R-98-717)

Authorizing the transfer and expenditure of not to exceed \$24,000 from CIP-37-028.0, Annual

Allocation-Undergrounding of City Utilities, to Sublet 372966, Gas Tax Fund No. 32191, for the purpose of administering the Underground Utility District, minor City force work, replacement of existing street lights, and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on CCDC Area 1 - Phase 1, CCDC Area 1 - Phase 1, "K" Street to Imperial Avenue (6th Avenue to 12th Avenue) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their 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. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

Aud. Cert. 9800728.

FILE LOCATION: SUBITEMS A,B: STRT-K-245

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Kehoe. Passed by the following Vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: RETURNED TO CITY MANAGER

SUBJECT: Two actions related to CCDC Area 1 - Phase 1, Market Street to "K" Street (6th Avenue to 12th Avenue) Underground Utility District.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-706)

Establishing the CCDC Area 1 - Phase 1, Market Street to "K" Street (6th Avenue to 12th Avenue) Underground Utility District.

Subitem-B: (R-98-707)

Authorizing the transfer and expenditure of not to exceed \$215,000 from TransNet Fund No. 30300,

CIP- 37-028.0, Annual Allocation-Undergrounding of City Utilities, to Sublet 372960, for the purpose of administering the Underground Utility District, minor City Force work, replacement of existing street lights, and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on CCDC Area 1 - Phase 1, Market Street to "K" Street (6th Avenue to 12th Avenue) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding.

Property owners are reimbursed based upon the length of their 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. This cost typically ranges from \$300 - \$1,500. A future request for a resolution

will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

Aud. Cert. 9800697.

FILE LOCATION: SUBITEMS A,B: STRT-K-246

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Kehoe. Passed by the following Vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Matter of a proposal for a community plan amendment, a rezone and a Planned Industrial Development Permit PID-96-7709 (amend to PID Permit PID-88-0133).
(Residence Inn-Marriott)

(PID-96-7709. Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; introduce the ordinance in Subitem C; and adopt the resolution in Subitem D to grant the permit:

Subitem-A: (R-98-827) ADOPTED AS RESOLUTION R-289744

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-96-7709 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-98-826) ADOPTED AS RESOLUTION R-289745

Adoption of a Resolution amending the Mira Mesa
Community Plan.

Subitem-C: (O-98-81) INTRODUCED, TO BE ADOPTED ON
MARCH 2, 1998

Introduction of an Ordinance for a rezone from M-1B to
M-1.

Subitem-D: (R-98-918 Cor.Copy 04/23/98)

ADOPTED AS RESOLUTION R-289746

Adoption of a Resolution granting or denying the
permit, with appropriate findings to support Council
action.

SUPPORTING INFORMATION:

The applicant is proposing to a community plan amendment to
add "business serving hotels" as support facilities to
industrial areas within the Mira Mesa Community Plan; a
rezone of 4.03 acres of land located at 5995 Pacific Mesa
Court from M-1B to M-1; and construction of a 150-room
business hotel with a maximum of 100,960 square feet of
gross floor area in three buildings, with grading and
related site improvements and amenities to Lot 7 of Pacific
Corporate Center (Planned Industrial Development Permit
PID-88-0133).

The City Manager recommends certification of Negative
Declaration No. END-96-7709; and approval of the community
plan amendment; rezoning and planned industrial development
permit amendment.

LEGAL DESCRIPTION:

The project site is more particularly described as Lot 7 of
Pacific Corporate Center, Unit No. 8, Map-11988, filed
January 13, 1988 in the Mira Mesa Community Plan area and
the (General Industrial) M-1 Zone.

FILE LOCATION: Subitems-A,B,D: LUP - Residence Inn;
Subitem-C: None

COUNCIL ACTION: (Tape location: D007-012.)

Hearing began at 2:08 p.m. and halted at 2:09 p.m.

MOTION BY McCARTY TO ADOPT THE RESOLUTIONS FOR SUBITEM-A AND -B, INTRODUCE THE ORDINANCE FOR SUBITEM-C, AND ADOPT THE RESOLUTION FOR SUBITEM-D GRANTING THE PERMIT. Second by Kehoe. Passed by the following Vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-S500:

SUBJECT: Sharon Hays Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-98-766) ADOPTED AS RESOLUTION R-289738

Recognizing and commending Sharon Hays for her efforts to improve the cultural life of the people of Scripps Ranch and congratulating her on receiving the Scripps Ranch Volunteer of the Year Award for 1997;

Proclaiming Tuesday, February 17, 1998 to be "Sharon Hays Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A379-415.)

MOTION BY WEAR 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-S501:

SUBJECT: Market Demand Study for Repurified Water.

(See City Manager Report CMR-98-12; Charles E. Nathanson's 1/21/98 memorandum; Richard S. Ledford's 1/20/98 letter; Milton J. Phegley's 1/20/98 letter. University, Mira Mesa, Scripps Miramar Ranch and Miramar Ranch North Community Areas. Districts-1 & 5.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-845) ADOPTED AS RESOLUTION R-289739

Authorizing an agreement with the Clark Dawson Company (San Diego, CA), for \$25,000 to expand the current market demand study;

Authorizing an agreement with the Clark Dawson Company to conduct a feasibility study on the expanded use of repurified water in the high technical electronics and biotechnological industries.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/21/98, NR&C voted 5-0 to approve on consent the City Manager's recommendation to direct staff to expand the current market demand study and continue the feasibility study. (Councilmembers Mathis, Wear, Kehoe, Warden and Stallings voted yea.)

Aud. Cert. 9800943.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-S502:

SUBJECT: Rules Committee Meeting for March 23, 1998.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-859) ADOPTED AS RESOLUTION R-289740

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the

period of January 1, 1998 through December 31, 1998, a copy of which is on file in the Office of the City Clerk as Document No. RR-289550, to add a meeting of the Rules, Finance and Intergovernmental Relations Committee on Monday, March 23, 1998, at 10:00 a.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR 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-S503:

SUBJECT: Two actions related to the Pescadero Avenue Beach Access Project.

(See City Manager Report CMR-98-34. Ocean Beach Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-98-87) HEARING HELD, SECOND PUBLIC HEARING TO BE HELD MONDAY, MARCH 2, 1998

First public hearing of an Ordinance amending Ordinance O-18424 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1997-98" by adding new CIP Project, CIP-52-658.0, Pescadero Avenue Beach Access.

Subitem-B: (R-98-850 Cor.Copy) ADOPTED AS RESOLUTION R-289741

Adoption of a Resolution authorizing an agreement with Casa de la Playa Geologic Hazard Abatement District and/or the Casa de la Playa Homeowner Association, for the design and construction of the Pescadero Avenue beach access, and its incorporation into the Pescadero Avenue seawall;

Declaring that the agreement shall provide that the City will defend, indemnify and hold harmless the Casa de La Playa Geologic Hazard Abatement District and/or the Casa de la Playa Homeowner Association, the contractor and engineer from any and all claims arising out of the Pescadero Avenue beach access;

Authorizing the expenditure of an amount not to exceed \$64,000 from CIP-52-545.0, Annual Allocation - Coastal Erosion Affecting City Streets (Fund 30303).

Aud. Cert. 9800948.

FILE LOCATION: SUBITEM A: NONE; SUBITEM B: MEET
CCONTFY98-1

COUNCIL ACTION: (Tape location: A416-494.)

CONSENT MOTION BY WEAR TO APPROVE THE FIRST PUBLIC HEARING FOR SUBITEM A AND ADOPT THE RESOLUTION FOR SUBITEM B. 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 2:40 p.m. in honor of the memory of:

Ellen Scripps Davis and Everett Davis as requested by Mayor Golding;

Mrs. Jimmie Harrison as requested by Council Member Stevens;

Mrs. Winifred S. Deming as requested by Council Member Mathis;

Ben Townes and Debbie McKenna Dale as requested by Council Member McCarty.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D340-413).