

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, FEBRUARY 1, 1999  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Golding at 2:10 p.m. Mayor Golding adjourned the meeting at 6:07 p.m. into Closed Session on Tuesday, February 2, 1999, at 9:00 a.m. in the twelfth floor conference room to discuss existing and anticipated litigation and real property negotiations.

**ATTENDANCE DURING THE MEETING:**

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

**FILE LOCATION: MINUTES**

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

ITEM-10: INVOCATION

Invocation was given by Pastor James Hill of North Clairemont United Methodist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Kehoe.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Scott McLachlan requesting the definition of the sufficient assurances as it pertains to Section 9C of the Ballpark Memorandum of

Understanding. He came on behalf of "Citizens Organized Against Sports Team Subsidies," a coalition of more than 4,500 City of San Diego taxpayers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A049-064.)

**PUBLIC COMMENT-2:**

Comment by Don Stillwell regarding values for children. He called attention to the Bible, a book which has been banned from the schools. Mr. Stillwell said its morals are pure and its examples are captivating. He said this book should be returned to the schools.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A065-098.)

**PUBLIC COMMENT-3:**

Comment by Laura Mallgren regarding dogs off leash at Mission Trails Regional Park. She requested the City to fund an environmental impact study on dogs off leash in natural open spaces, including Tecolote and Penasquitos areas.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-124.)

**PUBLIC COMMENT-4:**

Comment by Al Strohlein regarding the agenda schedule. He said after waiting over six hours to speak on an item, the item was postponed for three weeks. Mr. Strohlein asked if pro forma items be placed on their own agenda.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A125-158.)

PUBLIC COMMENT-5:

Comment by Marco Lament Hillard, aka Nakima Pisces, regarding gangs. Mr. Hillard said the neighborhood gangs sent him because they are tired of being part of the problem.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A159-197.)

PUBLIC COMMENT-6:

Comment by Brenda Lesane regarding a decision made by the City Attorney. Ms. Lesane requested that the woman who struck and killed the young girl while crossing the street be punished to the full extent of the law.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A198-224.)

PUBLIC COMMENT-7:

Comment by Billy Paul regarding extending the Trolley to Mission Bay. Mr. Paul said he was glad to hear that Council Member Vargas requested money be set aside to study the feasibility of the Trolley extending to Mission Bay, Mission Beach, and the Sea World area.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A225-240.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Kehoe regarding the price of milk. She said the price is going up again this month. Ms. Kehoe requested Council to take action due to the price increasing 20 percent in less than a year.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A243-277.)

COUNCIL COMMENT-2:

Comment by Council Member Warden regarding a special event this past Saturday near the Scripps Ranch Park. Sam Knott and his family planted oaks in memory of their daughter, Karen Knott, who was murdered there 13 years ago. This is a San Diego Crime Victims Oak Garden, said Ms. Warden, and in attendance was Mayor Golding, Council Members Mathis and Kehoe, along with Police Chief Sanders. Council Member Warden also reminded everyone of the PGA golf tournament being held February 11th through February 14th at Torrey Pines golf course. She said this is the 47th year there has been a PGA tournament in San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A278-291.)

COUNCIL COMMENT-3:

Council Member Stevens announced that February 1, 1999, is the last day to register to vote to be eligible for the March election. He said this is a very important initiative and encouraged all to get out and vote for our libraries. Mr. Stevens said the sales tax increase is well worth it and he hopes everyone will be supportive.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A292-309.)

COUNCIL COMMENT-4:

Mayor Golding announced that Council will be able to take agenda comments via e-mail. The procedure is for the public to e-mail their comments to the Clerk's Office who will print and distribute copies to Councilmembers. She said comments sent via e-mail will become part of the public record. Mayor Golding said this will be very helpful to those who cannot attend the meeting, but wish to give testimony.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A310-430.)

ITEM-30: Approval of Council Minutes

**TODAY'S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

01/11/99  
01/11/99 Special Joint Meeting  
01/12/99 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A650-656.)

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

ITEM-31: Jewish Education Weeks

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-831) ADOPTED AS RESOLUTION R-291212

Commending the Agency for Jewish Education and all those who will take part in the proceedings for their commitment to learning and exploring their rich heritage and future contributions to our city;

Proclaiming January 31, 1999 through February 14, 1999 to be "Jewish Education Weeks" in San Diego in recognition of the Agency for Jewish Education Festival of Learning.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B042-078; B119-125.)

MOTION BY WARDEN TO ADOPT ITEMS 31 AND -32. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: National African American Parent Involvement Day.

**COUNCILMEMBER STEVENS'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-813) ADOPTED AS RESOLUTION R-291213

Commending the African American Parents for their efforts to improve the education levels of African American students, not only in the Fourth Council District, but also the community as a whole;

Proclaiming February 8, 1999 to be "National African American Parent Involvement Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B080-125.)

MOTION BY WARDEN TO ADOPT ITEMS 31 AND -32. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33: Recognizing the Work of the Juveniles and Justice Team and Recognizing Two Students as San Diego City Attorney and San Diego Police Chief for the Day.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-821) ADOPTED AS RESOLUTION R-291211

Recognizing the work of the Juveniles and Justice Team, including members of the City Attorney and Police Department staffs and Mid-City for Youth and San Diegans United for Safe Neighborhoods, for their work in creating a unique partnership to benefit the young people of San Diego;

Recognizing Jeremy Watson as San Diego Police Chief for the Day for his outstanding efforts in service on the Defense Team in the case of People v. Goldie Locke, and for writing an exceptional essay;

Recognizing Alice Lei as San Diego City Attorney for the Day for her outstanding efforts in serving as a witness in the case of People v. Goldie Locke, and for writing an exceptional essay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B126-170.)

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-34: Careers in Hospitality Day.

**DEPUTY MAYOR WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-832) ADOPTED AS RESOLUTION R-291215

Proclaiming February 2, 1999 to be the first annual "Careers in Hospitality Day"  
in San Diego, in recognition of the contributions and importance of the hospitality  
industry to the San Diego region.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B174-216.)

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-35: PRESENTED

A presentation by the Human Relations Commission on their "Say No To Hate"  
program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A435-649.)

\* ITEM-50: Maintenance Assessment District Ordinance.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 1/11/99. (Council voted 9-0)

(O-99-79 Rev.1) Cor Copy 1                      ADOPTED AS ORDINANCE O-18617  
(New Series)

Amending Chapter VI, Article 5, Division 2 of the San Diego Municipal Code by amending Sections 65.0202, 65.0212 and 65.0214; all pertaining to Maintenance Assessment Districts.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT 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-51: Wastewater System Financing Program.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 1/19/99. (Council voted 6-2. Councilmembers Stevens and Vargas voted nay. Councilmember Wear not present.)

(O-99-83 Cor.Copy2)                      ADOPTED AS ORDINANCE O-18618 (New Series)

Approving the form of a Fifth Supplemental Indenture and approving the form and authorizing the execution and delivery of a Purchase Contract, a 1999-1 Supplement to the Master Installment Purchase Agreement relating to an installment purchase financing and approving certain other agreements and actions pursuant to Section 99 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B220-520.)

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

\* ITEM-52: Rezoning for Maravilla II - La Quinta Hotel Project.

(RZ-96-7234. Mission Valley Community Area. District-6.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 1/19/99. (Council voted 9-0):

(O-99-150) ADOPTED AS ORDINANCE O-18619 (New Series)

Rezoning 5.09 acres located at 1891 Hotel Circle South, within the Mission Valley Community Planning Area, from the MV-M/SP zone into the MV-CV zone.

FILE LOCATION: PERM - 96-7234 (65)

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT 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-53: Rezoning for Casa Palmera Assisted Living Project.

(RZ-98-0128. District-1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 1/19/99. (Council voted 9-0):

(O-99-74) ADOPTED AS ORDINANCE O-18620 (New Series)

Rezoning a 4.77 acre site from A-1-10 zone into R1-10,000 zone on a parcel on Via De La Valle that is not located within any Community Planning Area.

FILE LOCATION: PERM - 98-0128 (65)

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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-54: Incorporating 19.36 Acres of a 34.46 Acre Site into the R-1-10 (Residential) Zone within the Rancho Bernardo Community Plan Area (Saddle Club Estates).  
(RZ-98-0197. District-5.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 1/11/99. (Council voted 6-2. Councilmembers McCarty and Vargas voted nay. Councilmember Warden not present):

(O-99-69) ADOPTED AS ORDINANCE O-18621 (New Series)

Incorporating 19.36 acres of a 34.46 acre site, located along the northerly side of Pomerado Road and described as Parcels 1 and 2 of Parcel Map PM-6480, within the Rancho Bernardo Community Plan Area, from the A-1-10 and 1-1-1 (Agricultural) Zone into the R-1-10 (Residential) Zone.

FILE LOCATION: Progress Guide & General Plan, Rancho Bernardo  
Community Plan (09)

COUNCIL ACTION: (Tape location: B220-520.)

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

\* ITEM-55: North Bay Revitalization Program.

(Old Town Community Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 1/19/99. (Council voted 9-0):

(O-99-75) ADOPTED AS ORDINANCE O-18622 (New Series)

Amending Chapter X, Article 3, Division 2 by amending Sections 103.0204 and 103.0205, relating to the Old Town Planned District Ordinance.

FILE LOCATION: MEET (66)

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT 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: Adding a Public Safety and Neighborhood Services Committee Meeting on February 10, 1999 at 2:00 p.m.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-99-792) ADOPTED AS RESOLUTION R-291216

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 1999 through December 31, 1999, on file in the Office of the City Clerk as Document RR-291067 as follows:

1. Delete the Public Safety and Neighborhood Services Committee Meeting of February 3, 1999 at 9:00 a.m.
2. Adding a Public Safety and Neighborhood Services Committee Meeting on February 10, 1999 at 2:00 p.m. at 202 C Street, San Diego, California, on the 12th floor.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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: Four actions related to Approving the Final Map Subdivision Map of Remington Hills Unit No. 1.

(Otay Mesa Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-710) ADOPTED AS RESOLUTION R-291217

Authorizing a Subdivision Improvement Agreement with TMP Land Mortgage Fund, Ltd., for the installation and completion of public improvements.

Subitem-B: (R-99-709) ADOPTED AS RESOLUTION R-291218

Approving the final map.

Subitem-C: (R-99-712) ADOPTED AS RESOLUTION R-291219

Authorizing the acceptance by the City Manager of a grant deed of TMP Land Mortgage Fund., Ltd., granting to the City Lot 54 of Remington Hills Unit No. 1, for open space purposes.

Subitem-D: (R-99-711) ADOPTED AS RESOLUTION R-291220

Authorizing a Landscape Maintenance Agreement with TMP Remington, LLC, for the installation and completion of public improvements.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 18.315 acre site into 60 lots (54 for residential development and 6 open space lots). It is located north of Otay Mesa Road in the Otay Mesa Community Plan area. On July 18, 1995 the Council of the City of San Diego approved City Council Resolution Nos. R-286126 and R-286127 for Remington Hills 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. 28335-1-D through 28335-38-D, filed in the Office of the City Clerk under Micro Number 139.92. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$2,257,904 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$15,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Western Otay Mesa Public Facilities Financing Plan area, which provides for the payment of a Development Impact Fee (DIF), including parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within

this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Associates and U.S. Department of Housing and Urban Development." Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. Lot 54 is being deeded to the City at no cost as a condition of Tentative Map approval. The lot totals .492 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

**FILE LOCATION:** Subitems A,B,D: SUBD - Remington Hills Unit No. 1 (40)  
Subitem C: DEED F-7409

**COUNCIL ACTION:** (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. 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: Easement Grant - San Diego Gas and Electric - Voltaire Street Conversion.

(Ocean Beach Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-763) ADOPTED AS RESOLUTION R-291221

Approving the acceptance by the City Manager of a deed conveying to San Diego Gas and Electric Company, an easement for the purpose of converting utilities from overhead to underground located at the southwest corner of Voltaire Street and Ebers Street.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego has passed a resolution establishing an underground utility district on Voltaire Street, between Sunset Cliffs Boulevard and Ebers Street. The resolution requires that San Diego Gas and Electric Company remove all overhead electric facilities within the underground district and replace them with an underground system. The underground conversion will benefit the community of Ocean Beach and Fire Station No. 15. Since this is a City-initiated project, there will be no charge for the easement. The easement area is seven feet long and seven feet wide, totaling 49 square feet.

FILE LOCATION: DEED F-7410

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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: Easement Grant - San Diego Gas and Electric - 40th Street Conversion.

(City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-764) ADOPTED AS RESOLUTION R-291222

Authorizing the execution of a deed conveying to San Diego Gas and Electric Company an easement for the purpose of converting utilities from overhead to underground located at the north side of Polk Avenue between Central and 41st Street.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego has passed a resolution establishing an underground utility district on Polk Avenue between Central and 41st Streets. The resolution requires that San Diego Gas and Electric Company remove all overhead electric facilities within the underground district and

replace them with an underground system. The underground conversion will benefit the community of City Heights. Since this is a City-initiated project, there will be no charge for the easement. The easement area is ten feet long and seven feet wide, totaling 70 square feet.

FILE LOCATION: DEED F-7411

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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: Del Mar Highlands Estates Access.

(Fairbanks/Country Club Community Areas. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-812) ADOPTED AS RESOLUTION R-291223

Authorizing the City Manager or designee to execute a Settlement and Release Agreement with Pardee Construction Company and WISD, Inc. in connection with the Del Mar Highlands Estates access;

Authorizing the City Manager or designee to execute a first amendment to the Real Property Covenants, Conditions and Restrictions as required by the Settlement and Release Agreement, to clear title to the property;

Authorizing the execution of a grant deed, granting to Pardee Construction Company 1.20 acres of irregularly shaped, sloping unimproved land located south of San Dieguito Road, East of El Camino Real.

**CITY MANAGER SUPPORTING INFORMATION:**

On December 12, 1996, the City and Pardee Construction Company (Pardee) entered into a settlement agreement in which the City agreed to transfer certain City owned property to Pardee

for construction of a public street to serve their subdivision, Del Mar Highlands Estates.

The City was unable to deed the property to Pardee for street purposes, because it was encumbered with a deed restriction preventing its use as a street, which was reserved by the former owner WISD, Inc. On October 6, 1998, the City entered into a Subdivision Offsite Acquisition Agreement with Pardee, providing for the purchase of WISD, Inc.'s deed restriction on the City owned property. The Council by Resolution No. R-290816, dated October 6, 1998, authorized the use of Eminent Domain for the acquisition of the WISD, Inc. interest. As a result of the Eminent Domain action, the parties have agreed to enter into the Settlement and Release Agreement, subject to this Council Action. This Agreement will clear the title to the property and the City will be able to deed the property to Pardee as required by the Settlement Agreement.

FILE LOCATION: DEED F-7412

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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: Imperial Avenue Street Dedication.

(Lincoln Park Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-825) ADOPTED AS RESOLUTION R-291224

Setting aside and dedicating as and for a public street a City-owned portion of Lot 42 of Horton's Purchase, Map-283, and naming the same Imperial Avenue.

**CITY MANAGER SUPPORTING INFORMATION:**

Site 586 is a 0.10-acre commercially zoned vacant lot in the Lincoln Park area and was previously designated for sale by the City Council. The site is the remainder of land purchased

by the City in 1975 with Gas Tax funds for the widening of Imperial Avenue. Site 586 is now proposed for dedication as part of Imperial Avenue to facilitate the "Wall of Excellence" project. This project will be designed and constructed on the site and consist of a "recognition wall" with a surrounding small plaza that will serve as an area where students from surrounding schools may be recognized for high academic achievement. The project has been funded with \$75,000 allocated from Fiscal Year 1999 Community Development Block Grant Funds. The project is consistent with the permitted uses of street rights-of way acquired with Gas Tax funds.

FILE LOCATION: DEED F-7413

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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: Two actions related to Sewer Group 486 - Easement Acquisitions/Abandonment.

(Middle town Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-806 Cor. Copy) ADOPTED AS RESOLUTION R-291225

Approving the acceptance of the easement deed of Patrick Shannon, a married man, as his sole and separate property, as to Lot 3, Block 43, Middletown Addition; and Patrick Shannon, an unmarried man, as to Lot 15, Block 43, Middletown Addition, granting to the City a sewer easement across portions of Lots 3 and 15, Middletown Addition, according to Partition Map thereof, pursuant to San Diego Superior Court Case 5014;

Approving the acceptance of an easement deed of James E. Taylor, Trustee, granting to the City a sewer easement across a portion of Fractional Lot 14, in Fractional Block 18, Middletown Addition, according to Partition Map thereof, pursuant to San Diego Superior Court Case 5014.

Subitem-B: (R-99-807 Cor.Copy) ADOPTED AS RESOLUTION R-291226

Approving the acceptance of the deed of Pat Zaharopoulos Hughes, Donald W. Strock, and Addie L. Burnett, conveying to the City a sewer easement in a portion of Lot 15 of Block 18 of Middletown Addition;

Authorizing the execution of a quitclaim deed, quitclaiming to Pat Zaharopoulos Hughes, Donald W. Strock, and Addie L. Burnett, all the City's right, title and interest in the unneeded easements in a portion of Block 164, Middletown Addition, according to Partition Map thereof, per San Diego Superior Court Case No. 1874 (Book 1856, Page 137, of Official Records, recorded January 14, 1931) and in Lots 15 and 16, Block 18, Middletown Addition, according to Partition Map thereof, per San Diego Superior Court Case No. 5014 (Book 1635, Page 352 of Official Records, recorded March 2, 1944), as more particularly described in the quitclaim deed.

**CITY MANAGER SUPPORTING INFORMATION:**

These easements are required to allow for the removal of an aged and deteriorated six-inch sewer line, and the realignment and replacement with an eight-inch line. This project, part of the Sewer and Water Group 486 project, will increase sewer capacity, and benefit area residents served by the line.

FILE LOCATION: Subitems A,B: DEED F-7414

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. 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: Ten actions related to authorizing Suggestion Awards to the following City Employees:

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-770) ADOPTED AS RESOLUTION R-291227

Lorenzo Guzman - General Services - \$820.46.

Subitem-B: (R-99-771) ADOPTED AS RESOLUTION R-291228

Wayne Cross - Fire Department - \$2,008.30.

Subitem-C: (R-99-772) ADOPTED AS RESOLUTION R-291229

Eric Kelley - Fire Department - \$105.33.

Lois Newton - Library - \$160.

Subitem-D: (R-99-773) ADOPTED AS RESOLUTION R-291230

Paul Alesi - Water Utilities - \$2,500.

Subitem-E: (R-99-774) ADOPTED AS RESOLUTION R-291231

Mike Barclay - Risk Management - \$320.

Subitem-F: (R-99-775) ADOPTED AS RESOLUTION R-291232

Lorna Samuel - Library - \$974.70.

Subitem-G: (R-99-776) ADOPTED AS RESOLUTION R-291233

Leonard Morrison - Metropolitan Wastewater - \$500.

Subitem-H: (R-99-777) ADOPTED AS RESOLUTION R-291234

Michael Simpson - Water - \$500.

Subitem-I: (R-99-778) ADOPTED AS RESOLUTION R-291235

Carlos Corona - Fire - \$500.

Subitem-J: (R-99-779) ADOPTED AS RESOLUTION R-291236

Ken Brassard/Ronald Liddle/Juan Echavarria/Anthony Sotter - Metropolitan Wastewater - \$2,500 awarded divided equally (\$625 each).

FILE LOCATION: Subitems A,B,C,D,E,F,G,H,I,J: MEET

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. 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: Marge O'Donnell Day.

**DEPUTY MAYOR WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-809) ADOPTED AS RESOLUTION R-291237

Proclaiming Thursday, February 4, 1999 to be "Marge O'Donnell Day" in San Diego, in recognition of her life time achievements.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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: Excusing Councilmember Kehoe from the Public Safety and Neighborhood Services Committee Meeting and the Special Council Meeting of 1/13/99.

**COUNCILMEMBER KEHOE'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-818) ADOPTED AS RESOLUTION R-291238

Excusing Councilmember Christine Kehoe from attending the regularly scheduled Public Safety and Neighborhood Services Committee Meeting and the Special Council Meeting of January 13, 1999, due to her attendance at the California Coastal Commission meeting.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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: Episcopal Diocese of San Diego 25th Anniversary Day.

**COUNCILMEMBER MATHIS'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-824) ADOPTED AS RESOLUTION R-291239

Proclaiming Friday, February 5, 1999 to be "Episcopal Diocese of San Diego 25th Anniversary Day" in San Diego in recognition of the continuing dedication of the Diocese to its ministry and good work in the city.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B220-520.)

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

\* ITEM-111: FY 2000 State Park Trailer Bill Funding Process.

(City-wide. See City Manager Report CMR-99-12.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-753) ADOPTED AS AMENDED AS RESOLUTION R-291240

Approving the City's Fiscal Year 2000 park projects list for potential consideration by the State Legislature in the park trailer bill, as set forth in City Manager Report CMR-99-12;

Authorizing the City Manager, or his designee to:

- 1) Submit the list of park projects to the City's State Legislature lobbyist in Sacramento and to conduct all negotiations;
- 2) Execute and submit all documents, including, but not limited to, applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the projects;
- 3) To accept and expend any grant funds that may be obtained;

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B220-520.)

**CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION AS AMENDED TO INCLUDE THE FOLLOWING:**

1. AN ADDITIONAL \$200,000 FOR THE RANCHO BERNARDO SOCCER FIELD EXPANSION AS REQUESTED BY COUNCIL MEMBER WARDEN;
2. ROBERT YEAGER RECREATION CENTER AS REQUESTED BY DEPUTY MAYOR WEAR; AND,

3. TWO PARKS ON THE 40TH STREET CORRIDOR, I-15 AT 39TH STREET AND AT PARK DE LA CRUZ AS REQUESTED BY COUNCIL MEMBER KEHOE.

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: Friars Road/Mission Center Road Corridor Improvements.

(Mission Valley Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-833 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-291241

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$269,126 from Private Contributions Fund 63022 to CIP-52-669.0, Friars Road/Mission Center Road Landscaping and Road Improvements;

Authorizing the expenditure of an amount not to exceed \$269,126 from Fund 63022, CIP-52-669.0, Friars Road/Mission Center Road Landscaping and Road Improvements, for the purpose of designing and constructing landscaping and road improvements.

**CITY MANAGER SUPPORTING INFORMATION:**

The funds were deposited with the City as a condition of a Development Permit (No. 967231) and amendments to the Mission Valley Community Plan (RR-288970-1,2) for the Mission Valley West Site. The funds were specifically designated as a Mission Center Road Corridor Improvement Fee.

The CIP project comprises work in this corridor; landscaping and irrigation at the Friars Road/Mission Center Road Intersection, completion of sidewalk along the Mission Center on ramp to Friars Road and construction of a decorative raised median on Mission Center Road. Aud. Cert. 9900779.

**FILE LOCATION:** MEET

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION AS AMENDED TO ENSURE THAT THE INTEREST GAINED BY THIS MONEY, ACCRUES TO THIS ACCOUNT AS REQUESTED BY COUNCIL MEMBER STALLINGS. 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-113: Agreement with Lee and Ro, Inc. for Engineering Consultant Services for the Design of Pump Station 45 Improvements.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-663) ADOPTED AS RESOLUTION R-291242

Authorizing an agreement with Lee and Ro, Inc., for engineering consultant services for the design of Pump Station 45 Improvements, for a cost not to exceed \$753,385 which will be phase-funded;

Authorizing the expenditure of an amount not to exceed \$500,000 for Phase I by FY 99 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station, Sub CIP-46-601.6, Sewer Pump Station 45 Improvements.

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer Pump Station 45 is in the La Jolla Community Area, at the end of Salk Institute Road, and has been in service since 1957. The sewer pump station has reached its useful life and needs to be upgraded to City standards. The scope of work includes abandoning the existing Sewer Pump Stations 28, 29, and 45, and combining the flows from these three stations into a larger station. This station will be constructed on the existing Sewer Pump Station 45 site. The abandonment of the other two sites will eliminate the associated maintenance costs.

A list of seven design consultants was provided from the City's Consultant Services Coordinator. The firm of Kimley-Horne and Associates, Inc., declined to interview due to their current

workload. In conformance with Council Policy 300-7, the remaining six firms were interviewed. Lee and Ro, Inc. was selected as the best qualified firm to provide the design consultant services. The sub-consultants, Platt-Whitelaw Architects - 8 percent WBE, Simon Wong Engineering - 7 percent MBE, Ogden Environmental and Energy - 2 percent MBE, Group Delta - 3 percent MBE, will do subcontract work.

Aud. Cert. 9900581.

WWF-99-352.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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-114: As-Needed Engineering Services Agreement with Parsons Engineering Science, Inc.

(District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-799) ADOPTED AS RESOLUTION R-291243

Authorizing an agreement with Parsons Engineering Science, Inc., for as-needed consultant services for the Metropolitan Wastewater Department;

Authorizing the expenditure of an amount not to exceed \$100,000 from Sewer Fund No. 41508.

**CITY MANAGER SUPPORTING INFORMATION:**

During 1992 through 1993, the City of San Diego (City) extended the Point Loma Ocean Outfall (Outfall). Parsons Engineering was the design engineer for the extension. In addition, Parsons-Engineering was the design engineer for the repair work during the 1992 outfall break. Parsons Engineering has acquired extensive ocean engineering experience, and has unique expertise and experience relative to the outfall. Since on-going work is required on the outfall, a sole source procurement authorization for As-Needed Engineering Services was approved on October 20, 1998. The City and Consultant mutually agree to a twelve month Agreement for a Not-to-Exceed amount of \$100,000.

Aud. Cert. 9900756.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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-115: Closed South Miramar Landfill - Right of Entry Permit/Monitoring Well.

(Kearny Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-780) ADOPTED AS RESOLUTION R-291244

Authorizing the execution of a Right of Entry Permit authorizing the City of San Diego's use of a portion of land in Kearny Mesa, owned by Union Bank of California, for the operation and maintenance of one of the South Miramar Landfill Groundwater Monitoring Wells;

Authorizing the expenditure of an amount not to exceed \$10,000 from Fund No. 30244, CIP-32-017.1 (Groundwater Network Improvements) for acquisition of property rights and related acquisition costs.

**CITY MANAGER SUPPORTING INFORMATION:**

Environmental Services Department monitors groundwater at the closed South Miramar Landfill, a City-owned parcel of land. The South Miramar groundwater network is used for post closure monitoring and maintenance of the landfill cover as required by State Law. One of the collection systems monitoring wells was inadvertently installed on a portion of the adjacent land owned by Union Bank of California. The cost to relocate the monitoring well onto City property far exceeds the cost to acquire a Right of Entry Permit (ROE).

Union Bank has agreed to grant a ROE to the City for its continued access, operation and maintenance of this monitoring well site. The ROE is for a term of 25 years and may be terminated by either party with 90-days prior written notice. The permit fee of \$5,000 is provided as reimbursement of Union Bank's staff and attorney costs incurred in the preparation and processing of the permit. Therefore, the City Manager recommends adoption of the resolution.

Aud. Cert. 9900710.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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-116: Change Order No. 1 with Single Eagle, Inc. for La Jolla Boulevard Reconstruction - Mesa Way to Camino De La Costa.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-819 Cor.Copy) ADOPTED AS RESOLUTION R-291245

Approving Change Order No. 1, dated November 6, 1998, issued in connection with the contract with Single Eagle, Inc., for La Jolla Boulevard Reconstruction - Mesa Way to Camino De La Costa, amounting to a net increase in the contract price of \$491,377.50;

Authorizing the expenditure of an amount not to exceed \$665,629.50 from fund 41500, CIP-73-083.0, Annual Allocation Water Main Replacement;

Authorizing the use of City Forces to make connections and perform operational checks, for a cost not to exceed \$86,252.

**CITY MANAGER SUPPORTING INFORMATION:**

The La Jolla Boulevard Reconstruction - Mesa Way to Camino De La Costa project was awarded to Single Eagle, Inc. in September, 1998 for a contract amount of \$1,000,202.58. Since the existing pavement was in very poor condition, the project proposed to remove and replace the roadway and associated surface improvements for a 2,700 linear foot section of La Jolla Boulevard. After removing the paving section over the existing water main, it was discovered that the shallow depth of the water main would conflict with the new paving section.

The City currently has a program to replace older cast iron water mains within the system. Although this section was not scheduled for replacement, it is cost effective to replace it now while the road is under construction. The water main replacement includes the removal and replacement of 2,740 linear feet of 16" water line, 145 linear feet of 12" water line, 285 linear feet of 8" linear feet of water line, 52 water services, and associated valves, hydrants, and meter boxes.

Aud. Cert. 9900757.

FILE LOCATION: CONT - Single Eagle, Inc.

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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-117: Three actions related to the Mid-City Maintenance Assessment District Sub-District #12 Annexation.

(Mid-City (Hillcrest) Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-794) ADOPTED AS RESOLUTION R-291246

Initiating proceedings for the formation of the Mid-City Maintenance Assessment District Sub-District #12 Annexation.

Subitem-B: (R-99-796) ADOPTED AS RESOLUTION R-291247

Resolution preliminarily approving the City Engineer's report.

Subitem-C: (R-99-795) ADOPTED AS RESOLUTION R-291248

Resolution of Intention to levy and collect Fiscal Year 2000 assessments.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes the Fiscal Year 2000 assessments for the Mid-City Maintenance Assessment District Sub-District #12 (Sub-District) Annexation. The Sub-District is located along University Avenue from Tenth Avenue to Herbert Street. The Sub-District is being established to provide maintenance of landscaped medians, maintenance of hard-scaped medians and gutter sweeping along University Avenue within the Sub-District boundaries. This action is coordinated with the construction of the improvements along University Avenue funded with Community Development Block Grant funds.

The Fiscal Year 2000 proposed maintenance costs for the sub-district are as follows:

<u>DESCRIPTION</u>	<u>FUND</u>		<u>TOTAL</u>
	<u>OPERATIONS</u>	<u>RESERVE</u>	
BEGINNING BALANCE	\$ 0.00	\$ 0.00	\$ 0.00

<b>REVENUE:</b>			
Assessments	\$ 12,403.00	\$ 0.00	\$ 12,403.00
City Contribution	<u>954.00</u>	<u>0.00</u>	<u>954.00</u>
<b>TOTAL REVENUE</b>	\$ 13,357.00	\$ 0.00	\$ 13,357.00
<b>TRANSFER</b>	(1,000.00)	\$ 1,000.00	\$ 0.00
<b>EXPENSE:</b>			
Personnel	\$ 2,676.00	\$ 0.00	\$ 2,676.00
Contractual	5,000.00	0.00	5,000.00
Incidental	4,121.00	0.00	4,121.00
Utilities	<u>1,560.00</u>	<u>0.00</u>	<u>1,560.00</u>
<b>TOTAL EXPENSE</b>	\$ 12,357.00	\$ 0.00	\$ 12,357.00
<b>ENDING BALANCE</b>	\$ 0.00	\$ 1,000.00	\$ 1,000.00

The proposed assessments for Fiscal Year 2000 is \$3.79 per linear front foot (LFF) of each parcel fronting the improvements. The maximum authorized assessment is \$3.79 per LFF indexed annually to the San Diego Consumer Price Index-Urban Consumers. The Sub-District contains 3,272.24 linear front feet.

FILE LOCATION: Subitems A,B,C: STRT - M-415-99 (34)

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. 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-118: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

( District-8)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-99-802) ADOPTED AS RESOLUTION R-291249

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: B220-520.)

CONSENT MOTION BY MATHIS 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-150: A Presentation by Ms. Rebecca Speer on the Need to Prevent Violence in the Workplace.

(See memorandum from the City Manager dated 5/26/98; Administrative Regulation 97.10.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-99-793) RETURNED TO COUNCIL MEMBER KEHOE

Accepting Ms. Rebecca Speer's presentation to the City Council on the need to prevent violence in the workplace.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

Initiated by PS&NS on 8/5/98. Recommendation to have Ms. Rebecca Speer give a presentation on the need to prevent violence in the workplace to the City Council. Councilmember McCarty asked that the matter be reviewed by the Committee periodically. (No vote taken.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO COUNCIL MEMBER KEHOE AT HER REQUEST BECAUSE THE SPEAKER WAS NOT PRESENT. 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-151: South Bay International Wastewater Treatment Plant - Options for Secondary Treatment.

(See City Manager Report CMR-99-02. San Ysidro, Tijuana Community Areas. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-798) ADOPTED AS AMENDED AS RESOLUTION R-291250

Authorizing the City Manager to recommend to the United States Environmental Protection Agency and the International Boundary and Water Commission that the Bajagua Project be included as one of the options for treating Tijuana sewage to be evaluated in the Supplemental Environmental Impact Statement for the International Boundary and Water Commission, South Bay International Wastewater Treatment Plant, Long-Term Treatment Options, as set forth in City Manager Report CMR-99-002.

**RULES COMMITTEE'S RECOMMENDATION:**

On 1/11/99 Rules voted 5-0 to accept the City Manager's Recommendation to (1) direct the City Manager to recommend to the Environmental Protection Agency and the International Boundary and Water Commission that they include the Bajagua Project as one of the SEIS options, and (2) If the Bajagua project is not found to be feasible direct the City Manager to recommend that secondary treatment be achieved using a conventional activated sludge treatment process; to encourage the EPA to accelerate the process to evaluate the Bajagua project; and to direct Mayor Golding to send a letter on behalf of the Rules Committee to the City's Congressional Delegation to support whatever legislation may be required to support the study. (Councilmembers Mathis, Wear, Warden, Vargas and Mayor Golding voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E014-F126.)

MOTION BY VARGAS TO ADOPT AS AMENDED THE MANAGER'S  
RECOMMENDATION AS FOLLOWS:

PART 1: TO DIRECT THE CITY MANAGER TO RECOMMEND TO THE ENVIRONMENTAL PROTECTION AGENCY AND THE INTERNATIONAL BOUNDARY AND WATER COMMISSION TO INCLUDE THE BAJAGUA PROJECT AS ONE OF THE SEIS OPTIONS. 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.

PART 2: TO RECOMMEND THAT SECONDARY TREATMENT BE ACHIEVED USING A CONVENTIONAL ACTIVATED SLUDGE TREATMENT PROCESS IF THE BAJAGUA PROJECT IS NOT FOUND TO BE FEASIBLE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: Authorizing Property Negotiations with De Anza Mobile Estates.

(Continued from the meeting of January 11, 1999, Item 339, at Mayor Golding's request, to allow time for the public to respond.)

In the matter of authorizing the City Manager to negotiate a Memorandum of Understanding (MOU) for the redevelopment of De Anza Harbor Resort with De Anza Mobile Estates.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket for public testimony.

**TODAY'S ACTION IS: REFERRED TO CLOSED SESSION**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on February 2, 1999.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B525-D595.)

No action taken.

ITEM-201: First Amendment to Agreement - Dana Center Joint Use.

(Peninsula Community Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 1/11/99. (Council voted 9-0.)

(O-99-81) ADOPTED AS ORDINANCE O-18623 (New Series)

Authorizing the execution of a first amendment to agreement for the construction, operation, and lease of turfed field and recreation facilities at Richard Henry Dana Center.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed First Amendment to the Richard Henry Dana Center Joint Use Agreement provides for the modification of joint use areas, and attendant school and community use schedules, to reflect required changes necessary to reopen the Dana Center as a sixth grade school.

In the fall of 1997, the Board of Education directed San Diego Unified School District Staff (District) to institute a sixth grade school at the Dana Center site. Subsequently, District staff formally submitted a request for a First Amendment to the Joint Use Agreement. The amended joint use area includes turfed ballfields, basketball courts, parking lot, tot lot, landscaped slopes and other hardscape and landscaped areas. The use schedule was modified to reflect new school uses which affects community use, and maintenance responsibilities for the various site components were also modified. Generally, District and City maintenance responsibilities were adjusted to reflect an increase in school usage. This proposal was reviewed and approved by the Ocean Beach Recreation Council in February 1998 and the Coastal Area Committee in March 1998, a subcommittee of the Park and Recreation Board, and the San Diego City Schools Board of Education at their October 19, 1998 meeting.

Annual maintenance costs for the City are anticipated to be approximately \$33,000 which is \$9,000 less than the City currently spends to maintain the existing joint use site.

FILE LOCATION: LEAS - San Diego Unified School District - Richard Henry Dana Center

COUNCIL ACTION: (Tape location: B220-520.)

Hearing began at 3:02 p.m. and halted at 3:27 p.m.

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT 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-202: Exempting One Program Manager Position from the Classified Service.

**CITY MANAGER'S RECOMMENDATION:**

Hold the first public hearing of the following ordinance:

(O-99-87) HEARING HELD, SECOND HEARING TO BE HELD  
FEBRUARY 2, 1999

Amending Ordinance O-18551 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1998-99 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-18551 to add the position of Program Manager in the Water Department's Real Estate Program and exempting the position from the Classified Service.

**CITY MANAGER SUPPORTING INFORMATION:**

The Water Department recently established a Real Estate Program to provide for a more coordinated approach to the acquisition, use, and management of its real estate. As a result of this, the Water Department is requesting that a Program Manager position be created to manage the Real Estate Program, and that this position be exempted from the Classified Service. This

position will be part of the Water Department Director's Executive Team and will be responsible for providing management direction for the Water Department's real Estate Program, including the development of a comprehensive Watershed Management Plan. On November 12, 1998, the Civil Service Commission reviewed this requested and voted unanimously to support the exemption of this position from the Classified Service.

**NOTE:** Today's action is the first public hearing of the ordinance. See Item 332 on the docket of Tuesday, February 2, 1999, for the second public hearing and introduction and adoption of the Ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO APPROVE THE FIRST PUBLIC HEARING.  
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: Implementation of an Unbilled Water and Sewer Service Revenue Recovery Program.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-805) ADOPTED AS RESOLUTION R-291251

Authorizing an agreement with Utility Revenue Management Company, Inc., for consulting services to implement the Unbilled Water and Sewer Service Revenue Recovery Program;

Authorizing the expenditure of the revenue generated by the program to reimburse the consultant ;

Authorizing the Auditor and Comptroller to transfer \$50,000 from the Water Department's unallocated reserve (Fund 41500, Org. 226, Program 76226), to the Customer Services Section to reimburse the consultant in Fiscal Year 1999.

**CITY MANAGER SUPPORTING INFORMATION:**

This action requests the approval to select Utility Revenue Management Company to implement the Unbilled Water and Sewer Service Revenue Recovery Program. On April 1, 1998, the San Diego City Council adopted Resolution R-289970, which authorized the City Manager to implement this program by issuing a Request for Proposal for a consultant that specializes in this type of service. A Request for Proposal (RFP) for consultant services to implement such a program was advertised and issued. One firm submitted a proposal. This firm's proposal was evaluated by a Consultant Selection Committee comprised of members from the Water and Wastewater Departments. The evaluation criteria included: Technical Competence, Consultant Experience, Capability and Experience of Key Personnel, Capability to Meet Schedule, and the consultant's Approach to Work. Utility Revenue Management, Inc., was determined to be a highly qualified candidate for this project. The goal of this project is to identify water and wastewater revenue losses attributable to billing and metering discrepancies and un-metered water use. The Water Department anticipates that the consultant will generate additional water and sewer revenues which are up to one percent of the current water and sewer revenue total. This could amount to approximately \$3,000,000 per year.

Aud. Cert. 9900750.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS 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-204: Approval of Documents - Wastewater System Financing Plan.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-820) ADOPTED AS RESOLUTION R-291252

Approving the form and authorizing the execution and delivery of a Continuing Disclosure Agreement and an Official Statement relating to an installment purchase financing and approving certain actions.

**CITY MANAGER SUPPORTING INFORMATION:**

It is requested that the City Council approve the Preliminary Official Statement and the Continuing Disclosure Agreement necessary to issue the previously approved 1999 Sewer Revenue Bonds (Bonds) to meet the capital needs and regulatory requirements of the Municipal and Metropolitan Sewerage System.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea (nay on mechanism for payment), Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-205: Ballpark and Redevelopment Project

**CITY MANAGER'S RECOMMENDATION:**

Hold the second public hearing and introduce and adopt the following ordinance.  
(The first public hearing was held on 1/19/99, Item 204A)

(O-99-152) INTRODUCED AND ADOPTED AS ORDINANCE O-18624  
(New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-18551 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1998-99 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," to appropriate the sum of \$225,000,000 in CIP-39-228.0, the Ballpark and Redevelopment Project;

Authorizing the Auditor and Comptroller to transfer the sum of \$3,000,000 from Fund 10226, Trolley Extension/GASB 31 Reserve, and \$500,000 from Fund 102213, Sports/Entertainment Complex Fund, all to Fund 10290 to provide interim funding to CIP-39-228.0 for eligible Project related expenses;

Authorizing the Auditor and Comptroller to establish such funds or accounts as are necessary or appropriate to implement the provisions of the MOU between the

City of San Diego, Redevelopment Agency of the City of San Diego, Centre City Development Corporation and Padres L.P.

**NOTE:** This ordinance shall become effective upon its adoption after two public hearings, pursuant to City Charter Sections 16, 17, and 71. Today's action is the second public hearing and introduction and adoption of the ordinance. The first public hearing was held on 1/19/99, Item 204A.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: F134-353.)

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

ITEM-206: In the matter of directing the City Manager to amend the City's office space lease with Executive One Associates, for property located at the Executive Complex building.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket for public testimony.

TODAY'S ACTION IS: REFERRED TO CLOSED SESSION ON FEBRUARY 2, 1999

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on February 2, 1999.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO REFER THE ITEM TO CLOSED SESSION. 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-207: Consideration of a recommendation on the Library.

**TODAY'S ACTION IS:** TRAILED TO FEBRUARY 2, 1999

In the matter of considering a recommendation on the Library.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B220-520.)

CONSENT MOTION BY MATHIS TO TRAIL THIS ITEM TO FEBRUARY 2, 1999, TO ALLOW TIME FOR COUNCIL MEMBERS TO REVIEW PRO FORMA FOR PROPOSAL AS REQUESTED BY MAYOR GOLDING. 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 6:07 p.m. in honor of the memory of:

Mary Fitzpatrick Ward and Warren Beach as requested by Deputy Mayor Wear;

Robert Fowble as requested by Council Member Stallings;

Robert Condon as requested by Mayor Golding and Council Member Kehoe; and

Aleszondra Afflalo as requested by Council Member McCarty.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F358-458).