

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, MARCH 29, 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 2:11 p .m. Mayor Golding adjourned the meeting at 6:44 p.m. into Closed Session on Tuesday, March 30, 1999, at 9:00 a.m. in the Closed Session Conference Room to discuss existing litigation, anticipated litigation and real property interests.

**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 (mp)

**FILE LOCATION: MINUTES**

**ITEM-1: ROLL CALL**

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present

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

ITEM-10: INVOCATION

Invocation was given by Elder DeWayne Simmons of the Mormon Battalion Memorial Visitors Center.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stallings.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Mr. Al Strohlein recited a rhyme he prepared regarding Robert's Rules of Order as a result of the tie vote on the Children's Pool item on the docket of last Monday, March 22, 1999.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A139-168.)

PUBLIC COMMENT-2:

Comments by Margaret Jones and Roger Scott on affordable housing. Ms. Jones stated

that people are dying in San Diego because of the lack of affordable housing. Mr. Scott invited the Council to be at the public library downtown on April 8<sup>th</sup> because activists will be there to discuss the high rent in San Diego and the lack of low housing. He stated that Council Member Vargas has been the only one concerned. He said there isn't enough shelters here especially for the women and children and wanted to make Council aware of that.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A174-226.)

PUBLIC COMMENT-3:

Mr. Daniel Beeman commented on CDC again playing games with lives over profits. He stated that Father Joe asked for help so he can expand and CDC fooled him and the homeless. Mr. Beeman stated the Council needs to be more concerned for all the people in the City and not for just the prosperous few. He also stated that Father Joe and many other private individuals are interested in helping the downtrodden but they are continually denied the opportunity to help because of our City's restrictive laws.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A227-243.)

PUBLIC COMMENT-4:

Mr. Art Salzberg acknowledged the humanitarian act of Council Member Juan Vargas and stated he was very proud to read that Mr. Vargas gave aid and comfort to a homeless family, donating his own money. He commended Mr. Vargas for working silently and diligently and without recognition on behalf of the homeless San Diegans. He said Mr. Vargas was the only Council member who recognized humanity and that Mr. Vargas restored his faith in our civic government and that Mr. Vargas is one of God's chosen righteous people in this City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A245-260.)

PUBLIC COMMENT-5:                    REFERRED TO CITY MANAGER

Mr. Jeff Dahlstrom told the Council that a City surveyor recently changed a policy of granting waiver letters to condominiums subdivisions within the city limits. He felt that a policy issue such as this should be discussed by the City Council. He stated that for 24 years a long-standing policy that was in effect in the City for creating affordable housing, otherwise known as condominiums, within the city limits that a condominium map would not be required when built in an already subdivided area of the city, and now the City has a new requirement that the developer of those kinds of properties or property owners actually have to pay fees up to around \$7,000 to \$8,000 as well as another \$5,000 for engineer cost to get affordable housing built in the city limit plus the six to eight months it takes to process such maps. Mr. Dahlstrom asked the City Council to address this particular issue as opposed to letting staff members change policy.

Mayor Golding referred this matter to the City Manager and stated if there has been a change from the City policy, the City Manager is to take that matter to the Land Use Committee for review.

FILE LOCATION:                    AGENDA

COUNCIL ACTION:                (Tape location: A262-285.)

PUBLIC COMMENT-6:

Mr. Ron Boshun accused the City Council of taking orders from the developers, not from the people, and of taking bribes. He also accused the "Mayor and City Council and their bosses, John Moores and Larry Lucchino and Douglas Manchester don't want any homeless near their properties." He accused the Council of being a bunch of moral midgets.

Council Member Stevens expressed for the record and reminded the public this Council voted to give \$35,000 to fill the gap when St. Vincent de Paul discontinued feeding the homeless people three days a week, which contributed to a total of \$800,000 that he and the Council helped raise to give to St. Vincent de Paul.

Mayor Golding advised Mr. Boshun that if he had any proof of the things he said that he should be talking to the District Attorney and that every member of the Council feels that way.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A287-320.)

PUBLIC COMMENT-7:

Mr. Nicholas Moffit commented on tobacco taxes. He stated the City Council voted to raise taxes to fix community libraries; it failed. He suggested taking \$220M of the tobacco monies and rewarding the citizens of San Diego and our community by fixing and improving the community libraries because the community libraries will better serve its citizens. He said a main library is not needed. He suggested the Council spend \$50M and purchase films like those shown on the Discovery Channel to teach kids how drugs, alcohol, and smoking affect the human body, and spend another \$65M to teach kids to cope with life's pressures and to help them grow into the best citizens to serve our community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A325-345.)

PUBLIC COMMENT-8:

Mr. Rich Pearson told the Council he had good news and bad news. The good news, he said, is that staff authorized the study that he requested more than four years ago and that he was authorized to cash the check that was received in late November; also that the statute of limitations was extended which will hopefully avoid costly litigation. Mr. Pearson said the bad news is that staff will not authorize the payment for the temporary housing for him and his family. He asked again to direct the City Manager and the Risk Management Department to immediately authorize the payment for suitable housing for the five of them.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A347-380.)

PUBLIC COMMENT-9:

Ms. Peggy Daly requested the City extend the Seal Rock Preserve Study and to include the Children's Pool at La Jolla. She stated this is important because it is an opportunity to showcase how serious we are about our need to protect our rapidly displaced wildlife. She stated the pool was urgently constructed for the children and they seem to like it, they like the seals and other people do as well. She said this site could be improved and could be established as an educational center for children; and if managed correctly, the seals could pay for themselves, perhaps generating profits for the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A383-425.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Vargas commented on locating the family who couldn't find housing. He stated the problem is the increased level of homeless families in San Diego and it only seems like it's going to get worse rather than better. He stated Father Joe said he was getting two to three homeless families per month, if that, but now gets fifty to sixty per night. Council Member Vargas said the City should have an iron-clad policy that says, "no child will sleep in the street in San Diego." He said the City should have that as a basic principal and because of that he asked the City to declare an emergency with respect to homeless families. He stated more and more reforms are coming through with Welfare and that the City will see more families out on the streets.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A426-505.)

ITEM-CC-2:

Council Member Stevens stated there are a number of reasons why families end up

without shelter. Those reasons could include being battered in the home and one of the spouses leaves with the children. He stated the Department of Social Services is the first place a family should go for assistance because that is where the eligibility is for aid to families with dependent children; that is the starting point for family assistance.

Council Member Stevens commented that he made some specific requests of Ross McCollum at the March 22, 1999, meeting and Mr. McCollum responded the following day. The numerous speakers on the homeless issue were invited to attend a meeting held in Conference Room B where the HOT team was assembled. This team included a County social worker, a representative of St. Vincent de Paul, Salvation Army, Volunteers of America, and the Rachel Women's Center. The social services representatives were there to assist those seeking service. No single adult came in to see us. Six families, brought in by Norma Rossi, Executive Director of the Coalition for the Homeless, did stop in to talk with us. They were told by Norma that they would be kicked out on the streets because she was losing her funding. All six families were included in the hotels/motels, etc., program sponsored by the County. Two of the families were receiving public assistance through the County Welfare system and two of the families had applied for assistance and were waiting for approval. One family refused to discuss their situation with the County social worker and one family had not applied for assistance yet. Followup with each family on assistance or who had applied for assistance is conducted by the County social workers. Verification was received that none of the families would be asked to leave the motels as Norma Rossi indicated to Council. Adequate funding exists to continue to assist the families until a more permanent situation can be developed. No families are being evicted from the hotel/motel program. The program has funding until April 30 at which time the local FEMA program will take over until September 30.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A506-604.)

**ITEM-CC-3:**

Mayor Golding expressed appreciation to Mr. Stevens for his comments. Mayor Golding stated this Council is genuinely interested in the truth about whether a problem exists, what it is, and to determine the best solution. Mayor Golding said it does not help to be told there is a problem where there is not because it hurts those who truly have a problem. Mayor Golding stated she has been assured repeatedly that the INFO Line and the County Voucher System was available for families with children, and said if that is not the case, she wants to know that immediately.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A620-650.)

ITEM-CC-4:

Council Member Kehoe informed the public and the Council that she is sponsoring a Y2K Community Information Fair in Balboa Park, Balboa Park Club, on Saturday, April 17<sup>th</sup>. She stated this is an information fair for the average person and that City services would be there--police, fire, water and sewer, and others--that people may interact with. She stated that personnel from banks and the telephone company, health care providers, emergency medical services would be there also. She invited everyone to this free fair.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B033-044.)

ITEM-CC-5:

Council Member Stallings announced a special program for public transportation called "Way to go Seniors" will be starting for seniors 60 years old and older. The purpose of this event is to introduce public transit to seniors who have never tried it before. Seniors can ride free on the trolley, all buses and the coaster train during the entire week of April 19<sup>th</sup>. Council Member Stallings stated in order to ride free, seniors need to pick up their free transit pass kit and they can do that at a Ralphs or the Transit Store downtown, First and Broadway, and the AARP Information Center in North Park. She encouraged everyone sixty and older to take advantage of this opportunity.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B045-065.)

ITEM-30: Motoharu Iue Day.

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1045)                    ADOPTED AS RESOLUTION R-291401

Proclaiming March 29, 1999 to be "Motoharu Iue Day" in San Diego in recognition of his more than 20 years of outstanding contributions to our community.

FILE LOCATION:                    AGENDA

COUNCIL ACTION:                    (Tape location: A047-134.)

MOTION BY KEHOE TO ADOPT ITEM-30, -31, AND -32. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:     City of San Diego Volunteer Week.

**MAYOR GOLDING'S AND CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1029)                    ADOPTED AS RESOLUTION R-291402

Proclaiming the week of April 18-24, 1999 to be "City of San Diego Volunteer Week" to specifically honor City of San Diego volunteers and recognize their accomplishments.

**CITY MANAGER SUPPORTING INFORMATION:**

Over 28,500 volunteers worked for the City of San Diego in Fiscal Year 1998. Those volunteers gave 680,360 hours valued at more than \$9.4 million to the City. Volunteers assist staff in almost all City departments in the performance of their duties. Without them, many City of San Diego programs would have to be reduced or in some cases eliminated. Most departments honor their volunteers throughout the year, and include some special recognition during National Volunteer Week (this year April 18-24, 1999). By declaring April 18-24, 1999 "City of San

Diego Volunteer Week," volunteers are also recognized on a citywide basis for their significant contributions to the efficiency and effectiveness of City government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B107-162.)

MOTION BY KEHOE TO ADOPT ITEM-30, -31, AND -32. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea,  
Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: San Diego Comic Opera Day.

**COUNCILMEMBER KEHOE'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-941) ADOPTED AS RESOLUTION R-291403

Commending the San Diego Comic Opera for 20 years of presenting quality performing arts and education to the San Diego community;

Proclaiming April 24, 1999 to be "The San Diego Comic Opera Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B163-216.)

MOTION BY KEHOE TO ADOPT ITEM-30, -31, AND -32. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea,  
Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-50: Municipal Code Amendment for 30 Minute (Green) Parking Zones.

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-99-103) INTRODUCED, TO BE ADOPTED APRIL 12, 1999

Introduction of an Ordinance amending Chapter VIII, Article 6 of the San Diego Municipal Code by amending Section 86.06, relating to Parking, Standing, Loading Zones, Street Sweeping Zones, to change the authorizing language for time limited parking zones from "less than 30 minutes" to "30 minutes or less."

**CITY MANAGER SUPPORTING INFORMATION:**

This action makes a minor wording change to the San Diego Municipal Code, Section 86.06, that clarifies staff's authorization to install 30 minute time limited (green) parking zones. In 1990, the City Council amended Section 86.06 to authorize the City Manager to install short-term time limited parking zones, also known as "green zones" on City streets. Green zone installations are typically initiated by application from the adjacent businesses, and have become very popular with small store front businesses that rely on the availability of on-street parking for drive-up customers. The time limits are 15 or 30 minutes, which are easy for motorists to remember and plan for after they have parked. The language adopted in 1990 authorizes the City Manager to install "Less Than 30 Minute Time Limited Parking Zones," which does not clearly authorize a green zone of 30 minutes. The proposed language revises this to read "Time Limited Parking Zones of 30 Minutes or Less," which clearly authorizes 30 minute green zones. Existing 30 minute green zones are legal and are enforceable.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B217-316.)

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

ITEM-51: Amendments to the Ordinance Governing Operations of Card Clubs.

(See City Manager Report CMR-99-28; Don Mullen's 2/2/99 letter; Chairperson

Warden's 1/28/99 memorandum; Councilmember Kehoe's 1/22/99 memo; and Stanley S. Penn's 1/3/99 letter.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-99-94)                   INTRODUCED, TO BE ADOPTED APRIL 12, 1999

Introduction of an Ordinance amending Chapter III, Article 3, Division 39 of the San Diego Municipal Code by amending Section 33.3911, relating to Card Room regulations.

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

On 2/10/99, PS&NS voted 4-0 to amend San Diego Municipal Code Chapter III, Article 3, Section 33.3911 to allow cardrooms in San Diego to: A) Add three games to those currently permitted, B) Extend operating hours to a 9:00 a.m. to 2:00 a.m. schedule, C) Open on Sundays, and D) Permit 9 players per table in each establishment. (Councilmembers Mathis, Wear, Kehoe, and Warden voted yea. Councilmember Stevens not present.)

FILE LOCATION:                   NONE

COUNCIL ACTION:                   (Tape location: C514-588; D296-302.)

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

\* ITEM-100: Inviting Bids for Lake Murray Trunk Sewer.

(Navajo Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-992)                   ADOPTED AS RESOLUTION R-291404

Inviting bids for Lake Murray Trunk Sewer on Work Order No. 173251;

Authorizing the City Manager to execute a contract with the lowest responsible bidder and authorizing the Auditor and Comptroller to return excess budgeted funds to the appropriate reserves;

Authorizing the City Auditor and Comptroller to transfer \$340,322 from CIP-46-106.0, Annual Allocation-Sewer Pump Station Restorations to CIP-46-194.0, Annual Allocation-Trunk Sewers; and \$111,000 from the Water Fund Unallocated Reserve (Org. No. 226) to Water Operations Miscellaneous Contractual Services (Org. No. 504, Job Order No. 50416) for the purpose of providing funds for the said project;

Authorizing the expenditure of \$510,322 from CIP-46-194.0, Sewer Fund No. 41506 and \$111,000 from Sewer Operations and Maintenance Fund No. 41506; and \$111,000 from Water Operations Miscellaneous Contractual Services (Org. No. 504, Job Order No. 50416);

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

The Lake Murray Trunk Sewer (LMTS) project is located in the Mission Trails Regional Park area of the Navajo community. It includes the replacement of 850 feet of 15-inch sewer main with 18-inch sewer main. The sewer replacement is necessary due to the deterioration of the existing manholes and lack of capacity in the existing pipe. Upsizing of the main will alleviate surcharging.

The Resource Protection Ordinance (RPO) permit and Mitigated Negative Declaration for this project was previously approved on September 15, 1998, by R-290733.

Wetland mitigation requirements from two other projects, Murray Ridge Manhole Repair (MRMR) and Chaparral Canyon Spill (CCS) have also been combined with the LMTS Project. This will provide a comprehensive mitigation and monitoring program at one location for all three projects. The MRMR Project was an emergency sewer repair, in the upper portion of Murray Canyon, east of I-805, and south of Kearny Villa Road, in Serra Mesa, done in 1995.

The CCS Project was a 1994 sludge spill in the Chaparral Creek, just north of our proposed sewer replacement location. Water money is included as environmental mitigation for a sludge spill on a Water Production maintained pipeline.

Aud. Cert. 9900915.

WWF-99-360.

FILE LOCATION: W.O. 173251, CONT - Geoscene Landscape

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-101: Sale of City Property - Gillette Street.

(Mount Hope Cemetery Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1004) ADOPTED AS RESOLUTION R-291405

Authorizing the sale by negotiation of the south forty feet of Lot 5, and all of Lot 6, Block 70, San Diego Homestead Union, Map-363, together with the east 10 feet of 36th Street closed to public use contiguous to and adjoining Lots 5 and 6 on the west; the north one-half of Gillette Street closed, and contiguous to and adjoining Lot 6, and the east 10 feet of 36th Street closed to public use, together with the north 15 feet of the south one-half of Gillette Street closed, adjoining and lying north of Lot 1, Block 69, and the portion of 36th Street closed adjoining Lot 1, for the sum of \$24,000 to the State of California;

Authorizing the execution of a grant deed, granting the property to the State of California.

**CITY MANAGER SUPPORTING INFORMATION:**

The City owns a closed and vacated parcel at the terminus of Gillette Street. The parcel is located east of 36th Street. The State of California, Department of Transportation (Caltrans) is proposing to close the Imperial Avenue ramps from Interstate 15, and to construct a city street as mitigation from 0.1 mile south of the Oceanview Boulevard overcrossing to the Market Street undercrossing. The subject property is located within the project area, and contains approximately .25 acre. The Caltrans appraised value is \$24,000. City Valuation Staff has reviewed the fair market value of the parcel, and has approved the value.

FILE LOCATION: DEED F-7434

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-102: Street Dedication - 36th Street.

(Mount Hope Cemetery Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1003) ADOPTED AS RESOLUTION R-291406

Dedicating as and for a public street two portions of Pueblo Lot 1347 of Pueblo Lands of San Diego, Miscellaneous Map No. 36 and naming the same 36th Street.

**CITY MANAGER SUPPORTING INFORMATION:**

As part of its improvements to State Route 15 between Interstate 5 and State Route 94, Caltrans will be removing the existing interchange at Imperial Avenue and State Route 15, necessitating an alternate route linking Market Street and Imperial Avenue. Caltrans has selected the extension of 36th Street from K Street south to Imperial Avenue. The land areas to be dedicated

for street use totals approximately 346 square meters, in two parcels, both of which are necessary to meet minimum City Street standards. At the City's request, 36th Street will be upgraded to Residential Collector Street status, necessitating the dedication, which will be at no cost to Caltrans. The dedication will make possible improved traffic circulation in the Mount Hope and Mountain View neighborhoods, and within the Southeastern San Diego community as a whole.

FILE LOCATION: DEED F-7435

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-103: Water and Sewer Easement Abandonments - Parcels 1 and 2 of Parcel Map PM-18144.

(Scripps Miramar Ranch Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1018) ADOPTED AS RESOLUTION R-291407

Authorizing the vacation of unneeded water and sewer easements in Parcels 1 and 2 of Parcel Map PM-18144, under the procedure for the California Streets and Highways Code.

**CITY MANAGER SUPPORTING INFORMATION:**

This project is located east of Wexford Street in the Scripps Miramar Ranch community. The original development was modified by a parcel map approved by the City Council, Resolution R-290572. The modified development required a new alignment for water and sewer facilities for which the easements were acquired on the parcel map. This requested action will vacate the old unneeded water and sewer easements. The vacation is shown on Drawing No. 18858-2-B. The easements to be vacated were acquired at no cost to the City. Staff recommends approval.

FILE LOCATION: DEED F-7436

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-104: Slope and Drainage Easement Grant - Mount Hope Cemetery.

(Mount Hope Cemetery Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1005) ADOPTED AS RESOLUTION R-291408

Authorizing the City Manager to execute a permanent Highway Easement Deed for the purposes of drainage and slope maintenance, granting all the City's right, title and interest in the property located in Mount Hope Cemetery, as more particularly described in the Highway Easement Deed.

Authorizing the City Manager to execute a temporary construction easement in favor of the State of California.

**CITY MANAGER SUPPORTING INFORMATION:**

The State of California, Department of Transportation (Caltrans) is proposing to close the Imperial Avenue ramps from Interstate 15, and to construct a city street as mitigation from 0.1 mile south of the Oceanview Boulevard overcrossing to the Market Street undercrossing. The subject property, located in Mount Hope Cemetery, is within the 36th Street project area, and contains approximately 4,754 square feet. The proposed use will be for permanent drainage and slope easements.

A temporary construction easement is also proposed, consisting of 1,270 square feet. The temporary easement is also located in Mount Hope Cemetery, and will terminate at the end of three years.

The Caltrans appraised value is \$2,000. City Valuation Staff has reviewed the fair market value of the parcels, and has approved the value.

FILE LOCATION: DEED F-7437

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-105: Solid Waste Local Enforcement Agency (LEA) Application for the Waste Tire Grant.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1031 Cor.Copy) ADOPTED AS RESOLUTION R-291409

Authorizing the application for and acceptance of a Waste Tire Enforcement Grant from the California Integrated Waste Management Board (CIWMB);

Authorizing the City Manager to negotiate and execute all necessary documents in connection with the grant.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Integrated Waste Management Board (CIWMB) is offering waste tire enforcement grant monies to Solid Waste Local Enforcement Agencies (LEAs). Up to \$100,000 per applicant will be considered for inspection/compliance and surveillance activities. The grant term is from June 30, 1999 through April 30, 2000. The City of San Diego LEA was authorized in November, 1997 by the CIWMB to carry out the duties and responsibilities of solid waste inspection, permitting and enforcement. The LEA proposes to request grant funds to implement

an effective waste tire inspection and compliance program which will provide guidance to waste tire generators and when necessary, take the initial enforcement actions to remedy threats to the public health, safety, and the environment. A preliminary study completed recently has determined that there may be as many as 2,600 or more waste tire generators within the jurisdiction of the LEA. If approved by the CIWMB, monies received from this grant application will be used to develop and conduct a more thorough survey/study to determine the extent of local compliance to current State legislation. If local compliance is deemed unacceptable, once the survey is complete, grant monies provided can be used to develop a Waste Tire Inspection and/or Compliance Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-106: ISTE A Grant for Palm Avenue West Median Improvements.

(Otay Nestor Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1026) ADOPTED AS RESOLUTION R-291410

Authorizing the City Manager to accept \$100,000 in federal grant funds awarded under the ISTE A Transportation Enhancement Activities Program and to appropriate it to the Palm Avenue West Median Improvements Project, CIP-39-225.0.

**CITY MANAGER SUPPORTING INFORMATION:**

Under the 1992 Federal Intermodal Surface Transportation Enhancement Act (ISTEA)/ Transportation Enhancement Activities Program, the San Diego County region was eligible to receive up to \$11 million in a 3-year cycle of grants. In 1993, City Resolution R-282914 authorized the City Manager to submit a series of ISTE A/TEA Grant Applications to SANDAG. One project application submitted was a project to be carried out jointly by the cities of

Coronado, Imperial Beach, and San Diego for enhancements to State Route 75. The City of San Diego was awarded \$100,000 of the Federal ISTEA grant funds for this project. The City has subsequently allocated additional Transnet funds to this project as CIP-39-225.0 and design has proceeded. Prior to being able to proceed with construction bid advertising, the City must take action to formally accept the grant.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-107: Accepting Funds for Bernardo Center Drive Median.

(Rancho Bernardo Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-957) ADOPTED AS RESOLUTION R-291411

Authorizing the City Manager to accept on behalf of the City the amount of \$148,578, contribution from the "Wellington Group, LLC" for construction and engineering costs for CIP-52-651.0, Bernardo Center Drive Median, and deposit these funds into Trust Fund 63022;

Amending the Fiscal Year 1999 Capital Improvement Budget by increasing the budget by \$148,578 for CIP-52-651.0;

Authorizing the appropriation and expenditure of these funds by transferring them from Fund 63022 to CIP-52-651.0, Bernardo Center Drive Median.

**CITY MANAGER SUPPORTING INFORMATION:**

The Bernardo Center Drive Median project, CIP-52-651.0, will construct a landscaped median from I-15 to West Bernardo Drive. The developer (Wellington Group, LLC) has the responsibility to build a portion of the landscaped median along their frontage within the CIP-52-651.0 boundaries. In lieu of constructing this median, the developer has agreed to pay the City for their fair share, \$148,578, and the City will construct the median as part of CIP-52-651.0.

Aud. Cert. 9900912.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-108: Reprogramming of \$1 million in Council District 5 Community Development Block Grant (CDBG) Funds for the Battered Spouses Shelter Project - Becky's House.

(Linda Vista Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1020) ADOPTED AS RESOLUTION R-291412

Reprogramming of \$1 million in Council District 5 Community Development Block Grant (CDBG) Funds from the Linda Vista Library Project Dept. 4062, Org. 6225, \$189,622, Dept. 4082, Org. 8235, \$82,500, Dept. 4112, Org. 1217, \$250,000, the Heart of Linda Vista Project; Dept. 4082, Org. 8233, \$255,600, Dept. 4162, Org. 6212, \$200,000 and the Community Development and Enhancement Project; Dept. 4112, Org. 1209, \$22,278, to the Battered Spouses Shelter Project - Becky's House, Dept. 4162, Org. 6240.

**CITY MANAGER SUPPORTING INFORMATION:**

In FY99 District Five set aside a portion of its CDBG funding as seed money to create a new shelter for spousal abuse victims and their children, with the goal of creating a place where spouses and their children could find short and medium term assistance while feeling safe and free of danger. Following the airing of Becky's tragic story of spousal abuse on a local radio program, the need for immediate action became apparent to the Councilmember of the Fifth District. This action is a direct result of Becky's story. With this action \$1,000,000 in District Five CDBG funds is to be allocated toward Becky's House, a shelter for victims of domestic violence.

Aud. Cert. 9900970.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-109: Point Loma Maintenance Building Expansion, Phase I.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-953) ADOPTED AS RESOLUTION R-291413

Authorizing the expenditure of an amount not to exceed \$439,000 to provide additional funds for the Point Loma Maintenance Building Expansion Project-Phase I, consisting of \$419,000 from Fund No. 41508, CIP-45-939.0, for project construction and related costs; and \$20,000 from Fund No. 41508, CIP-46-510.0, Annual Allocation-Metro Pooled Contingency, for project contingency, provided that the City Auditor and Comptroller first furnishes one or more certificates

demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

The Point Loma Wastewater Treatment Plant (PLWTP) was constructed in 1963 to serve the Metropolitan Sewage System. The PLWTP has been expanded and upgraded over the past 30 years to meet treatment capacity needs for the region. Accommodations for staff have not kept up with this expansion, and additional office, maintenance and warehouse space is needed. The Maintenance Building and Warehouse Complex is one project, which is planned to be implemented in two phases. Phase I is the Maintenance Building Expansion, and Phase II is another future expansion to the Maintenance Building and an expansion to the Warehouse Complex. This action is for Phase I only.

The present Maintenance Building does not meet the current and future maintenance needs of the Point Loma Wastewater Treatment Plant and its maintenance staff. The Maintenance Building Expansion Project will add approximately 4,600 square feet to the second floor of the existing Maintenance Building, which will help alleviate some of the office space crowding at a cost far less than constructing a new facility.

The advertisement and award for the Maintenance Building Expansion, Phase I was authorized by City Council on November 10, 1998, under Resolution R-290942 for \$1,189,708. Bids were opened on January 5, 1999 and three bids were received. The City rejected all submitted bids as being non-responsive. Also, the lowest bid was more than \$340,000 higher than the estimated

amount that was approved by the City Council for the project. Based on the bids received, this request increases the construction cost estimate, the contingency and related costs.

The construction contract will be re-advertised. Bid opening is scheduled for March 23, 1999. This request is to increase the funding for the Point Loma Maintenance Building Expansion Project, Phase I by \$439,000, to a total of \$1,628,708.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B217-316.)

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

\* ITEM-110: Amending the FY1999 Capital Improvements Program Budget-Tierrasanta Community Park Tot Lot Upgrade.

(Tierrasanta Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1022)                      ADOPTED AS RESOLUTION R-291414

Adding CIP-29-484.0, Tierrasanta Community Park-Tot Lot Upgrade, to the Fiscal Year 1999 Capital Improvement Program Budget;

Transferring the sums of \$78,800 from Fund No. 38080, State Park Trailer Bill Funds, and \$81,200 from Fund No. 11340, Park Service District Fees to CIP-29-484.0;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$160,000.00 from CIP-29-484.0 for the purpose of completing the Project.

**CITY MANAGER SUPPORTING INFORMATION:**

The existing Tierrasanta Community Park Tot Lot is a multi-level facility built approximately 16 years ago. This project will provide for an expanded and renovated tot lot which will meet current safety and maintenance standards, as well as comply with Americans with Disabilities Act requirements. It is not anticipated that annual maintenance costs will be increased as a result of this project.

Aud. Cert. 9900935.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Tape location: B217-316.)

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

\* ITEM-111: Consultant Agreement with Conwell Shonkwiler & Associates.

(Kearny Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1017)                      ADOPTED AS RESOLUTION R-291415

Authorizing the City Manager to execute an agreement with Conwell Shonkwiler & Associates to provide Site Evaluation and Concept Design Services for the Water Department Central Facility Project;

Authorizing the expenditure of an amount not to exceed \$192,970 from Fund 41500, Operation Center Relocations, CIP-73-338.0.

**CITY MANAGER SUPPORTING INFORMATION:**

In July 1998, the City Council authorized the acquisition of a 23 acre parcel of land in the Kearny Mesa area to construct a central facility for the Water Department. This central facility project will move the Department's staff and functions from several locations to a common site and is recognized as the most effective means of increasing operational efficiencies, maximizing available resources, eliminating redundant facilities, improving customer access and enhancing service delivery. Consolidation of the Department's multiple sites requires a two phased Pre-design/Design approach with the first phase accomplished through this Council action. This initial phase will provide for development of design criteria, analysis of alternatives and preparation of a concept plan that fully integrates all essential physical, functional, adjacency, aesthetic and cost considerations inherent in a complex project.

Successful implementation of the central facility project will rely heavily on the proper selection of an architectural/engineering (A/E) design team with the necessary expertise and experience to assume primary responsibility for meeting the objectives of such a challenging project. Using the City's consultant procurement process, Requests for Qualifications were issued, proposals

were received, seven firms were short-listed and interviewed by a panel composed of staff representing the City's Water Department and EOCP, the Otay Water District and the Allred-Collins Business Park Planning and Development Board.

The procurement process resulted in the selection of Conwell Shonkwiler & Associates as the preferred consulting firm to provide the requisite professional services. Execution of this agreement with Conwell Shonkwiler & Associates will ensure the Phase 1 development of design criteria, analysis of alternatives and preparation of a concept plan that meets all the Central Facility project design parameters. Upon completion of Phase 1, the project concept plan will be docketed for Council presentation and authorization to proceed with Phase 2 design of the project.

Aud. Cert. 9900927.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-112: Agreement with Earth Tech, Inc.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-978) ADOPTED AS RESOLUTION R-291416

Authorizing the execution of an agreement with Earth Tech, Inc., for As-Needed Utility Consultant Services;

Authorizing the expenditure of not to exceed \$70,000 from Water Fund 41500 and an amount not to exceed \$130,000 from Sewer Fund 41506, for the purpose of providing funds for the above project.

**CITY MANAGER SUPPORTING INFORMATION:**

A list of As-Needed Utility Location Consultants was requested from the Consultant Services Coordinator. The Consultant Nominating Committee nominated five firms to participate in the final selection process. In conformance with Council Policy 300-7, the five firms were interviewed and the firm Earth Tech., Inc. was selected as the best qualified firm to provide As-Needed Utility Location Consultant Services. The agreement provides for As-Needed Utility Location services by task orders on an hourly basis, not to exceed \$20,000 per task. These services will include underground utility location during design for water and sewer projects. Construction delays may be avoided by anticipating utility conflicts and selecting appropriate pipeline alignments. The total contract will not exceed \$200,000 for a period of two years from the date of execution by the City.

Aud. Cert. 9900916.

WWF-99-361.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-113: Epsilon Xi Omega Chapter of Alpha Kappa Alpha Sorority, Inc. Day.

**COUNCILMEMBER STEVENS'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1014) ADOPTED AS RESOLUTION R-291417

Commending the Epsilon Xi Omega Chapter of Alpha Kappa Alpha Sorority, Inc., for providing essential resources to the community for 50 years;

Proclaiming March 20, 1999 to be "Epsilon Xi Omega Chapter of Alpha Kappa Alpha Sorority, Inc. Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-114: Rev. Harry L. Ferrell, Ph.D. and Mrs. Emily Jean Parker Day.

**COUNCILMEMBER STEVENS'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1039) ADOPTED AS RESOLUTION R-291418

Commending Dr. Harry L. Ferrell and Mrs. Emily Jean Parker for their tireless and unselfish efforts in service to Grace Missionary Baptist Church and all people;

Proclaiming March 28, 1999 to be "Rev. Harry L. Ferrell, Ph.D. and Mrs. Emily Jean Parker Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-115: Doctor Aaron W. Eurich Day.

**COUNCILMEMBER STEVEN'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1040) ADOPTED AS RESOLUTION R-291419

Commending Dr. Aaron W. Eurich for his achievements and efforts at Paradise Hills Southern Baptist Church for 25 years and proclaiming March 28, 1999 to be "Dr. Aaron W. Eurich Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-116: Nominations to the Centre City Development Corporation Board of Directors.

(See memorandum from Mayor Golding dated 3/16/99 with resumes attached.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1042 2nd Cor. Copy)) ADOPTED AS AMENDED AS RESOLUTION R-291420

Consider the following nominations for election to the Centre City Development Corporation Board of Directors, to fill three vacancies.

NOMINEE

NOMINATED BY

Julie Dillion (Real Estate Development)  
(replacing Peter Q. Davis, whose term  
has expired)

Mayor Golding

Reese A. Jarrett (Real Estate Development)  
(replacing Harold Gil Johnson, whose term  
has expired)

Mayor Golding

Daniel Guevara (Law)

Mayor Golding

After discussion and deliberation, electing Julie Dillion and Reese A. Jarrett and re-electing Daniel Guevara to the Centre City Development Corporation Board of Directors, for three-year terms ending May 1, 2002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

CONSENT MOTION BY WARDEN TO ADOPT AS AMENDED CHANGING THE EFFECTIVE DATE TO MAY 15, 1999. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-117: Nominations to the Southeastern Economic Development Corporation Board of Directors.

(See memorandum from Mayor Golding dated 3/16/99.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1035) ADOPTED AS RESOLUTION R-291421

Consider the following nominations to the Southeastern Economic Development Corporation Board of Directors:

<u>Nominee:</u>	<u>Nominated By:</u>
Kurt A. Chilcott	Mayor Golding
Douglas A. Oden	Mayor Golding
Gregory L. Thorpe	Mayor Golding

After discussion and deliberation, re-electing Kurt A. Chilcott, Douglas A. Oden, and Gregory L. Thorpe to the Southeastern Economic Development Corporation Board of Directors, for terms ending May 25, 2002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-118: Reappointments to the Board of Library Commissioners.

(See memorandum from Mayor Golding dated 3/16/99.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1034) ADOPTED AS RESOLUTION R-291422

Council confirmation of the reappointments by the Mayor of Khalada Salaam, Mary Lindenstein Walshok, and Charles Elster to serve as members on the Board of Library Commissioners, for terms ending 3/1/2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-119: Reappointments to the Board of Zoning Appeals.

(See memorandum from Mayor Golding dated 3/16/99.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1037)            ADOPTED AS RESOLUTION R-291423

Council confirmation of the reappointments by the Mayor of Michael Clark and Michael Pallamary to serve as members of the Board of Zoning Appeals, for terms ending 3/1/2001.

FILE LOCATION:            MEET

COUNCIL ACTION:            (Tape location: B217-316.)

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

\* ITEM-120: Appointment to the Citizens' Advisory Board on Police/Community Relations.

(See memorandum from Mayor Golding dated 3/16/99 with resume attached.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1044)            ADOPTED AS RESOLUTION R-291424

Council confirmation of the appointment by the Mayor of Precious Jackson (Youth Rep) to serve as a member of the Citizens' Advisory Board on Police/Community Relations, for a term ending January 1, 2001.

FILE LOCATION:            MEET

COUNCIL ACTION:            (Tape location: B217-316.)

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

\* ITEM-121: Appointment to the Citizens' Advisory Board on Police/Community Relations.

(See memorandum from Mayor Golding dated 3/16/99 with resume attached.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1043)                      ADOPTED AS RESOLUTION R-291425

Confirming the following appointment by the Mayor to the Citizens' Advisory Board on Police/Community Relations, for a term ending January 1, 2001:

Isaac Valdez (District 4)  
(Replacing Frank L. White, whose term has expired.)

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Tape location: B217-316.)

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

\* ITEM-122: Reappointments to the Commission on the Status of Women.

(See memorandum from Mayor Golding dated 3/16/99.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1036) ADOPTED AS RESOLUTION R-291426

Council confirmation of the reappointments by the Mayor of Dr. Kimberley Y.K. Yeager, Vonja Ross, M. Leslie Hovey, and Ashley E. Phillips to serve as members of the Commission on the Status of Women, for terms ending 3/1/2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

\* ITEM-123: Father Henry Day.

**COUNCILMEMBER VARGAS'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1019) ADOPTED AS RESOLUTION R-291427

Commending Reverend Henry Rodriguez, Jr. for his never ending spirit of community involvement and proclaiming Thursday, March 25, 1999 to be "Father Henry Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B217-316.)

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

ITEM-200: Two actions related to Inviting Bids for the 65th and Herrick Water Pump Plant Project and Certifying Addendum to Mitigated Negative Declaration MND-89-1359, LDR-98-1206.

(Encanto Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-917) ADOPTED AS RESOLUTION R-291428

Inviting bids for the 65th & Herrick Water Pump Plant Project on Work Order No. 180131;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsible bidder, provided the City Auditor first furnishes a certificate certifying that the funds are, or will be, on deposit with the City Treasurer, and authorizing the City Auditor and Comptroller to return excess budgeted funds to the appropriate reserves;

Authorizing the expenditure of \$2,869, 384 from Water Revenue Fund 41500, CIP-73-229.0, 65th and Herrick Water Pump Plant, for the construction and related costs of 65th and Herrick Water Pump Plant Project, provided the City Auditor first furnishes a certificate certifying that the funds necessary for the expenditure under established contract funding are, or will be, on deposit with the City Treasurer;

Authorizing contingency for future phases in the amount not to exceed 5 percent of the construction amount in each phase commencing in FY2000.  
(BID-K99202C)

Subitem-B: (R-99-918) ADOPTED AS RESOLUTION R-291429

Certifying that the information contained in Addendum to Mitigated Negative Declaration MND-89-1359, LDR-98-1206, has been completed in compliance with the California Environmental Quality Act of 1970, as amended and State guidelines, that the reports 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 65th and Herrick Water Pump Plant Project;

Adopting the Mitigation Monitoring and Reporting Program.

**CITY MANAGER SUPPORTING INFORMATION:**

The existing pump plant was constructed in 1949 and is underpowered for current system operating parameters. During the summer seasons the 6th & Herrick Pump Plant cannot meet demands to supply water to the outlying community and other water pump stations are overtaxed to support it. The existing wooden framed pump plant building is aged and in need of repairs. The operating costs are excessive as existing pumps operate at less than 40 percent efficiency. The project has had a series of design efforts over the last ten years but has never fully developed into a completed project primarily due to lack of funding and water system prioritization.

The current design includes construction of a new masonry pump plant building with architectural treatment to blend well into the surrounding environmental. The Pump Plant includes 4-100 horsepower pumps with variable speed drives. With each pump capable of operating at a range between 550 gallons per minute to 1,300 gallons per minute, the new pump plant will efficiently meet water demands in the service are throughout the entire year.

The new facility includes a backup diesel generator capable of supplying a 100 percent redundant source of power in the event of an emergency power outage. The existing old pump plant will continue to operate during construction, therefore, reducing impacts to water customers. Upon installation of new pumps, appurtenances, and completion of the new pump plant building, the old pump plant will be decommissioned and the existing wooden framed building removed.

**FILE LOCATION:** Subitem-A,B: W.O. 180131, CONT - Denboer Engineering & Construction

**COUNCIL ACTION:** (Tape location: B217-316.)

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

ITEM-201: Downtown Landscape and Lighting Maintenance District Agreement.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1024)                      ADOPTED AS RESOLUTION R-291430

Agreement with Little Italy Association for administration of maintenance services for Little Italy - Zone 3 of the Downtown Landscape and Lighting Maintenance District.

**CITY MANAGER'S SUPPORTING INFORMATION:**

On February 1, 1999, Council approved ordinance #18617 amending Chapter VI, Article 5, Division 2 of the Municipal Code sections 65.0202, 65.0212 and 65.0214. The amendments enable the City to evaluate the viability of a non-profit corporation administering the provisions of services to a specific zone within a Maintenance Assessment District. On March 3, 1999, the Little Italy Association (Association) presented to the Park and Recreation Department written documentation of a balloting process conducted on July 31, 1998 from the property owners of Little Italy - Zone 3 (Zone) of the Downtown Landscape and Lighting Maintenance District. The results of the ballots indicate property owner support, weighted by the dollar amount of the assessments of \$17,700 or 88 percent of the returned ballots, for the Zone to be administered by the Association. This action will authorize the City Manager to sign an Agreement between the City and the Association for a period of one year beginning on April 1, 1999 and ending on March 30, 2000.

1. The Association will administer Contracts for Goods and Contracts for Service and prepare financial statements for the Zone as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Engineer's Report for the Downtown Landscape and Lighting Maintenance District for the Zone.
2. The Association will perform all duties as set forth in the Agreement under section 2, referred to as specific requirements. The Association will be reimbursed for these services within forth-five (45) days from the receipt of properly prepared invoices.

3. The Association will be compensated for administration in the amount not to exceed \$6,000 (or \$500 per month) over the period of the Agreement.

FILE LOCATION: STRT-M-386-99 (34)

COUNCIL ACTION: (Tape location: B217-316.)

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

ITEM-202: Developer Fees FY 1998 Annual Report.

(See City Manager's Report P-99-043.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-972 Cor. Copy) ADOPTED AS RESOLUTION R-291431

Accepting the Developer Fees FY 1998 Annual Report and making findings related to unexpended balances as required by California Government Code Section 66001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G149-154.)

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

ITEM-203: Amendment of the City of San Diego's Non-Disposal Facility Element.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-902)                    ADOPTED AS RESOLUTION R-291432

Authorizing the City Manager to submit the Amendment to the City of San Diego Nondisposal Facility Element to the California Integrated Waste Management Board, pursuant to California Public Resources Code Sections 41730 et seq.

**CITY MANAGER SUPPORTING INFORMATION:**

In June of 1994, the City Council approved the Revised Final Draft of the City of San Diego Source Reduction and Recycling Element, as required by AB939, passed in 1989. AB939 requires mandatory municipal waste reduction goals of 50% by the year 2000.

California Public Resources Code (PRC), Sections 41730 et seq, require every California city and county to prepare and adopt a Non-Disposal Facility Element (NDFE) for all new non-disposal facilities, and any expansions of existing non-disposal facilities, which will be needed to implement local Source Reduction and Recycling Elements (SRREs).

A nondisposal facility is defined as any solid waste facility required to obtain a state solid waste facility permit that will recover for reuse or recycling at least 5 percent of the total volume of material received by the facility (PRC Sections 40151 and 41733).

This amendment to the NDFE identifies a yard trimming composting facility at the Miramar Landfill that will be necessary for the City to attain the state-mandated 50% diversion by the year 2000 (PRC Section 41780).

This draft amended NDFE is being submitted to the San Diego City Council for approval in accordance with the requirements of the PRC Sections 41734 (a) and (b).

FILE LOCATION:                    MEET

COUNCIL ACTION:                    (Tape location: B217-316.)

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

ITEM-204: Two actions related to the Second Amendment to the Agreement with the San Diego County Water Authority for the San Diego 18 Flow Control Facility.

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

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-1015) ADOPTED AS RESOLUTION R-291433

Authorizing the second amendment to the agreement with the San Diego County Water Authority for the construction, operation, and maintenance of the City of San Diego 18 Flow Control Facility and Inlet pipeline along 70th Street and El Cajon Boulevard;

Amending the FY 99 budget by adding CIP-75-927.0, San Diego 18 Flow Control Facility;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,640,000 from CIP-73-246.0, Mid-City Pipeline to CIP-75-927.0, San Diego 18 Flow Control Facility;

Authorizing the expenditure of an amount not to exceed \$1,640,000 from Fund No. 41500 CIP-75-927.0 (San Diego 18 Flow Control Facility).

Subitem-B: (R-99-1016) ADOPTED AS RESOLUTION R-291434

Certifying that the information contained in LDR-98-1200, Addendum to Mitigated Negative Declaration LDR-94-0236, 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 San Diego 18 Flow Control Facility;

Adopting the Mitigation Monitoring and Reporting Program.

**CITY MANAGER SUPPORTING INFORMATION:**

On September 9, 1996, the City entered into an agreement with the County Water Authority (CWA) for construction, operation and maintenance of San Diego 18 Flow Control Facility for the purpose of measuring water flow from CWA's pipeline No. 4B into the Mid-City pipeline. The first amendment to the agreement dated October 31, 1997 was approved to allow City to acquire lots 17 and 18, Block 5 of La Mesa Colony town site from Amir Kabbai-Zadenh, also known as the "Payless Hotel" site, and to convey the site directly to CWA pursuant to the agreement between the City and CWA dated September 9, 1996, Resolution R-287801.

The second amendment to the agreement will establish terms and conditions for the construction by the City of San Diego 18 Flow Control Facility inlet pipeline along 70th Street and El Cajon Boulevard.

These changes provide cost savings for the City by having one Contractor construct the Mid-City pipeline and the SD 18 Flow Control Meter Facility inlet pipeline. It will also reduce inconvenience to the communities by providing a single point of contact for comments, issues, and concerns during the pipeline construction. The second amendment to the agreement will amend the FY 1999 budget to add CIP-75-927.0, San Diego 18 Flow Control Facility. The second amendment will also authorize the transfer of \$1,640,000 from CIP-73-246.0, Mid-City Pipeline to CIP-75-927.0, San Diego 18 Flow Control Facility.

Aud. Cert. 9900891.

FILE LOCATION: Subitem-A,B: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

ITEM-205: Redesignation of San Diego Recycling Market Redevelopment Zone.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-893) ADOPTED AS RESOLUTION R-291435

Authorizing the City Manager to submit a joint City of San Diego/County of San Diego/ City of Chula Vista redesignation application for the expansion of the existing San Diego Recycling Market Development Zone (RMDZ) in the Otay Mesa area, to incorporate the City of Chula Vista.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Integrated Waste Management Board (CIWMB) established Recycling Market Development Zones (RMDZ) in 40 regions of the State of California. These RMDZs promote recycling by providing recycled product manufactures of access to a State low-interest loan program, assistance in permitting, feedstock identification, favorable zoning codes, and referrals to local agencies and business assistance groups, if they site within an RMDZ. The City Council has designated two areas in San Diego as RMDZs: South County-Otay Mesa in 1992 and North County-Miramar and Rancho Bernardo in 1994.

The City of Chula Vista recently requested that the South County-Otay Mesa RMDZ be expanded to include the City of Chula Vista. In support of this expansion, the City of Chula Vista has prepared an application to the CIWMB, and all accompanying information required, including an environmental impact statement. Resolution R-19289, passed by the City Council of Chula Vista, approved the Application for Redesignation of the Otay Mesa RMDZ to include the City of Chula Vista.

The benefit to the City of San Diego from the expansion of the South County-Otay Mesa RMDZ includes an additional 50 square miles of land of which about 1,200 acres are zoned for industrial activities. This makes the RMDZ a more attractive zone to recycling companies which will potentially increase markets for recyclables generated in the City of San Diego. In addition, the City of Chula Vista will provide staff and financial support to attract recycling businesses to the region.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

ITEM-206: Eichenlaub Ranch.

(Located at the southeast extreme of Lyons Valley Road, due west of Barrett Reservoir, in eastern Jamul.)

**CITY MANAGER'S RECOMMENDATION:**

Hold the first public hearing of the following ordinance:

(O-99-102)                      HEARING HELD

First public hearing of an Ordinance 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," by adding CIP-72-921.0, Eichenlaub Ranch Acquisition, to the Water Fund 41500 Capital Improvements Program and appropriating an additional \$2,516,500 in the Water fund 41500 from its Unappropriated Fund balance for CIP-72-921.0, Eichenlaub Ranch Acquisition, for the purpose of acquiring a 1,399-acre parcel adjacent to Barrett Reservoir, in the Jamul area of San Diego County.

**NOTE:** This ordinance requires two public hearings pursuant to Sections 16, 17 and 71 of the City Charter. Today's action is the first public hearing. See Item 332 on the docket of Tuesday, March 30, 1999 for the second public hearing and introduction and adoption of the Ordinance.

**CITY MANAGER SUPPORTING INFORMATION:**

This action authorizes the acquisition of six contiguous parcels, totaling 1,399 acres. These parcels represent a significant portion of watershed to Barrett Reservoir; preserving this land in an undeveloped state will help maintain and enhance water quality in the reservoir. In addition, the City's safest and most preferred access route to facilities at Barrett reservoir is a road that crosses the property ("Wilson Creek Road"). The City's right to use this road is suspect and has come under question in the past. With the acquisition of the subject parcel, the City will be guaranteed the absolute right to use this access road in the future.

Aud. Cert. 990954.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B217-316.)

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

ITEM-207: Transferring Funds: Winterwood Lane Community Park Development.

(Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Hold the first public hearing of the following ordinance:

(O-99-104) HEARING HELD

First public hearing of an Ordinance 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," by appropriating the sum of \$124,871 from Fund No. 79006 and \$5,129 from Fund No. 39082 to CIP-29-716.0, for the purpose of completing improvements to Winterwood Lane Community Park.

**NOTE:** This ordinance requires two public hearings pursuant to Sections 16, 17 and 71 of the City Charter. Today's action is the first public hearing. See Item 333 on the docket of Tuesday, March 30, 1999 for the second public hearing and introduction and adoption of the Ordinance.

**CITY MANAGER SUPPORTING INFORMATION:**

This project, Winterwood Lane Community Park Development, Phase I, is a joint use project with the San Diego Unified School District. It includes construction of ballfields, lighting, turfing, a running track, and fencing at Challenger Junior High School in Mira Mesa and on the park site. The transfer and expenditure of additional funds will supplement previously authorized funding and will be used to pay accrued charges on change orders for unforeseen

conditions including: 1) substitution of a gabion wall for a conventional concrete retaining wall due to structural unsuitability of the soil; 2) construction of reinforced caisson foundations for two sports field lights located in unsuitable soil; 3) enlargement of a retaining wall and extension of drain lines behind the wall; 4) additional excavation work in hard strata; 5) additional excavation and provision of crushed aggregate base for the running track due to expansive soil; 6) removal, realignment, and replacement of concrete curbs; 7) lowering of a catch basin; 8) removal of existing asphalt paving and a tree; 9) miscellaneous other items; and 10) project administration costs.

Construction is approximately 95% complete. Due to the School District's desire to have the new facilities available for use by students as quickly as possible, timely completion of this project is critical. The work covered by these change orders has proceeded in order to meet the School District's schedules.

Aud. Cert. 990936.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B217-316.)

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

ITEM-208: In the matter of directing the City Manager to sell the property located at 887 Sherman Street by exclusive sale to the San Diego County Humane Society & S.P.C.A.

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 March 30, 1999.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

ITEM-209: Real Property Transaction - 5550 University Avenue.

In the matter of authorizing the City Manager to negotiate with California Psychiatric Management Services for the purpose of assigning and amending the Purchase and Sale Agreement, dated July 22, 1991, between the City and Villa View Community Hospital, Incorporated, relating to property located at 5550 University Avenue.

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 March 30, 1999.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B217-316.)

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

ITEM-210: Proposed 1913 Act Assessment District for Undergrounding Utilities in the Del Mar Terraces Neighborhood.

(District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following Resolutions in Subitem-B through Subitem-E; and Introduce the Ordinance in Subitem A:

Subitem-A: (O-99-101) INTRODUCED, TO BE ADOPTED APRIL 12, 1999

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter VI, Article 1, Division 23, by amending the title of Division 23, by amending Section 61.2300; and by adding Section 61.2361 relating to levying and collecting special assessments.

Subitem-B: (R-99-991) ADOPTED AS RESOLUTION R-291436

Adoption of a Resolution accepting petition and determining to undertake special assessment proceedings - Del Mar Terraces.

Subitem-C: (R-99-989) ADOPTED AS RESOLUTION R-291437

Adoption of a Resolution approving Boundary Map - Del Mar Terraces Underground District.

Subitem-D: (R-99-990) ADOPTED AS RESOLUTION R-291438

Adoption of a Resolution of Intention - Del Mar Terraces Underground District.

Subitem-E: (R-99-988) ADOPTED AS RESOLUTION R-291439

Adoption of a Resolution preliminarily approving Engineer's Report setting date for public hearing of protests - Del Mar Terraces Underground District.

**CITY MANAGER SUPPORTING INFORMATION:**

At the request of residents in the Del Mar Terraces neighborhood, the City has been assisting the property owners in evaluating options to facilitate the undergrounding of their overhead utilities.

Because this is a residential neighborhood does not satisfy Council Policy 600-8 or Public Utilities Commission rules to be included in the City's 8209/20A program. Some of the property owners have expressed interest in forming a special assessment district where they would pay for the cost of undergrounding their utilities with special assessments levied and collected along with their annual property taxes.

Recently, residents of the neighborhood, using a petition, Boundary Map and cost estimate prepared by City staff, circulated a petition and were able to obtain signatures from 78% of the property owners within the proposed district requesting that district formation proceedings be initiated on their behalf (Council Policy 800-03 requires 75% for underground utility conversion projects.) Additionally, some of the property owners have paid the involved utility companies (SDG&E, Pacific Bell, Cox Cable) to prepare construction plans for over 90% of the project. Two actions are necessary in order to initiate 1913 Act assessment district proceedings on behalf of these property owners. The first action involves four resolutions which 1) accept the property owner petition, 2) approve a Boundary Pam, 3) indicate the City's intention to form an assessment district on behalf of the property owners, and 4) preliminarily approve the Engineer's Report and set the date for a Public Hearing of Protests for the proposed district. If the proposed 1913 Act district is created pursuant to district formation proceedings, the second action introduces an ordinance enabling the City to use the County to bill and collect assessments for special districts that do not involve the issuance of bonds.

Other communities have expressed interest in utilizing special assessment districts as a means of financing the undergrounding of utilities. Given concerns relating to the unique characteristics of utilities, staff has been treating Del Mar Terraces as a pilot project. Depending on the City's experience with this project, staff may develop proposed amendments to existing Council Policy which could then be forwarded to the appropriate Committee and Council for consideration.

FILE LOCATION: Subitem-A: NONE  
Subitems-B,C,D,E: STRT - D-2306 (31)

COUNCIL ACTION: (Tape location: C595-D284.)

**MOTION BY MATHIS TO APPROVE THE CITY MANAGER'S  
RECOMMENDATION TO INTRODUCE THE ORDINANCE AND ADOPT THE  
RESOLUTIONS. Second by Vargas. Passed by the following vote: Mathis-yea,  
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea,  
Mayor Golding-not present.**

ITEM-211: In the matter of "Sufficient Assurances" concerning the Ball Park Project.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: D306-G148.)

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

ITEM-S400: Two actions related to La Jolla Children's Pool Beach Management and Water Quality Improvement Project and Certifying Mitigated Negative Declaration LDR-98-0671.

(Continued by Common Consent from the meeting of March 22, 1999, Item 151, due to lack of five affirmative votes.)

(See City Manager Reports CMR-98-99 and CMR-98-29. La Jolla and La Jolla Shores Community Areas. District-1.)

**TODAY'S ACTION ARE:** REFERRED TO NATURAL RESOURCES AND CULTURE COMMITTEE AND DIRECTIONS TO CITY MANAGER

Adoption of the following resolutions:

Subitem-A: (R-99-958 Cor. Copy)

Authorizing the City Manager to proceed with the project to restore the beach width in La Jolla Children's Pool to that present in 1941 by removing approximately 3,000 cubic yards of sand for disposal at either Marine Street or north La Jolla Shores beach;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$40,000 from General Fund 100, Department 442, Park and Recreation Coastal Division.

Subitem-B: (R-99-962 Cor. Copy)

Certifying that the information contained in Mitigated Negative Declaration LDR-98-0671, La Jolla Children's Pool Dredging (Project), has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said declaration reflects the independent judgement of the City, and that said report has been reviewed and considered by the Council.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 5/6/98, NR&C voted 4-1 to approve directing the City Manager to apply for a Coastal Development Permit to remove sand and open the sluiceways at the Children's Pool beach, and to deposit the sand at La Jolla Shores beach. (Councilmembers Mathis, Wear, Kehoe, Warden voted yea. Councilmember Stallings voted nay.)

**CITY MANAGER SUPPORTING INFORMATION:**

On May 6, 1998, the Natural Resources and Culture Committee considered City Manager's Report No. 98-88 and voted 4:1 to recommend the City Council approve directing the City Manager to apply for a Coastal development permit to remove sand and open the sluiceways at Children's Pool beach, and to deposit the sand at La Jolla Shores beach. Subsequently, environmental analyses have been conducted and a final Mitigated Negative Declaration prepared. The objective of this action is to restore the shared use of Children's Pool by people and harbor seals. Approximately three thousand cubic yards of sand will be removed from Children's Pool beach and deposited either on Marine Street beach or on north La Jolla Shores. This will restore the Children's Pool beach width to its design configuration consisting of a large "pool" of water. The water entry point for public use will be set back from a rip current located at the end of the breakwater making the use of Children's Pool by swimmers safer. The reduced beach width will also increase competition for space between humans and harbor seals which may decrease the number of seals hauling out on Children's Pool beach which could result in sufficiently reducing fecal coliform counts to the point that the prohibition on human contact with the pool waters can be lifted. Consistent with Committee direction, permit applications are in process with the California Coastal Commission, Army Corps of Engineers, and the National Marine Fisheries Service. Work is targeted to be completed by the start of the summer season.

Aud. Cert. 9900942.

**FILE LOCATION:**

**MEET**

COUNCIL ACTION: (Tape location: B316-C504.)

MOTION BY VARGAS TO NOT DREDGE, NOT SHOO THE SEALS, INSTEAD TO PUT UP A BARRIER TO PROTECT THE HUMANS FROM THE SEALS AND THE SEALS FROM THE HUMANS AND TO SEND IT BACK TO THE NATURAL RESOURCES COMMITTEE FOR AN INDEPTH REVIEW OF ALL THE ISSUES INCLUDING THE LEGALITY AND HOW IT WAS LEFT IN THE WILL. Second by Stallings. Passed by the following vote: Mathis-nay, Wear-nay, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:44 p.m. in honor of the memory of:

Dr. Philip Baldwin as requested by Council Member kehoe, and  
Raye Sara Blumer as requested by Council Member McCarty.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G154-184).