THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 23, 1999
AT 9:00 A.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 11:18 a. m. The meeting was recessed by Mayor Golding at 11:32 a.m. to convene the Redevelopment Agency and thereafter the Special Joint Meeting with the Redevelopment Agency, then the Housing Authority. Mayor Golding reconvened the regular meeting at 11:41 a.m. with Council Member Kehoe not present.

Mayor Golding introduced and welcomed the Mayor and council members of Scottsdale who are here in San Diego to review San Diego's redevelopment projects and other projects of the City. Mayor Golding wished them an enjoyable visit and stated she and San Diego council members look forward to seeing them in Scottsdale.

Mayor Golding recessed the meeting at 12:04 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:15 p.m. with Council Member Kehoe not present. Mayor Golding adjourned the meeting at 3:46 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-excused by R-291466 (other official City business)

(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 (mp)

FILE LOCATION: MINUTES

ITEM-300: 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-not 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

NON-AGENDA COMMENT:

ITEM-PC-1: REFERRED TO CITY MANAGER

Comments on safety at Sorrento Vista Parkway submitted by Jim Baross was read by Mayor Golding: "Restriping and construction have displaced any space for bicycle or pedestrian use. This dangerous condition needs to be fixed. Please."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A028-035.)

ITEM-PC-2:

Subject of comments by Daniel Beeman was on Truth and Justice. He asked whatever happened to the mail library vote? How much debt is too much debt? Does the City Manager and the Mayor need to understand where is too much debt and how much is too much debt? When will the City and the City Manager pass a balanced budget? Whatever happened to the County's RFP for administration building land? Why no dialog for putting a main library there? They have suggested that they might even put up a little money but the City needs to talk to them. When will you be open and fair to our citizens? If you really care, you can show it by truly listening and acknowledging.

FILE LOCATION: AGENDA

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

ITEM-PC-3:

Ron Bochun accused the Mayor and City Council of out-of-control spending.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A087-097.)

ITEM-PC-4:

J. Paul Moretto commented on his project and stated he was with the French National Theater and taught at many universities. Mr. Moretto displayed his drawings of a Hotel - Marina Opera House and asked for assistance as to what direction he should take to have his proposal considered.

Mayor Golding responded she would make arrangements for him to speak with a member of her staff who will try to assist him.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A128-157.)

COUNCIL COMMENT:

ITEM-CC-1:

City Manager Uberuaga, in response to Mr. Daniel Beeman, stated he is processing a balanced budget for the year 2000; there will be a proposal before the City Council in June and that it would be produced on May 4th. He stated he is obligated to have a balanced budget and that's what he will be producing and that's what the Council is obligated to adopt. Second issue, in terms of debt, Mr. Uberuaga stated anybody can look at Page 118 of Volume I of the 1999 budget which contains a summary of the debt that the City has that includes Water and Sewer, General Fund, short-term borrowing, and a description as to the legal limits of debt--where the City is which is significantly under those legal limits.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A060-085.)

ITEM-CC-2:

Mayor Golding responded to comments made by members of the public by stating that when people come up and say things that are false about the policies that the Council has an obligation to respond to set the facts right even though Non-Agenda comments are not debatable.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A098-125.)

ITEM-50: Utility Installation in Public Right-of-Way.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-97) INTRODUCED, TO BE ADOPTED APRIL 12, 1999

Introduction of an Ordinance amending the San Diego Municipal Code Chapter VI, Article 2, Division 11, Section 62.1112, related to Relocation of Installations.

CITY MANAGER SUPPORTING INFORMATION:

A couple of years ago, the San Diego Municipal Code was modified such that: a) it was clarified that a utility company that owned a utility installation located in the public right-of way would bear the cost of any relocation of the facility if such a relocation was necessary to accommodate a governmental purpose, (such as a CIP project); and b) if the relocation of the facility was necessary to accommodate another private entity then the cost of the relocation or removal would be born by the private entity.

The present modification is being proposed to clarify that if a party other than the City was accomplishing the governmental purpose, than the utility would bear the cost and clarifying that this applies to any private entity, not just a "person", as the Municipal Code currently indicates.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A157-239.)

CONSENT MOTION BY STEVENS TO INTRODUCE THE ORDINANCE. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: Design-Build Implementation Ordinance.

(See City Manager Report CMR-99-16; City Attorney Report 1/27/99 Revised.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-66) INTRODUCED, TO BE ADOPTED APRIL 12, 1999

Introduction of an Ordinance amending Chapter II, Article 2, of the San Diego Municipal Code, by creating a new Division 33, titled Design-Build Contracts, and adding to it Section 22.3301, Section 22.3302, Section 22.3303, Section

22.3304, Section 22.3305, Section 22.3306, Section 22.3307, Section 22.3308, and Section 22.3309, relating to Design-Build Contracts.

RULES COMMITTEE'S RECOMMENDATION:

On 2/1/99, the Committee on Rules, Finance, and Intergovernmental Relations voted 4-0 to approve the draft implementation ordinance with minor changes in wording to address the concerns raised during the Rules Committee meeting, and to return to the Rules Committee in 12 months to report on the effectiveness of the ordinance as written and determine whether or not additional changes should be made to the Code. (Councilmembers Mathis, Warden, Vargas and Mayor Golding voted yea. Deputy Mayor Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

On February 1, 1999, the Rules Committee approved the draft implementation ordinance with minor changes which have been made. Staff was also asked to return to the Committee in approximately 12 months to report on the effectiveness of the ordinance as written and whether or not additional changes should be made to the Code. Please see City Manager Report CMR-99-16 for additional background.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A332-413)

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

ITEM-331: Allocation of Federal Surface Transportation Program (STP) Funds for New Traffic Signal Lights and Street Reconstruction.

(See City Manager Reports CMR-99-46 and CMR-99-34.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-99-1009) ADOPTED AS RESOLUTION R-291371

Approving the City Manager's submittal to SANDAG for Surface Transportation Program (STP) funds for new traffic signal lights and street reconstruction projects listed in Table I of City Manager Report CMR-99-46.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 2/24/99, LU&H voted 5-0, as follows: Councilmember Stevens noted, and staff concurred, that light number 33 at 45th and Imperial Avenue was incorrectly ranked and given an incorrect point total. 45th and Imperial should be reranked as number 29 on the "Proposed STP Traffic Signals List" and given a point total of 10 points. Staff will correct the list and rerank the signals to reflect the change.

Motion by Deputy Mayor Wear, second by Councilmember Stevens, to accept the amended STP Traffic Signals list presented in Table 2 of the City Manager's report with amendments to defer signal 17 at Duke and Midway and replace it with a traffic light at Sports Arena and Pacific Highway. The list should also reflect the change made by Councilmember Stevens, reranking number 33 to number 29.

Councilmember McCarty requested a memo from Traffic Engineering to break down the funding sources and amounts spent from those funding sources on street resurfacing. (Councilmember Mathis, Deputy Mayor Wear, Councilmembers Stevens, McCarty and Vargas voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A157-239.)

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

ITEM-332: Granting Non-Exclusive Solid Waste Facility Franchise to EDCO Transfer Station.

(See City Manager Report CMR-99-47. Barrio Logan and Shelltown Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-106) INTRODUCED, TO BE ADOPTED APRIL 12, 1999

Introduction of an Ordinance granting a Non-Exclusive Solid Waste Facility Franchise to EDCO Disposal Corporation for the operation of the EDCO Transfer Station.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A157-239.)

CONSENT MOTION BY STEVENS TO INTRODUCE THE ORDINANCE. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: CCDC Area 3 - Phase 1 (K Street to South 16th Street and 12th Avenue to 17th Street) Underground Utility District.

(Centre City and Barrio Logan Community Areas. District- 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-707) ADOPTED AS RESOLUTION R-291372

Establishing the CCDC Area 3 - Phase 1 (K Street to South 16th Street and 12th Avenue to 17th Street) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the CCDC Area 3 - Phase 1 (K Street to South 16th Street and 12th Avenue to 17th Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case-8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of $1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from $300 - $1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FILE LOCATION: STRT K-262 (38)

COUNCIL ACTION: (Tape location: A157-239.)

Hearing began at 11:30 a.m. and halted at 11:37 a.m.

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

ITEM-334: Mid-City Maintenance Assessment District Sub-District #12 Annexation.

This is the public meeting regarding the Mid-City Maintenance Assessment District Sub-District #12 Annexation. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-797) ADOPTED AS RESOLUTION R-291373

Considering the protests, approving the modified map, confirming the Assessment, and ordering the proposed maintenance, in the matter of the Mid-City Maintenance Assessment District Sub-District #12 Annexation.

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 hardscaped 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:

DESCRIPTION	FUND OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	$ 0.00	$ 0.00	$ 0.00
REVENUE:			
Assessments	$ 12,403.00	$ 0.00	$12,403.00
City Contribution	954.00	0.00	954.00
TOTAL REVENUE	$ 13,357.00	$ 0.00	$13,357.00
TRANSFER	(1,000.00)	$ 1,000.00	$ 0.00
EXPENSE:			
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	1,560.00	0.00	1,560.00
TOTAL EXPENSE	$ 12,357.00	$ 0.00	$12,357.00
ENDING BALANCE	$ 0.00	$ 1,000.00	$ 1,000.00

The proposed assessment 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: STRT M-415-99 (34)

COUNCIL ACTION: (Tape location: A686-B054.)

Hearing began at 12:01 p.m. and halted at 12:04 p.m.

Mayor Golding closed the hearing and announced the tally:

Total ballots submitted:	24
NO Votes:	9
Total Assessment Amount:	$2,653.28
YES Votes:	15
Total Assessment Amount:	$5,893.08

Percentages: 69% in favor; 31% in opposition.

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

ITEM-335: Statton Court-GTE Mobilnet.

(Continued from the meeting of February 2, 1999 , Item 330, at the request of Council Member Stevens and the Applicant Larry Doherty, to allow further review.)

Matter of the appeal of Larry Doherty from the decision of the Planning Commission in denying Conditional Use Permit CUP-91-0303-62 for GTE Mobilnet to continue the use of an existing facility. This facility was previously approved by CUP-87-0453 on December 8, 1987 permitting a 135-foot monopole with antennas. CUP-87-0453 expired by its own terms at the end of April 1998.

(CUP-91-0303-62. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and deny the permit CUP-91-0303-62.

(R-99-1358) ADOPTED AS RESOLUTION R-291374 TO DENY APPEAL AND GRANT PERMIT

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

SUPPORTING INFORMATION:

The project proposes to continue the use of an existing facility. The previously approved Conditional Use Permit, CUP-87-0453 permitted the construction of a 135-foot tall monopole and associated stucco equipment building at Statton Court. CUP-87-0453 expired by its own terms at the end of April 1998. The site is designated for Low Density Residential use by the Skyline/Paradise Hills Community Plan and is zoned R-1-5000 (Residential) in the San Diego Municipal Code. The current site is developed with a 120-foot tall City of San Diego stand pipe, the 135-foot tall GTE monopole and is surrounded by single-family residential development.

The existing telecommunication facility was approved by Conditional Use Permit CUP-87-0453 on December 8, 1987. The 135-foot tall monopole is located on the same site as a 120-foot tall City of San Diego stand pipe. The applicant proposes no changes to what was approved by the original CUP.

LEGAL DESCRIPTION:

The project is located on a 5.33 acre site at the Paradise-Mesa water tank at 1521 Statton Court at the end of Statton Court in the Skyline/Paradise Hills Plan Area. The project site is more particularly described as all that portion of quarter sections 53 and 54 of Rancho de la Nacion, in the City of San Diego, County of San Diego, State of California, according to map thereof no. 166, filed in the office of the San Diego County Recorder.

FILE LOCATION: LUP - Statton Court-GTE Mobilnet

COUNCIL ACTION: (Tape location: A157-239.)

Hearing began at 11:30 a.m. and halted at 11:37 a.m.

CONSENT MOTION BY STEVENS TO ADOPT THE RESOLUTION TO DENY THE APPEAL AND GRANT THE PERMIT. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: The Colony at Aventine.

Matter of a Rezone from R-1000 to R-600 in the University Community Planning area.

(RZ-98-1204. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A and introduce Subitem B:

Subitem-A: (R-99-939) ADOPTED AS RESOLUTION R-291375

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-1204 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Addendum to the Mitigated Negative Declaration MND-96-0638 reflects the independent judgment of the City of San Diego as Lead Agency;

Stating for the record that the final Addendum LDR-98-1204 to Mitigated Negative Declaration MND-96-0638 has been reviewed and considered by the Council and adopting the Mitigation Monitoring and Reporting program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-99-95) INTRODUCED, TO BE ADOPTED APRIL 12, 1999

Introduction of an Ordinance to rezone the 4.3 acre site from R-1000 to the R-600 Zone within the University Community Planning area.

CITY MANAGER SUPPORTING INFORMATION:

This project on a 4.3 acre lot has been previously approved for development of 232 apartment units through a Planned Residential Development Permit and includes Bonus Density for very-low affordable dwelling units through agreements with the Housing Commission. The rezoning from the R-1000 to the R-600 zone will conform to the land-use designation of the University Community plan.

The subject R-1000 zoned 4.3 acre site is located on the southwest corner of La Jolla Village Drive and Lebon Drive within the boundary of the University Community Plan area. On May 7, 1997, the Hearing Officer of the City of San Diego approved a Planned Residential Development and Community Plan Implementation Overlay Zone Permit No. 96-0638 for the development of a 232 dwelling unit apartment project with accessory uses. The approved project is in conformity with the R-1000 zone as to density. The approved project includes 19 dwelling units designated as affordable housing units under an agreement entered into with the Housing Commission of the City of San Diego. No changes to the physical development of this project is being proposed with the requested rezone of this site from R-1000 to the R-600 zone.

LEGAL DESCRIPTION:

The project is located at 3625 Lebon Drive, between La Jolla Village Drive and Nobel Drive, in the University community and is more particularly described as Lot 5 of La Jolla Garden Villas Map No. 9449.

FILE LOCATION: Subitem-A: ZONE ORD. NO. (24); Subitem-B: NONE

COUNCIL ACTION: (Tape location: A157-239.)

Hearing began at 11:30 a.m. and halted at 11:37 a.m.

CONSENT MOTION BY STEVENS TO ADOPT THE RESOLUTION AND TO INTRODUCE THE ORDINANCE. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337: Morena Boulevard (Friars Road to Linda Vista Road), Linda Vista Road (Morena Boulevard to Napa Street), Napa Street (Linda Vista Road to Friars Road), and Friars Road (Napa Street to Linda Vista Road) Underground Utility District.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-845) ADOPTED AS RESOLUTION R-291376

Establishing Morena Boulevard (Friars Road to Linda Vista Road), Linda Vista Road (Morena Boulevard to Napa Street), Napa Street (Linda Vista Road to Friars Road), and Friars Road (Napa Street to Linda Vista Road) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities on Morena Boulevard (Friars Road to Linda Vista Road), Linda Vista Road (Morena Boulevard to Napa Street), Napa Street (Linda Vista Road to Friars Road), and Friars Road (Napa Street to Linda Vista Road) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case-8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of $1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from $300 - $1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FILE LOCATION: STRT K-263 (38)

COUNCIL ACTION: (Tape location: A157-239.)

Hearing began at 11:30 a.m. and halted at 11:37 a.m.

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

ITEM-338: North Torrey Pines Road (Science Park Road to approximately 100 feet north of Callan Road) Underground Utility District.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-843) ADOPTED AS RESOLUTION R-291377

Establishing the North Torrey Pines Road (Science Park Road to approximately 100 feet north of Callan Road) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities on CCDC Area 1 - Phase 1, K Street to Imperial Avenue (6th Avenue to 12th Avenue). The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of $1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from $300 - $1,500.

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

FILE LOCATION: STRT K-264 (38)

COUNCIL ACTION: (Tape location: A157-239.)

Hearing began at 11:30 a.m. and halted at 11:37 a.m.

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

ITEM-339: Two actions related to SR-56 Black Mountain Road Project.

(See City Manager Report.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1011) ADOPTED AS RESOLUTION R-291378

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the acquisition of fee simple title and easements for the construction, improvement, operation and maintenance of the State Route 56-Black Mountain Road project; that the interests to be acquired are located at the intersection of Black Mountain Road and State Route 56, west to the future Camino Ruiz Interchange; that the interests to be acquired include but are not limited to easements for permanent wall footings and drainage, and temporary construction purposes, together with the right of ingress and egress over, under, along, and across specified parcels in connection with the State Route 56-Black Mountain Road project;

Declaring that the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; that the property sought to be acquired is necessary for the State Route 56-Black Mountain Road project; and declaring that the offer to purchase the property

required by Government Code Section 7267.2 has been made to the owners of record and rejected;

Declaring the intention of the City to acquire the fee simple title and easements under eminent domain proceedings; and directing the City Attorney of the City of San Diego to commence an eminent domain action in the Superior Court of the State of California to condemn, acquire and obtain immediate possession of the property for the use of the City.

Subitem-B: (R-99-1012) ADOPTED AS RESOLUTION R-291379

Authorizing the expenditure of $5,250,000 from CIP-52-463.2, SR-56/Black Mountain Road Project, for the acquisition of required property rights, condemnation, labor, title, escrow, contingencies and miscellaneous costs, upon certification by the City Auditor and Comptroller of funds being available.

FILE LOCATION: Subitems-A,B: MEET

COUNCIL ACTION: (Tape location: A157-239.)

Hearing began at 11:51 a.m. and halted at 12:04 p.m.

Testimony in opposition by Angel Diaz.

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

ITEM-340: Office Space Lease Amendment - Executive Complex.

(See City Manager Report CMR-99-15. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-89) INTRODUCED, TO BE ADOPTED APRIL 12, 1999

Introduction of an Ordinance authorizing the City Manager to amend Lease Agreement with Executive One Associates for approximately 104,328 square-foot-existing lease area occupied by City departments at the Executive Complex located at 1010 Second Avenue, for 15 years, at an initial annual rent of $1.34 per square foot or $139,799.52 per month.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A157-239.)

CONSENT MOTION BY STEVENS TO INTRODUCE THE ORDINANCE. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341: Exempting One Assistant Deputy Director Position, to Serve as Storm Water Administrator, from the Classified Service.

CITY MANAGER'S RECOMMENDATION:

Hold the second public hearing and introduce and adopt the following ordinance:

(O-99-99) INTRODUCED AND ADOPTED AS ORDINANCE O-18627 (New Series)

Amending Ordinance No. O-18551 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1998-1999 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," to add one Assistant Deputy Director position to serve as the Storm Water Administrator in the Transportation Department and Exempting the position from the Classified Service.

NOTE: This ordinance requires two public hearings pursuant to Sections 16, 17 and 71 of the City Charter. See Item 203 on the docket of Monday, March 22, 1999 for the first public hearing. Today's action is the second public hearing and introduction and adoption of the Ordinance.

CITY MANAGER SUPPORTING INFORMATION:

The new Regional Stormwater Pollution Control Permit is currently being drafted by the Regional Water Control Board. This permit can have far reaching budget and operating effects on the City. The permit will make requirements on businesses and residents which can be expensive and difficult to comply with. A new Assistant Deputy Director position is proposed to serve as the prime negotiator of the permit, attempting to effectively reduce stormwater pollution while avoiding costly and unpopular rules and programs that tend to create a negative opinion of attempts to improve regional water quality. The Stormwater Manager will also lead the City's stormwater quality testing program, investigation and enforcement of reported legal discharges, as well as a water pollution prevention education and advertising program. The position will also work closely with local environmental groups, regional, state and federal; environmental agencies, storm drain maintenance personnel, and other departments regarding the Stormwater Pollution Control Program.

This position is recommended to be at the Unclassified level due to the complexity of the position's responsibilities, and the potential negative effects to the community of the failure to effectively negotiate the permit language and the implementation of the regional permit.

WORKING TITLE: Stormwater Administrator

NO. OF POSITIONS: 1

CLASSIFICATION: Assistant Deputy Director

DEPARTMENT: Transportation

On February 4, 1999, the Civil Service Commission reviewed this recommendation and voted unanimously in support of exempting this position from the Classified Service.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A157-239.)

Hearing began at 11:30 a.m. and halted at 11:37 a.m.

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

ITEM-342: Request to Exempt a Program Manager for the Police Fleet from the Classified Service.

CITY MANAGER'S RECOMMENDATION:

Hold the second public hearing and introduce and adopt the following ordinance:

(O-99-98) INTRODUCED AND ADOPTED AS ORDINANCE O-18628 (New Series)

Introduction and adoption of an Ordinance 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 exempt from the Classified Service the position of Program Manager for the Police Fleet in the Police Department.

NOTE: See Item 204 on the docket for Monday, March 22, 1999 for the first public hearing. Today's action is the introduction and adoption of the ordinance.

CITY MANAGER SUPPORTING INFORMATION:

On February 4, 1999, the Civil Service Commission reviewed a recommendation from the Chief of Police to exempt from the Classified Service a Program Manager for the Police Fleet. The Fleet Manager has managerial responsibility over the selection, acquisition, distribution, tracking maintenance and disposition of a fleet of approximately 1,400 intensive use vehicles. The Manager directs a staff of 80 employees located at nine police facilities throughout the City. The Manager is also responsible for properly safeguarding access to sensitive and confidential information while fleet personnel are interacting with officers (including undercover personnel) and/or handling specialized police vehicles and equipment. The position is vacant for the first time in 18 years and the Department considers it critical that the next incumbent possesses managerial and leadership skills in addition to knowledge and expertise in the automotive/equipment industry. The Civil Service Commission did not support the Chief's request, stating as reasons: 1) there are two other Fleet Mangers in the Transportation Department who perform essentially identical duties; and 2) the Police Fleet Manager's duties appear to be primarily technical and administrative in nature (see memorandum dated February 11, 1999). The Personnel Director's memorandum also notes that MEA and the two incumbent

Fleet Managers in the Transportation Department oppose the Chief's request. It should be noted that the Fleet Manager class is not an MEA represented class, and that this is only a request to exempt the Police Department position, and not the two positions in the Transportation Department.

The Police Department reporting structure is different from the Transportation Department. In the Transportation Department, two Fleet Managers report to an Unclassified Deputy Director who exclusively manages the Equipment Division. In the Police Department, the Fleet Manager reports to an Assistant Chief who has responsibility for Fleet Operations as well as Communications/Dispatch, ARJIS (Automated Regional Justice Information System), Watch Commander, Police Property and Records, and Special Projects/Facility Planning and Maintenance. The Department respectfully requests that the City Council exempt a position to assume management responsibility for this important police operation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A157-239.)

Hearing began at 11:30 a.m. and halted at 11:37 a.m.

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

ITEM-343: Ratify North Park Project Area Committee (PAC) Election, given that the election results have been formally contested in the Business Owner/Property owner category.

(See City Manager Report CMR-99-45. Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1032 Cor. Copy 03/17/99) ADOPTED AS RESOLUTION R-291380

Ratifying the election results of February 9, 1999, for the Project Area Committee for the North Park Redevelopment Project Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A157-239.)

Hearing began at 11:30 a.m. and halted at 11:37 a.m.

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

ITEM-344: Findings for Construction Improvements for the Market Street Medians.

(See report from CCDC dated 2/3/99. Marina Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-888) ADOPTED AS RESOLUTION R-291381

Making certain findings with respect to the payments for construction of the Market Street medians in the Marina Sub Area of the Centre City Redevelopment Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A157-239.)

Hearing began at 11:30 a.m. and halted at 11:37 a.m.

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

ITEM-345: Request to Bid the India Street Improvement Project.

(See memorandum from the Centre City Development Corporation dated 2/4/99. Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-889) ADOPTED AS RESOLUTION R-291382

Making certain findings with respect to the payments for the construction of public improvements on India Street from Beech to Grape Streets in the Little Italy Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment project area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A157-239.)

Hearing began at 11:30 a.m. and halted at 11:37 a.m.

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

ITEM-346: Issuance of Housing Revenue Bonds for the Winona Apartments located at 3810 Winona Avenue.

(See Report from San Diego Housing Commission HCR-90-030. District-7.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-980) ADOPTED AS RESOLUTION R-291383

Approving the issuance of bonds by the Housing Authority of the City of San Diego in an aggregate principal amount not to exceed $2,450,000 for the Winona Apartments of a 68-unit multi family rental housing project, located at 3810 Winona Avenue.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A157-239.)

Hearing began at 11:30 a.m. and halted at 11:37 a.m.

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

ITEM-347: Two actions related to Inviting Bids for the Construction of Mission Bay Shoreline Protection Phase III and Certifying Addendum to EIR-89-0225, LDR-98-0860.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-405) ADOPTED AS RESOLUTION R-291384

Inviting bids for the Construction of Mission Bay Shoreline Protection Phase III on Work Order No. 218582;

Authorizing the execution of a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed $1,600,000 from CIP-21-834.0, Balboa Park/Mission Bay Park Improvement Program Fund No. 91106, provided the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K99082C)

Subitem-B: (R-99-914) ADOPTED AS RESOLUTION R-291385

Certifying that the information contained in Addendum to EIR-89-0225, LDR-98-0860, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the report reflects the independent judgement of the City of San Diego as Lead Agency, and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION:

On May 7, 1990, the San Diego City Council approved the Mission Bay Park Shoreline Stabilization and Restoration Plan (R-275666) and certified, as reviewed and considered, Environmental Impact Report (EIR), DEP-89-0225. The Plan, for the purpose of implementation, was divided into two phases: Phase I included hardscape (concrete bulkhead and rock revetment) protection systems at 14 sites and Phase II included softscape (sand placement and replenishment) improvements at 17 sites. However, several sites were deferred by the regulatory agencies in order to collect additional information to further identify the needed improvements. Sufficient additional information has now been collected for Phase III to complete this work. The project is conditioned upon the City obtaining the necessary permits and Coastal Commission approval.

Description:
The following sites are in need of stabilization and enough data has been collected to justify the proposed improvements:

Mariners Point (Site 3)
South Bahia Point/Ventura Cove (Site 7) - Drainage Improvement Only
Vacation Island, Ski Beach (Site 21)
Vacation Island, South Cove (Site 23)
West Ski Island (Site 25)
Paradise Isle (Site 35)

Aud. Cert. 9900911.

FILE LOCATION: Subitem-A,B: W.O. 218582 CONT - Gypsy Queen, Inc.

COUNCIL ACTION: (Tape location: A157-239.)

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

ITEM-348: Two actions related to Inviting Bids - Fiesta Island Camping Site Phase I and Certifying Mitigated Negative Declaration LDR-98-1092.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-923) ADOPTED AS RESOLUTION R-291386

Inviting bids for the Fiesta Island Youth Camping Site Phase I on Work Order No. 221020;

Authorizing the City Manager to execute a contract with the lowest responsible bidder for the Fiesta Island Youth Camping Site Phase I;

Authorizing the expenditure of not to exceed $2,200,000 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, San Diego Facilities and Equipment Leasing Corporation Construction Fund No. 91106 (Certificates of Participation Phase IC Proceeds and Interests), including any interest earnings which exceed projections for the purpose of executing this contract, for the purpose of providing funds for the project and related costs;

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

Authorizing an increase in appropriations for CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, San Diego Facilities and Equipment Leasing

Corporation Construction Fund No. 91106 by all interest earnings which exceed projections;

Authorizing the appropriation of excess monies received from the issuance of Certificates of Participation (Phase IC) Series 1996A for the Balboa Park and Mission Bay Park Capital Improvements Program. (BID-K99098C)

Subitem-B: (R-99-924) ADOPTED AS RESOLUTION R-291387

Certifying that Mitigated Negative Declaration LDR-98-1092 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 and 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 Fiesta Island Youth Camping Site Phase I;

Adopting the Mitigation, Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The 30-acre project site is located on Fiesta Island within Mission Bay Regional Park. The site is bounded by Enchanted Cove to the south, Pacific Passage to the east and north, and the permanent public road to the west. The Fiesta Island Campground's existing improvements include the Mission Bay Youth Aquatic Center, a parking lot with lighting and approximately 27 acres of vacant land which provides for youth camping activities. This project provides the first phase of the proposed campground improvements. The proposed improvements for Phase One include: grading and landscaping for the entire site, 35 small group camp areas, paved pedestrian and vehicle access throughout the site, restroom facilities, outdoor showers, a large gathering area with terraced seating, paved parking with a drop off area for buses and catering trucks, fire rings, picnic tables, and other miscellaneous improvements.

Aud. Cert. 9900950.

FILE LOCATION: Subitems-A,B: W.O. 221020, CONT - Redtail Inc. dba Geoscene Landscape

COUNCIL ACTION: (Tape location: A157-239.)

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

ITEM-349: Two actions related to Inviting Bids - Robb Field Northeast Corner Improvements and Certifying Mitigated Negative Declaration LDR-98-0858.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-921) ADOPTED AS RESOLUTION R-291388

Approving the plans and specifications and authorizing the Contract Services Division of the City of San Diego to invite bids for the Robb Field Northeast Corner Improvements on Work Order No. 218565;

Authorizing the City Manager to execute a contract with the lowest responsible bidder for the Robb Field Northeast Corner Improvements;

Authorizing the expenditure of not to exceed $1,295,114 from CIP-21-834.0, Balboa Park/Mission Bay Requirements, San Diego Facilities and Equipment Leasing Corporation Construction Fund No. 91106, for the purpose of providing funds for the project and related costs;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K99094C)

Subitem-B: (R-99-922) ADOPTED AS RESOLUTION R-291389

Certifying that Mitigated Negative Declaration LDR-98-0858 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 and 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 Robb Field Northeast Corner Improvements;

Making findings that project revisions now mitigate potentially significant effects in the environment previously identified in the Initial Study; and adopting the Mitigation, Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

This project addresses approximately 6.0 acres of undeveloped land in the northeast corner of the Ocean Beach Athletic Area (Robb Field). The improvements include: a skateboard area, observation areas, parking facilities, one additional full sized sports field, provisions for a future restroom, picnic tables, landscaping, and other miscellaneous improvements. The Ocean Beach community has been in support of a skateboard park for many years, and the project received unanimous approval at the noticed public meetings of the Robb Field Recreation Council and the Park and Recreation Board.

Aud. Cert. 9900951.

FILE LOCATION: Subitems-A,B: W.O. 218565 CONT - Terra-CAL Construction Inc.

COUNCIL ACTION: (Tape location: A157-239.)

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

ITEM-350: Inviting Bids for Sewer Pump Stations 77A and 77B Rehabilitation.

(Rancho Bernardo, San Pasqual and Lake Hodges Community Areas. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-916) ADOPTED AS RESOLUTION R-291390

Inviting bids for the Construction of Sewer Pump Stations 77A and 77B Rehabilitation on Work Order No. 173912;

Authorizing the expenditure of $4,643,750 from CIP-46-106.0, Annual Allocation - Sewer Pump Station Rehabilitations, Sewer Fund No. 41506; provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to establish contract funding phases with the lowest responsible and reliable bidder, based on low bid submitted and execute a contract with the lowest responsible bidder;

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

Authorizing an agreement with Corrao-Brady Group for construction management services for the Construction of Sewer Pump Stations 77A and 77B Rehabilitation;

Authorizing the expenditure of not to exceed $350,000 from CIP-46-106.0, Annual Allocation - Sewer Pump Station Rehabilitations, Sewer Fund No. 41506, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

Authorizing a first amendment to the agreement with Brown and Caldwell to provide additional engineering services for the Construction of Sewer Pump Stations 77A and 77B Rehabilitation;

Authorizing the expenditure of not to exceed $86,750 from CIP-46-106.0, Annual Allocation - Sewer Pump Station Rehabilitations, Sewer Fund No. 41506, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to return excess budgeted funds, if any, to the appropriate reserves. (BID-K99096C)

CITY MANAGER SUPPORTING INFORMATION:

This project is part of the City of San Diego's continuing Annual Sewer Pump Station Rehabilitation Program. This project proposes to upgrade, to current standards, existing Pump Stations 77A and 77B that have experienced numerous mechanical failures due to electrical malfunctions and mechanical wear. Sewer Pump Station 77A is located in the Rancho Bernardo Community area. Booster Sewer Pump Station 77B is located in the San Pasqual/Lake Hodges Community area. On July 14, 1997, pursuant to Resolution R-288944, the City Council approved the execution of a contract with Brown and Caldwell Engineering to provide design services for Sewer Pump Stations 77A and 77B in an amount not to exceed $436,500. During the design phase of the project, it was determined to be in the City's best interest to have Brown & Caldwell incorporate additional design items to the original scope of work. These items include implementing a Quality Assurance Program along with updating the electrical and mechanical systems to the current "state of the art" design standards. In addition, the preparation of a detailed startup and testing plan will be included in the final bid documents for this project. Amendment No. 1 authorizes $86, 750 for additional services. In addition, based on the extent of electrical and mechanical upgrades, special inspection requirements, and implementation of a Quality Assurance Program, it was determined that a construction management firm be hired to administrate this project. In conformance with Council Policy 300-7, nine (9) firms were interviewed and the firm of Corrao-Brady Group was selected to provide construction management services in an amount not to exceed $350,000.

Aud. Certs. 9900892 and 9900893.

WWF-99-364.

FILE LOCATION: W.O. 173912

COUNCIL ACTION: (Tape location: A157-239.)

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

ITEM-351: As-Needed Construction of Minor Street Improvements at Various Locations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-408) ADOPTED AS RESOLUTION R-291391

Approving the plans and specifications advertised for bids by Contract Services for the As-Needed Construction of Minor Street Improvements at Various Locations;

Awarding a contract to BRH Garver, Inc. for As-Needed Construction of Minor Street Improvements at Various Locations for no less than $50,000 and no more than $1,000,000 annually for a period between January 1, 1999 and December 31, 1999, renewable for one additional year;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury. (BID-K99002B)

CITY MANAGER SUPPORTING INFORMATION:

Currently, minor street improvement projects can take two to three years from inception to completion when following the design-bid-build method for public works contracts. Many of the smaller improvement projects in the right-of-way, such as bike paths, safety all-weather walkways and emergency storm drain repair are disadvantaged by the process that is suited for complex construction projects. The As-Needed Construction Contract will greatly reduce the time between when a smaller project is identified and when it is completed. The contractor will bid unit prices on various items of work which are non-project specific. The low bidder will be awarded a contract for 1 year which is renewable for one additional year. After a project is identified, a site visit is scheduled where scope, specifics and price are agreed to by the City and the contractor. A specified procedure is then set in motion which results in the City issuing a Task Authorization. We estimate a typical safety all-weather walkway can be constructed within four months from the initial site visit.

Aud. Cert. 9900849.

FILE LOCATION: CONT - BRH Garver, Inc.

COUNCIL ACTION: (Tape location: A157-239.)

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

ITEM-352: Inviting Bids for Metropolitan Operations Center MOC II Build Out.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-935) ADOPTED AS RESOLUTION R-291392

Inviting bids for the MOC II Metropolitan Operations Center Office Building on work order No. 174251;

Authorizing the City Manager to establish contract funding phases with the lowest responsible bidder and execute a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be on deposit, in the City treasury;

Authorizing the expenditure of an amount not to exceed $6,314,563 from Fund No. 41509, CIP-40-924.0, Metropolitan Operations Center MOC II Build Out; for project construction and related costs;

Authorizing an amount not to exceed $265,807 from Fund No. 41509, CIP Annual Allocation - Pooled Contingency, provided the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Authorizing the use of City Forces to do minor construction improvements in connection with this project; declaring that the work can be done by City Forces

more economically than if let by contract, with the cost of the work not to exceed $50,000 and to be funded from Fund No. 41509, CIP-40-924.0, Metropolitan Operations Center MOC II Build Out.

CITY MANAGER SUPPORTING INFORMATION:

This project will allow for Metropolitan Wastewater Department employees, currently housed in a leased space at 600 B Street, to move to the City - owned Metropolitan Operations Center Facility. The Department is currently paying $829,000 annually for leased space at 600 B Street. This rate is scheduled to increase to $908,000 on June 1, 2000.

This project is for the improvement of the existing two-story MOC II Building, at 9192 Topaz Way in Kearny Mesa. The improvements will be performed in two separate construction phases. Phase I includes demolition of the existing warehouse and roll up doors on first floor and will build out 53,600 square feet into office space. Phase II will improve 53,600 sq. ft. on the second floor, including additional bathroom facilities and reconfiguration of existing office space and cubicles. Tenant improvements also will include conference rooms, training rooms, communication/video rooms, computer rooms, storage areas, lounges, showers and restrooms. This work also includes a seismic zone 4 upgrade for the entire facility; upgrade to the electrical service, HVAC, plumbing, water/sewer service, fire suppression system, reflective ceiling, carpeting, walls and paint. This work also includes installation of new windows and doors, a new outdoor canopy for the balcony, a master landscaping effort for this facility and adjacent MOC I and III facilities, and signage installation. The entire facility will be upgraded to comply with ADA and Title 24 regulations. Due to the additional number of employees at this facility, it will be necessary to upgrade the existing telephone and data equipment. In an effort to protect existing tenants from the dust, debris and noise associated with the remodel, a night time shift will be used for the bulk of the construction and demolition work.

FILE LOCATION: W.O. 174251, CONT - David & Adams Construction

COUNCIL ACTION: (Tape location: A157-239.)

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

ITEM-353: Transnet Bond Fund Transfers for Economic Development Streetscape Projects.

(Golden Hill, Greater North Park, Uptown, City Heights, Normal Heights, Kensington-Talmadge Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-940) ADOPTED AS RESOLUTION R-291393

Authorizing the deappropriation of Transnet Bond Funds (30302) and the replacement with Transnet Sales Tax Funds (30300) in the following CIP accounts: $52,000.00 for CIP-37-224.0, $193,000.00 for CIP-39-207.0, $210,000.00 for CIP-39-208-0, $305,543.40 for CIP-39-209.1;

Authorizing the appropriation and expenditure of Transnet Sales Tax Funds (30300) in the total amount not to exceed $760,543.40 for construction and project administration costs as follows: $52,000.00 for CIP-37-224.0, Golden Hill Commercial Revitalization; $193.000.00 for CIP-39-207.0, North Park/University Avenue Streetscape Improvements; $210,000.00 for CIP-39-208.0, University Heights Commercial Revitalization-37th to 39th Streets; $305,543.40 for CIP-39-209.1, El Cajon Boulevard Commercial Revitalization.

CITY MANAGER SUPPORTING INFORMATION:

In fiscal year 1995, City Council closed out the Texas Street Widening Project and transferred funds to several Economic Development Streetscape Improvement Projects. Portions of the funds reallocated were Transnet Bond Funds. On March 27, 1995, by Resolution R-285518, City Council authorized that a request be sent to SANDAG to draw down bond funds for four of the Streetscape projects as follows: $52,000.00 for CIP-37-224.0, Golden Hill Commercial Revitalization; $193,000.00 for CIP-39-207.0, North Park/University Avenue Streetscape Improvements; $210,000.00 for CIP-39-208.0, University Heights Commercial Revitalization; and $305,543.40 for CIP-39-209.1, El Cajon Boulevard Commercial Revitalization - 37th to 39th Street.

Since that time, the projects have been designed and have had construction partially completed using advance funds. Current City policy discourages the use of Transnet Bond funds because of the significantly higher costs associated with debt service. The Bond funds for these projects have not been completely drawn down from SANDAG and as a result, the project accounts

currently show negative balances. It is proposed that available Transnet cash funds be appropriated to these projects in the following amounts to remove the negative account balances: CIP-37-224.0 $52,000.00, CIP-39-207.0 $193,000.00, CIP-39-208.0 $210,000.00, CIP-39-209.1 $305,543.40.

Aud. Cert. 9900864

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A157-239.)

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

ITEM-354: Agreement with Malcom Pirnie, Inc. for Alvarado Water Treatment Plant - Phase II Design.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-934) ADOPTED AS RESOLUTION R-291394

Authorizing a phased funded agreement with Malcom Pirnie, Inc. in an amount not to exceed $5,100,100, anticipated to be phased funded as follows: Phase 1 - $3,097,899 to begin on date of award, and Phase 2 - $2,002,201 to begin on March 1, 2000, to provide necessary professional design services to complete Phase II of the Alvarado Water Treatment Plant;

Amending the FY 1999 CIP Budget to add CIP-73-261.3, Alvarado Water Treatment Plant Upgrade and Expansion - Phase II;

Authorizing the transfer of $3,097,899 within Water Revenue Fund 41500, from CIP-73-261.0, Alvarado Water Treatment Plant Upgrade and Expansion to CIP-73-261.3, Alvarado Water Treatment Plant Upgrade and Expansion - Phase II;

Authorizing the expenditure of not to exceed $5,100,100 from Water Revenue Fund 41500, CIP-73-261.3, Alvarado Water Treatment Plant Upgrade and Expansion - Phase II, provided that the City Auditor first furnishes a certificate or certificates demonstrating that the funds are on deposit in the City Treasury;

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:

The Alvarado Water Treatment Plant, which serves water to approximately 500,000 people each day, is almost 50 years old and in need of modernization to improve operations and maintenance to meet new Federal Drinking Water Standards, and to achieve compliance with the State of California, Department of Health Services Compliance Order No. 04-14-96CO-022, adopted by the City Council on November 28, 1994 (Resolution R-284995). The project is part of the water system Capital Improvements Program approved by the City Council in August 1997, as part of the Strategic Plan for Water Supply. This agreement will provide necessary professional design services to complete Phase II of the Alvarado Water Treatment Plant. Phase II work includes two new flocculation basins to enhance coagulation between raw water and ferric chloride added during the first stage of rapid mixing and two sedimentation basins to collect sludge, suspended solids and to separate the settled water that will be conveyed to the filters; renovation of the existing Operations building (including structural seismic retrofitting); rehabilitation of existing filters to increase the capacity of filtered water; demolition and replacement of existing washwater tank to supply filtered back washwater to clean the existing filters; addition of a new connection from the Earl Thomas Reservoir for use by the County Water Authority for their new pump station to convey water to the Mid-City Pipeline; and efforts associated with the City's Public Art and Education Programs, site security, cost estimating, engineering support services during construction, and other related work. The total contract amount of this design services Agreement is $5,100,100.

Aud. Cert. 9900890.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A157-239.)

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

ITEM-355: Fifth Amendment for Consultant Agreement with Boyle Engineering Corporation for State Route 56.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-929) ADOPTED AS RESOLUTION R-291395

Authorizing a fifth amendment to the agreement with Boyle Engineering Corporation, for professional engineering services for State Route 56;

Authorizing the deappropriation of TransNet bond funds (Fund 30302) in CIP-52-463.0 for $1,183,000 and replacement with $603,900 in TransNet sales tax funds (Fund 30300) and $579,100 in TransP funds (30303), and the appropriation of $603,900 from TransNet Fund Balance (30300) and $579,100 from TransP Fund Balance (Fund 30303) to CIP-52-463.0, State Route 56;

Amending the Fiscal Year 1999 Capital Improvement Budget by authorizing an increase to CIP-52-463.0, State Route 56 by the appropriation of $273,793 from TransP Fund Balance (Fund 30303);

Authorizing the expenditure of an amount not to exceed $1,529,418 for the fifth amendment for Consultant Agreement with Boyle Engineering Corporation, of which $44,796 is from Water Fund 41500, CIP-73-341.0, Rancho Bernardo No.2; and $1,484,622 from CIP-52-463.0, State Route 56 of which $631,729 is from TransNet Fund 30300 and $852,893 is from TransP Fund 30303;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer funds to the appropriate reserves provided that the City first furnishes a certificate demonstrating that the funds necessary for the expenditures are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

On May 28, 1996, per RR-287411, the City Council approved the original Consultant Agreement with Boyle Engineering Corporation for professional engineering and design services for State Route 56 (CIP-52-643.0)

The approved City Council alignment of SR-56 was determined to be a combination of two previous alignments which necessitates an amendment to the Agreement. The scope of the project has to be modified to revise design tasks to be consistent with the City Council approved alignment. Additionally, the agreement must be amended to include tasks which the City will be responsible for as part of the Memorandum of Understanding with CalTrans which defines the separation of work between the two agencies.

Aud. Cert. 9900872.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A157-239.)

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

ITEM-356: Fiscal Year 1999 Proposed San Diego Data Processing Corporation (SDDPC) Budget.

(See City Manager's Report CMR-99-49.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1023) ADOPTED AS RESOLUTION R-291396

Approving the proposed Fiscal Year 1999 budget of $72,319,122.00 for the San Diego Data Processing Corporation pursuant to section 3(a) of the Operating Agreement between the City of San Diego and the San Diego Data Processing Corporation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A157-239.)

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

ITEM-S500: In the matter of an oral presentation by the City Manager regarding "Sufficient Assurances" concerning the Ball Park Project.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: C013-E051.)

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

NON-DOCKET ITEMS:

None.

CLOSED SESSION ITEMS:

ITEM-CS-1: (R-99-1055) ADOPTED AS RESOLUTION R-291398

A Resolution adopted by the City Council in Closed Session on Tuesday, March 23, 1999:

Authorizing the City Manager to pay the sum of $50,000.00 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the personal injuries to Linda Mulcahy; authorizing the City Auditor and Comptroller to issue one check in the amount of $50,000.00, made payable to Linda Mulcahy and her attorney Sidney A. Stutz in full settlement of all claims.

Aud.Cert. 9901007

FILE LOCATION: MEET

ITEM-CS-2: (R-99-925) ADOPTED AS RESOLUTION R-291399

A Resolution adopted by the City Council in Closed Session on Tuesday, March 23, 1999:

Authorizing the City Manager to pay the sum of $6,848.73 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the property damage claim of Alan Weeks, et al.; authorizing the City Auditor and Comptroller to issue one check in the amount of $6,848.73, made payable to Luth & Turley, Inc., in full settlement of all claims.

Aud.Cert. 9900802

FILE LOCATION: MEET

ITEM-CS-3: (R-99-1046) ADOPTED AS RESOLUTION R-291400

A Resolution adopted by the City Council in Closed Session on Tuesday, March 23, 1999:

Authorizing the City Manager to pay the sum of $133,750.00 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from property damage claim of Del Mar Design; authorizing the City Auditor and Comptroller to issue one check to Del Mar Plaza, Ltd., and its attorney of record, Timothy D. Principe, in the amount of $82,645.88, made payable to Del Mar Plaza, Ltd., and its attorney of record, Timothy D. Principe, in full settlement of all claims; authorizing the City Auditor and comptroller to issue one check to Bart Poirier and Richard Poirier, and their attorney of record, Anthony J. Passante, in the amount of $51,104.12, made payable to Bart Poirier and Richard Poirier, and its attorney of record, Anthony J. Passante, in full settlement of all claims.

Aud.Cert. 9901001

FILE LOCATION: MEET

ITEM-CS-4: (R-99-1117) ADOPTED AS RESOLUTION R-291452

A Resolution adopted by the City Council in Closed Session on Tuesday, March 23, 1999:

Authorizing the City Manager to pay the total sum of $50,000 in full settlement of each and every claim against The City of San Diego, its agents and employees, brought by Victoria Amabile, resulting from personal injury that occurred on or about October 14, 1997, on the beach at 3100 Ocean Front Walk, Mission Beach; authorizing the City Auditor and Comptroller to issue one check made payable to Victoria Amabile and her attorney of record, John J. Zarcaro, in the amount of $50,000 in full settlement of all claims.

Aud.Cert. 9901006.

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:46 p.m. in honor of the memory of:

Jeanie Lee, as requested by Deputy Mayor Wear; and

Helen R. Cobb, as requested by Mayor Golding, Council Member McCarty, and City Clerk Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E052.)