

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 20, 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 2:13 p.m.

Mayor Golding announced the City Manager would present the AMSA Gold Award Employees Recognition. City Manager Michael Uberuaga introduced and congratulated Mr. David Schlesinger, Director of Metropolitan Wastewater on receiving the Gold Award for the perfect operation of the Point Loma Wastewater Treatment Plant. Mr. Schlesinger stated AMSA is a national organization of municipalities and districts that operate publicly-owned treatment works. The Gold Award was given in recognition of the flawless operation of the Point Loma Wastewater Treatment Plant during calendar year 1997. The plant operated in compliance with every state and federal permit requirement, twenty-four hours a day, 365 days, without a single exception. Mr. Schlesinger expressed it was his great pleasure to recognize and thank the following employees of the industrial waste pretreatment program, the laboratory, and the plant for their remarkable job ensuring that the Point Loma Plant operated at its highest level of efficiency: Sara Giobbi, Industrial Waste Inspector III, Industrial Waste Program; Heather Duckett, Assistant Chemist, Chemistry Lab; John Eifling, Superintendent, Point Loma Wastewater Treatment Plant; Burnie Gipson, Wastewater Operator; Roland Veal, Sr., Maintenance Supervisor; Eric Adinig, Instrumentation and Control Technician; Oscar Raphael, Instrumentation and Control Technician; Mickey Morrison, Plant Technician III; Stan Fein, Principal Plant Technician Supervisor; Linda Jones, Building Supervisor; Mary Castro-Dariano, Electrician; Ralph Day, Plant Technician III; Emil Pizarro, Plant Technician III; Virginia Evans, Clerical Assistant II; John Ortiz, Plant Technician III; Alice Benson, Superintendent, Metro Biosolids Center; Ron Sight, Plant Technician I; Maria LeSire, Wastewater Operator; Terry Moore, Wastewater Operator; Velmo Watson, Plant Technician II. Mr. Schlesinger thanked the Municipal Employees Association and AFSME Local 127 for their contributions to the effort as well.

Mayor Golding adjourned the meeting at 5:10 p.m. into Closed Session at 9:00 a.m. on Tuesday, July 21, 1998, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

ITEM-10: INVOCATION

Invocation was given by Pastor Bob Semrad of the

Horizon Christian Fellowship Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stallings.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Billy Jay Hinton regarding the homeless and that showers are not available for them during working hours making it difficult for the homeless to acquire jobs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A046-060.)

ITEM-PC-2:

Comment by Larry Milligan regarding the homeless and the zero tolerance policy being practiced. Mr. Milligan expressed he felt there was no notice given when the police "swept" the Concourse area.

FILE LOCATION: AGENDA

COUNCIL ACTION (Tape location: A061-080.)

ITEM-PC-3:

Comment by Steven Hall regarding he has no place to live or shower, yet he is trying to save money, trying to find a place to live, and feels that he has been treated badly during the interim.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A081-092.)

ITEM-PC-4:

Comment by Al Strohlein regarding his request to express two thank you's. Mr. Strohlein thanked Council Member Stallings for her prompt response regarding the "Rock-In Roll Marathon," and thanked Council Member Stevens for representing the City Council at the Memorial Mass for Anna Major, one of our finest and dedicated citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A094-112.)

ITEM-PC-5:

Comment by Don Stillwell regarding debt, 99 months of listening to the City Council debate major projects, and the issuance of bonds to cover them.

FILE LOCATION: AGENDA

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

ITEM-PC-6: REFERRED TO CITY MANAGER

Comment by William Bradshaw regarding his feeling that the Santa Clara Point Pump Station is inefficient, and that it doesn't prevent polluted street run-off from flowing into Mission Bay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A141-166.)

ITEM-PC-7: REFERRED TO CITY MANAGER

Comment by Daryl Smith complaining that he has been cited multiple times for unsafe loads regarding his

business truck.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A169-189.)

ITEM-PC-8:

Comment by Sonia Rodriguez regarding National Lead Prevention Week and the Environmental Health Coalition's involvement to offer lead poison screening. Ms. Rodriguez said that currently there are 73,000 children with lead poisoning in the United States.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A198-245.)

ITEM-PC-9: REFERRED TO CITY MANAGER

Comment by Donna Frye regarding ocean pollution and that in 1997 4,153 beaches were closed throughout the United States, and that California beach closure days totaled at least 1,141, plus thirty-seven permanent and one extended. Ms. Frye also expressed that in 1997 San Diego County had 173 closings resulting primarily from sewage spills.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A245-271.)

ITEM-PC-10: REFERRED TO CITY MANAGER

Comment by Leroy Walker regarding his feeling that he was falsely arrested on July 4, 1998, and held against his will for fourteen days. Mr. Walker expressed he felt it was not only unfair, but racial.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A271-293.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Mayor Golding regarding the homeless and that they were essentially living at the Concourse. Mayor Golding noted that over the weekend the Police Department did disband the encampment that had spread throughout the City Concourse. The individuals were told they could no longer store their personal belongings on public property pursuant to the Municipal Code. Mayor Golding announced that was the last step over a long process with the individuals sleeping on the Concourse, and that over the last few months individuals from that group engaged in a number of illegal activities. Mayor Golding informed Council and the public that the number to call for homeless assistance is 230-0097, and that "we stand ready to help those individuals who wish to help themselves."

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A298-348.)

ITEM-CC-2:

Comment by City Manager Michael Uberuaga requesting Assistant City Manager Penny Culbreth-Graft to summarize some of the activities during the past week working with the homeless. Ms. Graft announced that on three specific dates prior to the weekend, the City Attorney's Office, the City Manager's Office and the Police Department were out on the Concourse with providers each afternoon from 3:00 p.m. to 7:00 p.m. Social Service Agencies provided opportunities for the homeless, and they had a field office in the Concourse area to get all the referral's made.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A349-369.)

ITEM-CC-3:

Comment by Council Member Stevens regarding public showers not being available for students and employees

because of the hours, and that he discussed that with Mr. McElroy who runs the Neil Good Day Center. Mr. McElroy offered to provide those who have jobs with facilities to take showers. Mr. Stevens also wished to thank the Fire Department for saving homes in the Paradise Hills area last week, and congratulated them on their quick response and hard work.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A369-382.)

ITEM-CC-4:

Comment by Council Member Stallings regarding her pleasure to go to UCSD, the Cancer Center in Hillcrest where they are kicking off a "Ride Across the Country" by a cancer survivor Dani Grady. Dani will be riding across the country and ending the trip in Washington D.C. late October. There is to be a rally in Washington of cancer survivors to raise the consciousness of Legislators in Washington to a higher level, and making cancer care a top priority. Council Member Stallings will be providing updates periodically. Lastly, Ms. Stallings wished to recognize USC law students in the audience who were here observing.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A383-395.)

ITEM-CC-5:

Comment by Council Member Vargas regarding "Get the Lead Out." Council Member Vargas informed Council and the public that there will be a "lead-free" poison screening at Paradise Valley Hospital from 10:00 a.m. to 3:00 p.m. on Friday July 24th, and on Sunday July 26th at the Sherman Heights Community Center from 10:00 a.m. to 2:00 p.m. sponsored by the Environmental Health Coalition. Mr. Vargas stated there are problems with lead poisoning in a lot of older neighborhoods, a number of kids do ingest it while playing in sand or

dirt, and that many parents need to be educated on the issue. Mayor Golding expressed it is critical if you live in an older neighborhood to have your children screened.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A395-410.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

6/15/98

6/16/98

6/16/98 Adjourned Meeting Held on 6/19/98

6/22/98 Adjourned

6/23/98 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A413-484.)

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: Lesbian and Gay Pride Week.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1263) ADOPTED AS RESOLUTION R-290422

Encouraging all people to share in the pride of our diverse citizenry harmoniously united in the bond of community and shared aspirations, and recognizing the many civic contributions of our lesbian and gay sisters and brothers, their families and organizations;

Proclaiming the week of July 20 - 26, 1998 to be
"Lesbian and Gay Pride Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A557-605.)

MOTION BY WARDEN TO ADOPT. Second by McCarty. 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-32:

SUBJECT: Recognizing the Outstanding Contributions Provided by
Volunteers in Disabled Parking Services.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-97) ADOPTED AS RESOLUTION R-290423

Recognizing the outstanding contributions provided by
volunteers in Disabled Parking Services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B012-093.)

MOTION BY WARDEN TO ADOPT. Second by McCarty. 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: Mr. Robert Robinson Appreciation Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1579) ADOPTED AS RESOLUTION R-290424

Commending Mr. Robert Robinson for his dedication,
devotion and unequalled service to not only the
community but to the entire City of San Diego;

Proclaiming July 20, 1998 to be "Mr. Robert Robinson
Appreciation Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B099-129.)

MOTION BY WARDEN TO ADOPT. Second by McCarty. 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: PRESENTED

Presentation by David A. Rohy, vice Chair of the
California Energy Commission of the ACES Award
(Assuring Compliance with Energy Standards) to the City
of San Diego's Inspection Services Division with
special recognition to Chief Building Official Peter
Lopez, Assistant Deputy Director Art Bauxbaum and to
Tammy Bui, Aida Gurmu, Werner Landry and Jose Salcedo.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B144-168.)

* ITEM-50:

SUBJECT: Solid Waste System Financing.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
6/29/98. (Council voted 8-0. Councilmember Kehoe not
present):

(O-98-153) ADOPTED AS ORDINANCE O-18545 (New

Series)

Amending Chapter VI, Article 1, of the San Diego Municipal Code by amending Sections 66.0102 and 66.0129; and by adding new Sections 66.0134 and 66.0135, relating to the establishment of a Recycling Fee also known as an AB 939 Fee.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B203-511.)

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: Conditionally Rezoning a 37.9 Gross-Acre Site Located East of Interstate 5, North and South of Carmel Mountain Road.

(Sorrento Hills Community Area. District-1.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/30/98. (Council voted 9-0):

(O-98-155) ADOPTED AS ORDINANCE O-18546 (New Series)

Conditionally rezoning a 37.9 gross-acre site, located east of Interstate 5, north and south of Carmel Mountain Road, from the A1-10 Zone into the R-1500 Zone.

FILE LOCATION: LAND-Sorrento Hills Community Plan

COUNCIL ACTION: (Tape location: B203-511.)

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: College Grove Shopping Center Park and Ride Facility.

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

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/30/98. (Council voted 9-0):

(O-98-143) ADOPTED AS ORDINANCE O-18547 (New Series)

Approving the lease agreement between the City of San Diego and Vestar Development II, LLC, and Wal-Mart Real Estate Business Trust for park and ride facilities at the College Grove Shopping Center.

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

FILE LOCATION: LEAS-Vestar Development II, LLC, and Wal-Mart Real Estate Business Trust, College Grove Shopping Center

COUNCIL ACTION: (Tape location: B203-511.)

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-53:

SUBJECT: First Amendment to the 1994 Agreement with San Diego State University for Partial Use and Occupancy of Qualcomm Stadium.

(District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/29/98. (Council voted 7-2. Councilmembers Stevens and Stallings voted nay):

(O-98-135) ADOPTED AS ORDINANCE O-18548 (New Series)

Authorizing a first amendment to the 1994 Agreement for Partial Use and Occupancy of Qualcomm Stadium between San Diego State University and the City of San Diego.

FILE LOCATION: LEAS-San Diego State University Qualcomm Stadium (61)

COUNCIL ACTION: (Tape location: B203-511.)

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-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-54:

SUBJECT: Metropolitan Transit Development Board MVW/LRT Line - City Owned Land.

(Mission Valley Community Area. Districts-2 & 6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/29/98. (Council voted 9-0):

(O-98-123) ADOPTED AS ORDINANCE O-18549 (New

Series)

Authorizing the City Manager to execute a sublease agreement with the Metropolitan Transit Development Board for operation of the Mission Valley West/Light Rail Transit Line and stations across a portion of Qualcomm Stadium, for a term of approximately 29 years.

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

FILE LOCATION: LEAS-Metropolitan Transit Development Board Mission Valley West/Light Rail Transit Line and Stations

COUNCIL ACTION: (Tape location: B203-511.)

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-55:

SUBJECT: Refuse Collector Business Tax.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-150) INTRODUCED, TO BE ADOPTED AUGUST 3, 1998

Introduction of an Ordinance amending Chapter III, Article 1, of the San Diego Municipal Code by amending Section 31.0306 relating to Refuse Collector Business Tax.

CITY MANAGER SUPPORTING INFORMATION:

This section requires all persons disposing of refuse in the Miramar Landfill, except for municipal corporations, the City's non-exclusive franchised haulers and other governmental agencies, to pay a Refuse Collector Business Tax (RCBT) at the rate of \$8 per ton. This exclusion is not extended to refuse from State

agencies and school districts when it is collected, transported and disposed of by a City non-exclusive franchised hauler. This amendment would extend the RCBT exemption to State agencies including school districts when their waste is collected, transported and disposed of by the City's non-exclusive franchised haulers. Further, this amendment would clarify that all wastes generated outside the corporate limits of the City of San Diego and disposed of in a City operated disposal facility are subject to the RCBT. Finally, this amendment would also streamline administration of the RCBT by allowing the amount of the RCBT to be established by resolution in an amount not to exceed the current \$8 per ton rate. The existing San Diego Municipal Code language has proven to be difficult for the non-exclusive franchised haulers to comply with and for the City to administer. It has also resulted in State agency wastes generated in the City to be transported to other disposal facilities when the wastes most appropriately should have been disposed of in the Miramar Landfill.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B203-511.)

CONSENT MOTION BY STALLINGS TO INTRODUCE. 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-56:

SUBJECT: Service Worker Retention Ordinance.

TODAY'S ACTION IS:

Introduction of the following ordinance which has been prepared and docketed according to the City Council's direction on 5/4/98:

(O-98-137) INTRODUCED, TO BE ADOPTED AUGUST 3, 1998

Introduction of an Ordinance amending Chapter II, Article 2, of the San Diego Municipal Code by adding Division 28 pertaining to Service Worker Retention.

NOTE: On 5/4/98, Council voted 6-3 (Councilmembers Warden, McCarty, and Mayor Golding voted nay) on the following motion by Councilmember Vargas, second by Councilmember Stevens:

Motion to refer this item to the City Attorney to revise the ordinance for this item. I have taken the ordinance previously presented by the Labor Council, made some changes to it, and distributed it to the City Councilmembers with my memo dated May 4, 1998. I request that the City Attorney's Office review this for legality and any legal problems. The employees should be retained for 90 days as described in Section 3(b); there should be a date of hire retention; and a preferential hiring list of employees not retained by the contractor so they could again retain employment. As described in Section 3(e), cause would be the issue for discharge, and there would have to be a reason for dismissal. We would not guarantee that the employees would have permanent employment, but we would give them that opportunity.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B203-511.)

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

* ITEM-100:

SUBJECT: Awarding a Contract to Primer Roofing, Inc. for Construction of Roof Replacement at Fire Station 10.

(Rolando Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-01) ADOPTED AS RESOLUTION R-290425

Accepting the bid of \$42,696 and awarding a contract to Primer Roofing Inc. for construction of roof replacement at Fire Station 10;

Authorizing the Auditor and Comptroller to transfer not to exceed \$9,695 from Fire and Life Safety Services General Fund to CIP-33-098.0, Fire Station Major Component Replacement;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K98046)

CITY MANAGER SUPPORTING INFORMATION:

Fire Station 10 is in need of a new roof. Bid No. K98046, Replace Roof at Fire Station 10, came in over the estimate. A transfer of \$9,695 is needed from Fire and Life Safety Services General Fund to CIP-33-098.0 to award a contract and complete this project.

Aud. Cert. 9801489.

FILE LOCATION: CONT-Primer Roofing Inc.

COUNCIL ACTION: (Tape location: B203-511.)

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: Awarding a Contract to Ultraneon Sign Company for Mission Bay Storm Drain Education Program.

(Mission Bay Park and Pacific Beach Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1424) ADOPTED AS RESOLUTION R-290426

Accepting the low bid of \$37,520 and awarding a contract to Ultraneon Sign Company for Mission Bay

Storm Drain Education Program;

Authorizing the Auditor and Comptroller to transfer not to exceed \$18,472 from the Transportation Department Street Division Stormwater Program Education Budget Fund 10440/940/2652/4221/7820 to Mission Bay Storm Drain Education Program CIP-12-077.0, Fund 30244;

Amending the FY 98 CIP Budget to reflect the increase of \$18,472 in CIP-12-077.0, Mission Bay Storm Drain Education Program, by authorizing the transfer of \$18,472 from Streets Fund 10440;

Authorizing the expenditure of not to exceed \$41,272 from Mission Bay Storm Drain Education Program CIP-12-077.0, for sign fabrication and installation costs plus related expenses;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K98071M)

CITY MANAGER SUPPORTING INFORMATION:

The storm drain education program for Mission Bay is split into two projects. The first one involved the development and distribution of a Mission Bay specific stormwater brochure which was mailed to all of the residents and businesses within the Mission Bay watershed. The second project consists of sixteen interpretive signs which will be located adjacent to walking paths within Mission Bay Park. The purpose of the signs is to assist people in understanding the plants and animals that are in the park and how stormwater pollution affects their environment and health. The artwork for the signs was developed under a previous contract by the artists who created the descriptive signs by the animal exhibits at the San Diego Zoo and Wild Animal Park. This artwork was then embedded into fiberglass panels. The final phase of the work is to fabricate the stands for the artwork and to install these signs around Mission Bay Park. Ultraneon Sign Company was the apparent low bidder of the three sign companies that submitted bids. The advertisement and bid process for this work was done per the Administrative Regulations and City Council Policy for construction projects. Ultraneon's bid of \$37,520 is 21.8 percent below our construction estimate of \$48,000. \$100,000 was originally budgeted for the two education projects through CIP-12-077.0. \$77,200 was spent to cover the

Mission Bay brochure production and mailing, the artwork and sign design, and the artwork's embedment in fiberglass, leaving only \$22,800 in CIP funds available for the \$41,272 sign contract. The additional funds needed for the signs, \$18,472, will come out of the Transportation Department Street Division Stormwater Program Education Budget.

Aud. Cert. 9801462.

FILE LOCATION: CONT-Ultraneon Sign Company

COUNCIL ACTION: (Tape location: B203-511.)

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: Two actions related to Inviting Bids for the Old Mission Dam Overlook and Certifying Mitigated Negative Declaration LDR-96-7928.

(Mission Trails Regional Park Community Area.
District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1422) ADOPTED AS AMENDED AS RESOLUTION
R-290427

Inviting bids for the Old Mission Dam Overlook on Work Order No. 294480;

Authorizing a contract with the lowest responsible bidder;

Amending the FY 98 CIP Budget to reflect the increase of \$163,500 in CIP-29-448.0;

Authorizing the Auditor and Comptroller to transfer not to exceed \$163,500 from Mission Trails Antenna Fund No.

10580 to CIP-29-448.0, Old Mission Dam Overlook;

Authorizing the expenditure of not to exceed \$163,500 from CIP-29-448.0, Old Mission Dam Overlook;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K98202C)

Subitem-B: (R-98-1423) ADOPTED AS RESOLUTION R-290428

Certifying that Mitigated Negative Declaration LDR-96-7928 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City of San Diego as Lead Agency; that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Old Mission Dam Overlook; approving the Mitigated Negative Declaration; adopting the Mitigation, Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The Old Mission Dam Overlook is to be located at the Historic Old Mission Dam site, on the San Diego River, within Mission Trails Regional Park. This project is the second phase of the Mission Dam Trail. The first phase of the project provided a disabled accessible path along the river with interpretive signage, seating, and a picnic area. The overlook will help preserve native sycamore trees that are impacted by park users, and provide a disabled accessible overlook advantage for small groups of park users.

Aud. Cert. 9801373.

FILE LOCATION: SUBITEMS A & B: W.O. 294480

COUNCIL ACTION: (Tape location: B203-511.)

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTION IN SUBITEM B AND TO ADOPT THE RESOLUTION IN SUBITEM A AS AMENDED TO REFLECT THE FOLLOWING LANGUAGE AS READ INTO THE RECORD BY COUNCIL MEMBER McCARTY: AUTHORIZING THE AUDITOR AND COMPTROLLER UPON ADVISE FROM THE ADMINISTERING

DEPARTMENT TO TRANSFER EXCESS BUDGETED FUNDS, IF ANY, TO THE MISSION TRAILS ANTENNA FUND #10580. 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: Four actions related to the Final Subdivision Map of Corporate Research Park II.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1567) ADOPTED AS RESOLUTION R-290429

Authorizing a Subdivision Improvement Agreement with ADI Research Partners, L.P., for the installation and completion of public improvements.

Subitem-B: (R-98-1566) ADOPTED AS RESOLUTION R-290430

Approving the final map.

Subitem-C: (R-98-1568) ADOPTED AS RESOLUTION R-290431

Authorizing a Landscape Maintenance Agreement with ADI Research Partners, L.P., for the maintenance and monitoring of landscaping within the public rights-of-way.

Subitem-D: (R-98-1569) ADOPTED AS RESOLUTION R-290432

Approving the acceptance by the City Manager of a grant deed of ADI Research Partners, L.P., granting to the City Lot 10 of Corporate Research Park II for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 104.360 acre site into 10 lots for industrial development. It is located north of Vista

Sorrento Parkway in the Mira Mesa Community Plan area. On November 12, 1996 the Planning Commission of the City of San Diego approved Planned Industrial Development Permit PID-96-0265 for Corporate Research Park II. The City Engineer has approved the final map and states that all conditions of the Vesting Tentative Map have been satisfied. City Council is required to give final approval of all final maps and agreements. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28996-1-D through 28996-51-D, filed in the Office of the City Clerk under Micro Number 139.77. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$3,712,536 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$25,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. The Subdivider deposited \$366,000 with the City of San Diego for construction of the half-width improvements, for the construction of Mira Sorrento Place, adjacent to this subdivision in order to fulfill Condition No. 19 of Tentative Map Resolution R-288041. These funds are deposited in Fund No. 63021, Account No. 4022, Job Order 967795. (Receipt No. 1020966). This subdivision is located in the Mira Mesa Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued.

CITY MANAGER SUPPORTING INFORMATION:

The Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. Lot 10 is being deeded by separate instrument to the City at no cost as a condition of Tentative Map approval. The lot totals 46.851 acres in size. No park fee credit is being granted by the action. This lot is to be used for open space purposes.

FILE LOCATION: SUBITEMS A, B, & C: SUBD-Corporate
 Research Park II; SUBITEM D: DEED F-7278

COUNCIL ACTION: (Tape location: B203-511.)

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: Easement Deed Grant to Pacific Bell - San Pasqual
Valley.

(San Pasqual Valley Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1564) ADOPTED AS RESOLUTION R-290433

Authorizing the execution of an easement deed granting
to Pacific Bell all the City's right, title and
interest in the right-of-way 8 foot x 15 foot easement,
directly adjacent to Old San Pasqual Road, to provide
fiber optic communication service to the North County.

CITY MANAGER SUPPORTING INFORMATION:

Pacific Bell has requested an easement approximately 2,000 feet
east of the intersection of Via Rancho Parkway and Old San
Pasqual Road. The easement is directly adjacent to Old San
Pasqual Road and is 8 feet by 15 feet. The improvements would
consist of a telecommunications cabinet on top of a cement slab.
This easement would not significantly impact the larger City
parcel. The easement would allow Pacific Bell to upgrade the
existing telecommunications to fiber optic for service to North
County. City staff appraisers have approved the \$2,000 value of
the easement.

FILE LOCATION: DEED F-7279

COUNCIL ACTION: (Tape location: B203-511.)

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: Two actions related to Street Dedication - Ocean View Hills Parkway.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1590) ADOPTED AS RESOLUTION R-290434

Accepting a grant deed of Pardee Construction Company, granting to the City an easement for public street purposes in that portion of the Southwest Quarter of the Southwest Quarter of Section 29, Township 18 South, Range 1 West, San Bernardino Meridian;

Dedicating and naming the same Ocean View Hills Parkway.

Subitem-B: (R-98-1591) ADOPTED AS RESOLUTION R-290435

Authorizing a Joint Use Agreement with San Diego Gas & Electric Company, in connection with an easement for public street purposes in that portion of the Southwest Quarter of the Southwest Quarter of Section 29, Township 18 South, Range 1 West, San Bernardino Meridian, named Ocean View Hills Parkway, as shown on Engineering Drawing No. 28460-D(1-2).

CITY MANAGER SUPPORTING INFORMATION:

This last action request is necessary to complete the road link between Dennery Ranch in the northwest to Otay Mesa Road in the southeast. All other parts of the roadway have been dedicated. This roadway will service two subdivisions, Dennery Ranch and California Terraces. The project is east of I-805 and north of Otay Mesa Road and is located in the Otay Mesa Community. The action is requested as a condition of the approved California Terraces tentative map. Staff recommends approval of this item.

FILE LOCATION: SUBITEMS A & B: DEED F-7280

COUNCIL ACTION: (Tape location: B203-511.)

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

* ITEM-106:

SUBJECT: Sewer and Water Easements Exchange - Del Mar Country
Plaza.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1545) ADOPTED AS RESOLUTION R-290436

Approving the acceptance by the City Manager of the
deed of American Assets, Inc. conveying to the City a
water easement in Lots 6 and 9 of Del Mar Country
Plaza, Map-12643;

Authorizing the execution of a quitclaim deed,
quitclaiming to American Assets, Inc. all the City's
right, title and interest in sewer and water easements
in Lots 6 and 9 of Del Mar Country Plaza, Map-12643.

CITY MANAGER SUPPORTING INFORMATION:

The owner of Del Mar Country Plaza is remodeling the existing
office/retail center. The site is located south of Del Mar
Heights Road and east of Interstate 5 in the Carmel Valley
Community Plan area. The new construction requires the
relocation of existing water facilities. Engineering Permit
#W46040 has been issued to construct the new facilities. Council
is asked to vacate the old water service easement and accept a
replacement easement as shown on Engineering Drawing 29301-D.

FILE LOCATION: DEED F-7281

COUNCIL ACTION: (Tape location: B203-511.)

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

* ITEM-107:

SUBJECT: Drainage Easement, General Utility and Access Easements
Abandonment in Portions of Lots 1 and 2 of Stonecrest
Village Unit No. 2.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1546) ADOPTED AS RESOLUTION R-290437

Vacating the drainage easement and the general utility
and access easement in portions of Lots 1 and 2 of
Stonecrest Village Unit No. 2, Map-13508, to
unencumber this property and facilitate development of
the site, under the procedure for the summary vacation
of public service easements, Section 8330 et seq. of
the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

Action is requested to abandon these easements, located on the
east and west sides of West Canyon Avenue in the Kearny Mesa
Community Planning area. The existing drainage easement and
general utility and access easement were relocated to accommodate
a new approved development on the site. Staff recommends that
City Council approve the abandonment of these easements, as shown
on drawing Nos. 18744-B and 18776-B.

FILE LOCATION: DEED F-7282

COUNCIL ACTION: (Tape location: B203-511.)

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

* ITEM-108:

SUBJECT: Drainage Easement Abandonment in Parcel 2 of Parcel Map PM-9984.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1537) ADOPTED AS RESOLUTION R-290438

Vacating the drainage easement within Parcel 2 of Parcel Map PM-9984, to unencumber this property and facilitate development of the site, under the procedure for the summary vacation of public service easements.

CITY MANAGER SUPPORTING INFORMATION:

The applicant has requested the drainage easement abandonment to better utilize their land. The drainage easement was originally granted June 5, 1930, Deed Book 1774, page 327, for the construction and maintenance of a public storm drainage system. The public storm drain system was constructed at an alternative location and Staff has determined that this easement is not needed and can be abandoned.

FILE LOCATION: DEED F-7283

COUNCIL ACTION: (Tape location: B203-511.)

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: Jewett Street Property Acquisition.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1317) ADOPTED AS RESOLUTION R-290439

Authorizing the City Manager to enter into escrow instructions to acquire Lots 2 and 26 of Block 32, Linda Vista Unit No. 5 from the San Diego Unified School District to be used in conjunction with the development of the proposed Educational Enrichment Systems Child Care Center;

Authorizing the City Auditor and Comptroller to transfer \$30,000 from Linda Vista Street Lights to Community Development and Enhancement - District 5;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$123,000 from Community Development and Enhancement Fund 18533 for the acquisition of required property rights for Lots 2 and 26 of Block 32.

CITY MANAGER SUPPORTING INFORMATION:

To meet the increasing need for child day care in the Linda Vista Community, the City is proposing an agreement with Educational Enrichment Systems, Inc. (EES) to develop an 8,640-square-foot child day care facility that will serve 144 preschool children at no cost to the City. Construction of the facility will be centered on a one acre site of City-owned land south of Montgomery Junior High School and north of the Linda Vista Boys and Girls Club.

To meet the parking requirements for the proposed construction, the adjacent 0.45 acre lot, owned by the San Diego Unified School District, is needed. The City has an agreement with the School District to purchase Lots 2 and 26 of Block 32, Linda Vista Unit No. 5 totaling 0.45 acre for \$120,000.

Aud. Cert. 9801284.

NOTE: See Item 119 on today's docket for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B203-511.)

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: Certified Local Government Grant Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1570) ADOPTED AS RESOLUTION R-290440

Authorizing application to the National Historic Preservation Fund Subgrant Program for a \$25,000 project of which 60 percent (\$15,000) would come from the California Office of Historic Preservation and would facilitate Phase I of a Comprehensive Historic Preservation Plan for the San Diego Presidio Archaeology site above Old Town.

CITY MANAGER SUPPORTING INFORMATION:

The Certified Local Government (CLG) status confers on the City of San Diego access to grant funds offered through the California Office of Historic Preservation. All CLG grants will be matched on a 60 percent Federal, 40 percent applicant basis. The Historical Site Board would like to submit a grant application for a consultant to perform Phase I of a Comprehensive Historical Preservation Plan for the San Diego Presidio archeology site above Old Town. Phase I will consist of documenting existing conditions and the preparation of a summary report that will provide recommendations for proceeding. The San Diego Presidio is acknowledged to be the most important archeological site on the entire west coast because it is the first site of European habitation in the region.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B203-511.)

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

* ITEM-111:

SUBJECT: Coastal Conservancy - Natural Communities Conservation
Planning (NCCP) Program Implementation Grant
Application.

(San Pasqual Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1525) ADOPTED AS RESOLUTION R-290441

Authorizing the City Manager or representative to apply
to the State Coastal Conservancy for a grant from the
NCCP Program Implementation for the San Pasqual
Property Acquisition (Konyn property) previously
approved on January 20, 1998, by City Council
Resolution No. R-289663;

Authorizing the City Manager or representative to take
all necessary actions to secure funding for this
acquisition;

Appointing the City Manager or representative to
conduct all negotiations, execute and submit all
documents which may be necessary for the completion of
the project;

Authorizing the City Manager or representative to
expend funds if the grant is secured;

Authorizing the Auditor and Comptroller to establish a
separate interest-bearing account for the funds.

CITY MANAGER SUPPORTING INFORMATION:

The State Coastal Conservancy was established in 1976 as a State
agency that protects and improves coastal resources and helps the

public get to and enjoy the coast. The Coastal Conservancy staff have submitted budget requests for funds to assist in the acquisition, restoration and enhancement of sensitive habitat lands in San Diego County, as part of the State's NCCP Program, consistent with the MSCP. The grant application for the San Pasqual Property Acquisition will be reviewed by the Coastal Conservancy at their June 25, 1998 meeting. If approved, disbursement of funds will be contingent upon the approval of the FY 99 State budget. The grant application is for \$2 million dollars to assist the City of San Diego in the acquisition of an approximately 338-acre property in the San Pasqual Valley area of the San Dieguito River Valley. The property contains significant amounts of sensitive biological resources including coast live oak woodland and coastal sage scrub. The preservation of this property will result in the retention of the natural resources and thus avoid impacts to water quality and to sensitive coastal resources downstream. The property is identified within the City's Multiple Species Conservation Program's (MSCP) Multiple Habitat Planning Area which proposes to conserve the region's most significant habitats.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B203-511.)

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: Excusing Councilmember Stallings from the Land Use and Housing Committee Meeting of 6/10/98.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1580) ADOPTED AS RESOLUTION R-290442

Excusing Councilmember Valerie Stallings from attending the regularly scheduled Land Use and Housing Committee meeting of June 10, 1998, due to her participation in commencement exercises at Stephens Watts Kearny High

School.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B203-511.)

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: Adding a Public Safety and Neighborhood Services
Committee Meeting on August 5, 1998 at 2:00 P.M.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

Adopt the following resolution:

(R-98-1589) ADOPTED AS RESOLUTION R-290443

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, to
add a meeting of the Public Safety and Neighborhood
Services Committee on August 5, 1998 at 2:00 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B203-511.)

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

* ITEM-114: CONTINUED TO AUGUST 3, 1998

SUBJECT: Removal of the Two-Hour Time Limit Parking Zone at
16685 Bernardo Center Drive.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1485)

Approving the removal of the two-hour time limit (between 6:00 a.m. and 8:00 p.m. daily) parking zone, on the east side of Bernardo Center Drive between Lomica Drive and Rancho Bernardo Town Center Drive, in accordance with the provisions of Council Policy 200-04.

CITY MANAGER SUPPORTING INFORMATION:

This action removes the two-hour time limit parking zone on the east side of Bernardo Center Drive between Lomica Drive and Rancho Bernardo Town Center Drive. This action was petitioned by one hundred percent of the fronting property owners and their tenants. This meets the requirements of Council Policy 200-04 for the removal of the two-hour time limit parking. Council approval is required for this action. The property owners and tenants of the RB Food Court shopping center requested the removal of the two-hour time limit parking.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B203-511.)

CONSENT MOTION BY STALLINGS TO CONTINUE THIS ITEM TO MONDAY, AUGUST 3, 1998 AT THE REQUEST OF COUNCIL MEMBER WARDEN TO ALLOW TIME FOR COMMUNITY INPUT. 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: Removal of the Two-Hour Time Limit Parking Zone on Candela Place North of Long Run Drive.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1573) ADOPTED AS RESOLUTION R-290444

Approving the removal of the two-hour time limit parking zone on Candela Place north of Long Run Drive, in accordance with the provisions of Council Policy 200-04.

CITY MANAGER SUPPORTING INFORMATION:

This action removes a two-hour time limit parking zone from Candela Place north of Long Run Drive. The proposed removal of the two-hour zone was requested by the Del Mar Highlands Neighborhood Homeowners' Association, which represents all of the affected properties. Accordingly, removal of the two-hour time-limit parking zone is recommended.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B203-511.)

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: Unmetered Time-Limit Parking Zone on the North Side of Via De La Valle.

(Via De La Valle Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1572) ADOPTED AS RESOLUTION R-290445

Establishing an unmetered time-limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the north

side of Via De La Valle between San Andres Drive to a point 600 feet to the east, in accordance with the provisions of Section 86.04 of the San Diego Municipal Code;

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 action establishes a two-hour unmetered time-limit zone effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the north side of Via De La Valle from San Andres Drive to a point 600 feet east. A petition supporting this action was submitted by a property owner which represents 100 percent of the affected frontage property. Recent studies indicate that this section of Via De La Valle is heavily impacted by long term parkers. The average parking occupancy is 83.7 percent, the average parking duration is 9.2 hours, and the average turnover is 1.0 parkers per space. Therefore, we recommend the two-hour time limit parking zone.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B203-511.)

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: Street Name Change - Fraternal Court to Telesis Court.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1547) ADOPTED AS RESOLUTION R-290446

Changing the name of Fraternal Court, located north of

Lusk Boulevard, to Telesis Court;

Declaring that the street signage shall indicate both the old street name and the new street name for a period of six months following adoption of this Resolution for the convenience of the general public;

Authorizing the installation and removal of the necessary signs and markings.

CITY MANAGER SUPPORTING INFORMATION:

A single property owner of the lot abutting the subject street has applied for the proposed name change of Fraternal Court to Telesis Court. The applicant is the only property owner with a Fraternal Court street address. Four other properties abut Fraternal Court, however, their mailing addresses are on Lusk Boulevard. All four property owners approve of the street name change. The subject street is a short cul de sac which interests Lusk Boulevard. Staff finds the street name change to be consistent with City policies.

FILE LOCATION: DEED F-7284

COUNCIL ACTION: (Tape location: B203-511.)

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: Approving Fiscal Year 1999/2000 Memorandum of Understanding with the San Diego Police Officers' Association.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-15) ADOPTED AS RESOLUTION R-290447

Declaring that the Management Team of the City of San Diego and the San Diego Police Officers' Association

(POA) have agreed to the provisions contained in the successor Memorandum of Understanding (MOU) effective July 1, 1998 through June 30, 2000. The substantive terms of this MOU were previously approved by the City Council in the form of a tentative agreement on November 18, 1997, on file in the City Clerk's Office as Document No. RR-289445.

CITY MANAGER SUPPORTING INFORMATION:

The Management Team of the City of San Diego has met and conferred with the San Diego Police Officers' Association (POA) regarding wages, hours and terms and conditions of employment for employees represented by the POA in the Classified Service. Pursuant to these negotiations, the Management Team and POA have agreed to the provisions contained in the successor MOU effective July 1, 1998 through June 30, 2000, on file with the City Clerk's Office. The substantive terms of this MOU were previously approved by the City Council in the form of a tentative agreement on November 18, 1997, Resolution No. R-289445.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B203-511.)

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-119:

SUBJECT: Two actions related to Educational Enrichment Systems,
Inc. - East Jewett Street Lease Agreement.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1411) ADOPTED AS RESOLUTION R-290448

Authorizing a third amendment to the lease agreement
with the Boys and Girls Club of San Diego, Inc.,

located at 2330 East Jewett Street, for reduction of the leasehold area.

Subitem-B: (R-98-1519) ADOPTED AS RESOLUTION R-290449

Authorizing the City Manager to execute a lease agreement with Educational Enrichment Systems, Inc., for the construction and operation of a child care center on a 1.45-acre site adjacent to Montgomery Middle School, the fair market value of which is \$386,666, for a term of 20 years at \$600 per year.

CITY MANAGER SUPPORTING INFORMATION:

Educational Enrichment Systems, Inc. (EES) is a nonprofit child development agency with six child care centers in San Diego County. For over 17 years, EES has helped low-income families in San Diego become self-sufficient by providing subsidized child care. Their existing child care center in Linda Vista has been in operation since 1979, currently serving 96 children, which is its maximum capacity. There is a waiting list of 500 children. EES desires to expand services in Linda Vista by constructing and operating an 8,640-square foot child care facility adjacent to Montgomery Middle School which will serve 144 preschool children. The City will be providing a 1.45-acre site to EES through a 20-year lease at \$600 per year. The City is proposing to reduce the Linda Vista Boys and Girls Club leasehold by one acre; the additional 0.45 acre, currently owned by the San Diego School District (District), will be leased to the City by the District; then the City will sublease to EES on an interim basis. Within approximately 12 months, the City plans to purchase the abutting 0.45-acre parcel from the District for \$120,000. Until this acquisition is completed, the rent to the District will consist of interest generated from the funds currently available (\$80,000) for the acquisition (referenced as a companion item).

NOTE: See Item 119 on today's docket for a companion item.

FILE LOCATION: SUBITEM A: LEAS-Boys and Girls Club of San Diego, Inc; SUBITEM B: LEAS - Educational Enrichment Systems, Inc.

COUNCIL ACTION: (Tape location: D429-432.)

MOTION BY WARDEN TO ADOPT. 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-120:

SUBJECT: First Amendment to the Consultant Agreement with Earth Tech for Sewer Pump Station No. 61 Improvements.

(Serra Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1544) ADOPTED AS RESOLUTION R-290450

Authorizing a first amendment to the agreement with Earth Tech, formerly Barrett Consulting Group, for additional services in an amount not to exceed \$83,600;

Authorizing the expenditure of not to exceed \$83,600 from Sewer Fund, CIP-46-106.0, Annual Allocation Pump Station Restoration.

CITY MANAGER SUPPORTING INFORMATION:

Council authorized an agreement with Earth Tech, formerly known as Barrett Consulting Group, on January 4, 1993, Document No. RR-281299, to provide engineering services for the upgrade and replacement of Sewer Pump Station No. 61. This facility is located at 5074 Mercury Street, was built in 1972 and needs to be upgraded with the current design and safety standards. This amendment will accommodate the design modifications to the plans and specifications, and the cost estimate required to link Sewer Pump Station No. 61 through the Comnet System to the Metropolitan Wastewater Department Operations Center. In addition, the funds for support services during bidding and construction are adjusted to the expected level of effort by the consultant.

Aud. Cert. 9801464.

WWF-98-312.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B203-511.)

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-121:

SUBJECT: Restoration of Sewer Pump Station #22 - Construction of
Change Order No. 1.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1533) ADOPTED AS RESOLUTION R-290451

Approving Change Order No. 1, dated March 6, 1998, with
HPS Plumbing Service (San Diego), amounting to a net
increase in the contract price by \$42,759.15;

Authorizing the City Auditor and Comptroller to
transfer an amount not to exceed \$47,036 from Sewer
Fund 41506, CIP-44-001.0, Annual Allocation - Sewer
Main Replacement to Sewer Fund 41506, CIP-46-106.0,
Annual Allocation - Sewer Pump Restoration,
Sub-CIP-44-160.5, Sewer Pump Station #22 for providing
additional contingency and engineering funds for this
project;

Authorizing the expenditure of not to exceed \$47,036
from Sewer Fund 41506, CIP-46-160.5, Sewer Pump Station
#22 for additional engineering costs;

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

CITY MANAGER SUPPORTING INFORMATION:

On September 8, 1997, the Council approved Resolution R-289110
awarding the low base bid to HPS Plumbing Services for the
construction of Sewer Pump Station #22 improvements. This

contract includes the installation of a new sewer force main crossing La Jolla Boulevard. During the construction of this main, it was discovered that 120 feet of additional sewer main needed to be installed to allow for the planned resurfacing work on La Jolla Boulevard this spring and prevent disturbance to the new pavement by future sewer projects in the area. Three separate bids for the additional work were obtained to ensure that the work would be delivered at the lowest price. Of the three bids received, the bid of HPS Plumbing Services was the lowest. Given this and the proximity of the additional mains to the Sewer Pump Station #22 Project, Change Order No. 1 was initiated with HPS Plumbing for the additional work. The proposed work is not anticipated to affect the schedule of Sewer Pump Station #22's contract.

Aud. Cert. 9801395.

WWF-98-331.

FILE LOCATION: CONT-HPS Plumbing Service (San Diego)

COUNCIL ACTION: (Tape location: B203-511.)

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-122:

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-99-11) ADOPTED AS RESOLUTION R-290452

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: B203-511.)

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-123:

SUBJECT: Conflict of Interest Code for the Facilities and Equipment Leasing Corporation of the City of San Diego.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-36) ADOPTED AS RESOLUTION R-290453

Adopting and incorporating by reference the terms of 2 California Code of Regulations Section 18730, adopted by the Fair Political Practices Commission (FPPC), into the Conflict of Interest Code for the San Diego Facilities and Equipment Leasing Corporation;

Approving and incorporating Appendix A, in which persons are designated, and Appendix B, in which disclosure categories are set forth, into the San Diego Facilities and Equipment Leasing Corporation's Conflict of Interest Code;

Declaring that members of the Corporation designated in Appendix A, including any consultants who are required to become filers, shall file their Statements of Economic Interest (SEI's) with the Secretary of the Corporation, who shall forward the originals to the City Clerk;

Declaring that the President and members of the Board of Directors of the Corporation designated in Appendix A shall also file their SEI's with the Secretary of the Corporation, who shall forward the originals to the

City Clerk;

Directing that SEI's filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B203-511.)

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-124:

SUBJECT: Declaring the Results of the June 2, 1998 Election.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-99-21) ADOPTED AS RESOLUTION R-290454

Declaring the results of the Municipal Primary Election and the Special Municipal Election held in the City of San Diego on June 2, 1998.

CITY CLERK SUPPORTING INFORMATION:

A Municipal Primary Election was held on June 2, 1998 for the purpose of nominating or electing candidates for Councilmembers for Districts 2, 4, 6 and 8. A Special Municipal Election was held in the City on the same date and consolidated with the State Primary Election, for the purpose of submitting one proposition to the voters of the City of San Diego. The results of these elections have been certified by the Registrar of Voters and the City Clerk, and are now being certified to the City Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B539-C122.)

MOTION BY KEHOE TO ADOPT. 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-125:

SUBJECT: Settlement of the Claim of California Regional Water Quality Control Board.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-12) ADOPTED AS RESOLUTION R-290455

A Resolution approved by the City Council in Closed Session on Tuesday, June 30, 1998 by the following vote:
Mathis-yea; Wear-yea; Kehoe-not present; Stevens-yea;
Warden-yea; Stallings-yea; McCarty-yea; Vargas-not present;
Mayor-yea.

Authorizing the City Manager to pay the total sum of \$55,232 in the settlement of each and every claim against the City, its agents and employees, resulting from the settlement of the matter of California Regional Water Quality Control Board v. City of San Diego, Administrative Civil Liability ACL No. 98-64, as follows: \$50,232 to the Santa Fe Irrigation District; and \$5,000 to the City of San Diego Water Department;

Authorizing the City Auditor and Comptroller to issue one check payable to the Santa Fe Irrigation District in the amount of \$50,232; and one check payable to the City Water Department in the amount of \$5,000, in settlement of ACL No. 98-64 and all claims;

Declaring that the funds are to be payable from Sewer Revenue Fund No. 41506.

Aud. Cert. 9900036.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B203-511.)

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-126:

SUBJECT: Excusing Councilmember Judy McCarty from all Regularly
Scheduled Council Meetings, Closed Session Meetings,
and Council Committee Meetings during the Week of
6/15/98 through 6/19/98.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-14) ADOPTED AS RESOLUTION R-290456

Excusing Councilmember Judy McCarty from attending any
and all regularly scheduled Council meetings, Closed
Session meetings, and Council Committee meetings during
the week of June 15, 1998 through June 19, 1998, due to
the birth of her first grandchild.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B203-511.)

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-127:

SUBJECT: Three actions related to Authorizing Suggestion Awards
to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1550) ADOPTED AS RESOLUTION R-290457

Dennis Boisvert and Abel Hernandez - Water Utilities -
\$2,500 total (\$1,250 each).

Subitem-B: (R-98-1551) ADOPTED AS RESOLUTION R-290458

Michael Ferguson - Fire & Life Safety - \$250.
Jason Cull - Fire & Life Safety - \$250.

Subitem-C: (R-98-1552) ADOPTED AS RESOLUTION R-290459

Linda Moskovics - Library - \$160.

FILE LOCATION: SUBITEMS A, B & C: MEET

COUNCIL ACTION: (Tape location: B203-511.)

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: Amending Section 84.12 of the San Diego Municipal Code
Relating to Skateboarding on City Schools Property.

(See Donald J. Braun's 5/7/98 letter.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-98-154) INTRODUCED, TO BE ADOPTED AUGUST 8, 1998

Introduction of an Ordinance amending Section 84.12 of
the San Diego Municipal Code by adding Section
84.12(E), relating to Skateboarding, Roller-Blading,
and Roller-Skating on School District Property.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 5/13/98, PS&NS voted 4-0 to direct the City Attorney to use

language proposed by the San Diego City Schools to amend San Diego Municipal Code Section 84.12. Also, to be included in the amendment is an exemption for "school sanctioned events proposed by the site administrator." The City Manager was directed to enforce the "no skateboarding" policy on the San Diego Community Concourse and to issue citations when appropriate. (Councilmembers Stevens, Warden, McCarty and Vargas voted yea. Councilmember Wear not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B203-511.)

CONSENT MOTION BY STALLINGS TO INTRODUCE. 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-151:

SUBJECT: Repealing Sections 56.19, 56.45 and 52.20 of the San Diego Municipal Code.

(See San Diego Municipal Code 56.19; Human Relations Commission's 1/5/98 memorandum; Casey Gwinn's 1/26/98 letter; Councilmember Kehoe's 3/24/97 memorandum; Rosenstein, Wilson & Dean's 2/17/98 memorandum; Paula S. Rosenstein's 5/13/97 letter; Reverend Dennison's 5/6/97 letter; Dennis Lucarelli's 3/23/97 letter; Jerry Sanders' 12/8/97 letter and 4/21/97 memorandum; San Diego News Article; City Attorney's 3/11/98 memorandums.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-98-149) INTRODUCED AS AMENDED, TO BE ADOPTED
AUGUST 3, 1998

Introduction of an Ordinance repealing Sections 56.19, 52.20, and 56.45 of the San Diego Municipal Code, relating to Appearance in Apparel Customarily Worn by the Opposite Sex; Obstructing Public Places - Prohibited; and Marathon Contest - Prohibited.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 3/18/98, PS&NS voted 3-0 to repeal San Diego Municipal Code Sections 56.19, 52.20, and 56.45. (Councilmembers Warden, McCarty and Vargas voted yea. Councilmembers Wear and Stevens not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C134-218.)

MOTION BY WARDEN TO APPROVE THE REPEAL OF SECTION 56.45 OF THE SAN DIEGO MUNICIPAL CODE, AND TO RETURN SECTION 52.20 AT THE CITY ATTORNEY'S REQUEST FOR FURTHER REVIEW. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

MOTION BY WARDEN TO APPROVE THE REPEAL OF SECTION 56.19 OF THE SAN DIEGO MUNICIPAL CODE. 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-not present.

ITEM-200:

SUBJECT: Amending the Master Installment Purchase Agreement and the Indenture for the Public Facilities Financing Authority Sewer Revenue Bonds.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-10) INTRODUCED, TO BE ADOPTED AUGUST 3, 1998

Introduction of an Ordinance, pursuant to Section 99 of the City Charter, approving the form of a Fourth Supplemental Indenture and approving the form of and authorizing the execution and delivery of a 1998-1 Supplement to the Master Installment Purchase Agreement relating to an installment purchase financing, and approving other actions in connection herewith.

CITY MANAGER SUPPORTING INFORMATION:

On July 26, 1993 the City of San Diego entered into a Master Installment Purchase Agreement with the Public Facilities Financing Authority of the City of San Diego (PFFA). This agreement allowed the City to purchase, through installment payments, the wastewater infrastructure projects financed by PFFA. On September 1, 1993 PFFA executed an Indenture with State Street Bank and Trust Company of California in connection with the first in a series of sewer revenue bond issuances. This Indenture serves as the master Indenture for the Series 1993 Sewer Revenue Bonds and all subsequent sewer revenue bond issuances.

On June 29, 1998 the City Council adopted a resolution which delegated to the City Manager the authority to execute a transaction which will replace the cash in the existing Debt Service Reserve Fund for the wastewater bonds with a Surety Policy. The Surety Policy is similar to an insurance policy, and will effectively release the cash in the debt service reserve fund so that it can be expended on wastewater capital improvement projects. In order to execute this transaction an Ordinance is required to amend: 1) the Master Installment Purchase Agreement between the City of San Diego and PFFA, and 2) the Indenture governing the Sewer Revenue Bonds, as well as authorize certain other actions. The documents contained herein are the final documents necessary to execute the Surety Policy.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B203-511.)

Hearing began at 3:37 p.m. and halted at 3:54 p.m.

CONSENT MOTION BY STALLINGS TO INTRODUCE. 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-201:

(Continued from the meeting of June 29, 1998, Item 131, at Councilmember Wear's request, to allow the Downtown Partnership time to review the Engineer's report.)

SUBJECT: This is the public meeting regarding the annual assessments for the Downtown Maintenance Assessment District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Centre City Community Area. Districts-2, 3 and 8).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1481) ADOPTED AS RESOLUTION R-290460

Resolution to levy and collect 1999 annual assessments on the Downtown Maintenance Assessment District.

Subitem-B: (R-98-1482) ADOPTED AS RESOLUTION R-290461

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1999 assessments for the Downtown Maintenance Assessment District as modified and formed in August 1997 by Council resolution. The district provides enhanced levels of services for street tree maintenance, litter and graffiti control, sidewalk cleaning, enhanced maintenance of parks/open spaces and enhanced levels of street lighting within the downtown area.

The total amount proposed to be assessed to the district for Fiscal Year 1999 is compared with the assessments for Fiscal Year 1998 as follows:

AREA	ZONE	FY99	FY98	INCREASE
Core/Columbia	Zone 1	\$ 538,980	\$ 513,315	\$25,665
Marina	Zone 2	116,014	110,489	5,525
Little Italy	Zone 3	59,501	59,501	0
Cortez	Zone 4	58,433	58,432	1
East Village	Zone 5	285,882	272,269	13,613
Gaslamp	Zone 6	255,154	243,004	12,150
Total		\$1,313,964	\$1,257,010	\$56,954

Four of the six zones cost estimates have increased from the Fiscal Year 1998 assessments. The increase is based on the need of each zone above for the allowable assessment range increase of

5% as supported in the ballot results and confirmed by Council in August of 1997. Service levels have been adjusted to accommodate for new services and additional costs in some of the zones as directed by the community.

FILE LOCATION: SUBITEMS A & B: STRT-M-386-99

COUNCIL ACTION: (Tape location: B203-511.)

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-202:

SUBJECT: Awarding a Contract to PTO Sales Corporation for 21
Automated Refuse Packers.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-215) ADOPTED AS RESOLUTION R-290462

Awarding a contract to PTO Sales Corporation (Fontana, CA), for the purchase of 21 automated refuse packers, at a cost of \$146,023 each, for a total estimated cost of \$3,769,000, including tax and terms, with options to renew the contract for four consecutive one year periods;

Authorizing the City Manager to finance the total acquisition under the Master Lease Program over a period of five years for a total estimated lease cost of \$3,769,000 of which \$0 will come from FY98 funds;

Authorizing the expenditure of not to exceed \$238,000 in FY99, from Fund No. 500311, Dept. No. 500311, Org. No. 512, Object Account No. 6019, and Job Order No. 000512;

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

(BID-C6512/98)

CITY MANAGER SUPPORTING INFORMATION:

The twenty-one (21) automated side loader refuse packers are requested by the Transportation Department, Equipment Division for use by the Environmental Services Department, Refuse Collection Division in the fifth year of five year implementation of automated residential refuse collection. The new automated packers will replace manual collection trucks which will improve productivity, allowing routes to be expanded while reducing labor requirements and time lost due to injuries. Twenty-seven potential bidders were contacted; two bidders responded. It is recommended the contract be awarded to PTO Sales Corporation, the low acceptable bidder. The lower bid from Pressley Peterbilt does not meet bid specifications in two critical areas: 1) It incorporates a chain driven automated arm, while the bid specifications state that "Lifts that incorporate chains in design parameters are unacceptable." Previous City experience has shown chain driven arms require more maintenance and suffer more failures than automated arms with hydraulic systems; 2) Excessively long delivery schedule. Bid specifications call for delivery of eleven packers 166 days after award of bid and the remaining ten, thirty days later. Pressley's proposed delivery schedule is two units 385 days after award and two units per week to follow until completion of order. This would delay the implementation of the 5th phase of the Automated Residential Refuse Collection Program until FY 2000 and result in a loss to the General Fund of approximately \$250,000 in FY99 and delayed cumulative savings in future years. The most recent purchase of similar equipment was made in November of 1997 from PTO Sales Corporation at a cost of \$149,531 each plus tax. The proposed bid price is approximately 2.3 percent below the previous contract price.

Aud. Cert. 9900005.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: C228-306.)

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

ITEM-203:

(Continued from the meetings of May 18, 1998, Item 103; June 8, 1998, Item 207; and June 15, 1998, Item S402; last continued at Councilmember Mathis's request, for further review.)

SUBJECT: Time Limit Parking on La Jolla Boulevard and Bird Rock Avenue.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Do not adopt the following resolution:

(R-98-1213) ADOPTED AS AMENDED AS RESOLUTION
R-290463

Establishing an unmetered two-hour time limit parking zone on both sides of La Jolla Boulevard between Forward Street and Bird Rock Avenue, and on the south side of Bird Rock Avenue between La Jolla Boulevard and the alley to the west, effective between the hours of 10:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted;

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

CITY MANAGER SUPPORTING INFORMATION:

This item is regarding a proposal to establish a two-hour time limit parking zone on both sides of the 5600 block of La Jolla Boulevard between Forward Street and Bird Rock Avenue, and on the south side of Bird Rock Avenue from La Jolla Boulevard to the alley to the west. The proposal was submitted by a petition of property owners and businesses representing 73 percent of the affected frontage.

The proposal is supported by the Bird Rock Community Council, the La Jolla Traffic and Transportation Board, Promote La Jolla, the La Jolla Town Council, and the La Jolla Community Planning Association. Recent parking studies on a typical weekday during regular business hours, between 10:00 a.m. and 6:00 p.m., revealed an average parking space occupancy of 58 percent on the

east side and 45 percent on the west side, and an average parking duration of 2.92 hours and 1.77 hours, respectively, on the subject block of La Jolla Boulevard. Typically, a two-hour time limit is appropriate where parking space occupancy is 75 percent or higher, and average parking duration is three hours or higher. Therefore these data indicate adequate parking availability under the current, unrestricted condition. Additionally, time limit parking in this area may have an adverse impact on the surrounding neighborhoods by diverting commuter parking to nearby residential streets. Therefore, this action is not recommended. When time limit parking was proposed at this location in 1996, several residents of nearby streets contacted the City in opposition.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B203-511.)

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTION AS AMENDED AT THE REQUEST OF COUNCIL MEMBER MATHIS TO APPROVE IMPLEMENTING THE TIME LIMIT PARKING ZONE ON BOTH SIDES OF LA JOLLA BOULEVARD BETWEEN FORWARD STREET AND BIRD ROCK AVENUE, AND ON THE SOUTH SIDE OF BIRD ROCK AVENUE BETWEEN LA JOLLA BOULEVARD AND THE ALLEY TO THE WEST; AND THAT WOULD BE BETWEEN THE HOURS OF 10:00 A.M. AND 6:00 P.M., WITH THE EXCEPTION OF SATURDAYS, SUNDAYS, AND CERTAIN HOLIDAYS. 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: Presenting the City Clerk's Certification of Sufficiency and Directing the City Attorney to Prepare an Ordinance Placing the Sea World Initiative Measure on the Ballot of 11/3/98.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-99-94) ADOPTED AS RESOLUTION R-290464

Directing the City Attorney to prepare an ordinance placing the Sea World Initiative Measure to Amend the

Coastal Zone Height Restriction on the ballot at a municipal election consolidated with the next general statewide election on November 3, 1998.

CITY CLERK SUPPORTING INFORMATION:

On June 10, 1998, Sea World of California filed with the City Clerk's Office an initiative petition regarding the Coastal Zone height restriction (People's Ordinance No. O-10960 N.S.). The petition was filed within the prescribed time period of 180 days following the date of publication of a notice of intent to circulate the petition. On July 6, 1998, the Registrar of Voters completed the petition signature verification by use of a random sampling method authorized by the San Diego Municipal Code (SDMC). The petition was found to contain the valid signatures of over ten percent of the City's registered voters as required by the Charter for direct submission to the voters. People's Ordinance No. O-10960 N.S. was enacted by the voters as Proposition D on November 7, 1972, limiting the height of buildings in the Coastal Zone.

The provisions of SDMC Section 27.2928 required that "(a)ny initiative legislative act adopted by a majority vote of the voters may be amended or repealed only by a vote of the majority of the voters or by Charter amendment." Council must direct the City Attorney to prepare an ordinance placing the measure on the ballot at a special municipal election consolidated with the next general statewide election on November 3, 1998.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C311-D016.)

MOTION BY McCARTY TO ADOPT THE RESOLUTION TO PLACE THE SEA WORLD INITIATIVE MEASURE ON THE BALLOT OF NOVEMBER 3, 1998. Second by Mathis. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205:

SUBJECT: Two actions related to Water Operations Central Facility.

(See City Manager Report CMR-98-150. Kearny Mesa

Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A and hold the first public hearing of the ordinance in Subitem B:

Subitem-A: (R-99-89) ADOPTED AS RESOLUTION R-290465

Authorizing the City Manager to acquire on behalf of the City a 22.74 (net useable) acre site in the Allred/Collins Business Park from Sentre Partners (Seller) for use as a Central Water Department Operations Facility;

Authorizing the Auditor and Comptroller to transfer not to exceed \$16,000,000 within Water Fund 41500 to CIP-73-338.0;

Authorizing the expenditure of not to exceed \$16,000,000 for the acquisition of the land and escrow, appraisal, and miscellaneous acquisition costs of the purchase;

Authorizing the City Manager to deposit into escrow the sum of \$500,000, non-refundable, to be released to the Seller at the time City Council approves these actions, and that the monies be applied to the purchase price.

Aud. Cert. 9900028.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C595-D464.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION WITH DIRECTIONS TO THE CITY MANAGER TO COME BACK TO COUNCIL WITH A COMPREHENSIVE PLAN REGARDING DESIGN, EXPANSION POSSIBILITIES, COST BREAKDOWNS REGARDING ART AND OTHER RELATED CONSTRUCTION; AND A PLAN TO ACCOMMODATE EVERYONE INVOLVED, ALL THE DIFFERENT PARCELS, AND WHAT THE BEST RATIONALE FOR THAT WOULD BE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:10 p.m. in honor of the memory of:

Anna Major as requested by Mayor Golding and Council Member Stevens; Verna Quinn as requested by Mayor Golding and Council Member Stevens; Stella Julia Roberts as requested by Council Member Kehoe; David Morgan as requested by Council Member Wear; Joe Street as requested by Council Member Vargas; Ferdinand Ilijevich as requested by Council Member Vargas; and John Henry Thorton as requested by Council Member Stevens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E012.)