

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 MONDAY, APRIL 26, 1999
 AT 2:00 P.M.
 IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING 4

ATTENDANCE DURING THE MEETING 4

ITEM-1: ROLL CALL 5

ITEM-10: INVOCATION 5

ITEM-20: PLEDGE OF ALLEGIANCE 5

NON-AGENDA COMMENT 6

COUNCIL COMMENT 7

ITEM-30: Two actions related to the Confirmation of Appointment of Chief of Police 9

* ITEM-50: Leash-Free Areas for Dogs in Parks and Process for Establishing Future Leash-Free Areas. 9

* ITEM-51: Rio Vista West. 10

* ITEM-52: Parking Meters on W. University Avenue 11

* ITEM-53: Master Lease Agreements for Financing the Acquisition of Equipment through Lease-Purchase. 12

* ITEM-54: Transfer of Non-Exclusive Solid Waste Collection Franchise 13

* ITEM-55: Non-Exclusive Solid Waste Franchises. 14

* ITEM-100: Transfer of Funds for El Camino Real and San Dieguito Road Improvements .. 15

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, April 26, 1999**

* ITEM-101: Parking Meters on Island Avenue and Union Street 16

* ITEM-102: Southern California Comprehensive Water Reclamation and Reuse Study 17

ITEM-103: Reimbursement Agreement - San Dieguito Regional Open Space Park Joint Powers Authority. 18

* ITEM-104: Agreement with Moffatt, Nichol & Ferver Engineers 20

* ITEM-105: Amending the 1999 Legislative Calendar for Meetings of the City Council and Standing Committees. 21

* ITEM-106: Excusing Mayor Susan Golding from the City Council Meetings of April 12 & 13, 1999. 22

* ITEM-107: Randy Edmonds Day 22

* ITEM-108: Chief Robert E. Osby Day 23

* ITEM-109: Appointment to the Tree Advisory Board 23

* ITEM-110: Appointment to the Board of the Public Facilities Financing Authority 24

* ITEM-111: Appointment to the Small Business Advisory Board 25

* ITEM-112: Appointment to the Housing Advisory and Appeals Board 25

* ITEM-113: Amending the 1999 Legislative Calendar and Standing Committees for the City of San Diego City Council to cancel the regularly scheduled meeting of Monday, May 3, 1999 and add a Special Council Meeting on Monday, May 3, 1999 at 10:00 a.m., at 202 C Street, 12th floor - Council Chambers, San Diego, CA 92101. 26

* ITEM-114: Excusing Councilmember Christine Kehoe from the PS&NS meeting of 4/14/99 27

ITEM-200: Agreements with O'Brien-Kreitzberg Incorporated and the Corrao Brady Group 27

ITEM-201: Amended and Restated Agreement with Orrick Herrington & Sutcliffe and

Webster & Anderson for Water and Wastewater Financing and Other Financing
Matters Bond Counsel. 29

ITEM-202: Two actions related to Naval Training Center - Lease Modification #8. 30

ITEM-203: Two actions related to EmTek Fund Phase Two Recapitalization 31

ITEM-S400: Sanchez Appeal 33

NON-DOCKET ITEMS: 34

ADJOURNMENT: 34

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:15 p.m. Mayor Golding adjourned the meeting at 4:27 p.m. into Closed Session on Tuesday, April 27, 1999, at 9:00 a.m. in the twelfth floor conference room to discuss existing litigation and property negotiations.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Richard Vevia of Calvary Lutheran Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Deputy Mayor Wear.

:NON-AGENDA COMMENT

PUBLIC COMMENT-1:

Comment by Lynn Flanigan regarding the Union Tribune Dr. Seuss Race for Literacy. Ms. Flanigan said this weekend over 10,000 San Diegans will get up early for the annual race and she wanted to express her appreciation for the support. Dr. Seuss' "Cat in the Hat" hats were distributed to the Mayor and all Councilmembers. Jose Cruz, Director of the San Diego Council on Literacy, thanked the City Council and the Mayor for their support.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A065-119.)

PUBLIC COMMENT-2:

Comment by Don Stillwell regarding David Barton. He said this coming Sunday the people of San Diego have the opportunity to hear an expert on the Constitution, the Bill of Rights, and true American history. David Barton is a former high school principal who wondered why true American history was not being taught in the schools and wrote a book containing biographies and quotes from our founding fathers. Mr. Barton will be speaking at Foothills Bible Fellowship and Maranatha Chapel.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A120-136.)

PUBLIC COMMENT-3:

Comment by Forrest Curo regarding the Housing Commission's reaction to an informational request and polite criticism. He said Mel Shapiro, a longtime critic of the Housing Commission and writer for his paper, has been trying to get public information from the public information officer, but was refused service due to a

button Mr. Shapiro was wearing. Mr. Shapiro does not intend any sort of criminal act against the Housing Commission, but merely wants the Commission to house those in need.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A137-157.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Vargas introduced a group of police officers from Mexico that were here participating in the International Police Program. Today was their orientation and they will be here all week under the auspices of Lt. Rodriquez.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A158-168.)

COUNCIL COMMENT-2:

Council Member Stallings congratulated the community for two wonderful cleanup efforts. She said about 50 kids and adults participated in trash removal, painting out graffiti, and the removal of non-native vegetation at Rosecreek in Pacific Beach. The other was in the Mission Valley Preserve in which 60 kids from the YMCA PRYDE Program helped out and did a terrific job. Ms. Stallings also thanked the friends of Mission Valley Preserve and Robert La Rosa and Gloria Carillo from the Nature School in Pacific Beach for all their work.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A169-180.)

COUNCIL COMMENT-3:

Council Member Warden announced that on Saturday they had the seventh gun-lock giveaway. It was held at Qualcomm Stadium where about 1,400 trigger locks were given away. She said this event brings the total to over 7,000 trigger locks given away. Ms. Warden said the awareness to keep guns locked has been intensified by the tragedy that occurred in Colorado, but hopefully we have 7,000 guns that are safer in San Diego. She stated that at least more people are aware of the need to keep guns locked up.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A181-188.)

COUNCIL COMMENT-4: REFERRED TO THE CITY MANAGER

Deputy Mayor Wear thanked the Police Department's response to the public safety issues which were raised in Mission Beach in the last few weeks. He said the police were out in force and the traffic issues were taken care of. Mr. Wear also thanked the City Manager for his response in this matter.

Deputy Mayor Wear also announced that he and Council Member Vargas visited Mendoza School, due to open July 5th, which is in an area shared by Council Districts 2 and 8 in South Bay. They are in desperate need of a traffic signal to be installed and said the South Bay Union School District is willing to advance the money to move forward with the project. Mr. Wear wanted to move forward to get it designed and constructed before the school opens, otherwise, a stop sign will need to be installed which will dramatically affect traffic and result in other public safety issues along Coronado Avenue in South Bay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A189-209.)

ITEM-30: Two actions related to the Confirmation of Appointment of the Chief of Police.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1168 Corr.Copy) ADOPTED AS RESOLUTION R-291514

Waiving Council Policy 300-8.

Subitem-B: (R-99-1169 Corr.Copy) ADOPTED AS RESOLUTION R-291515

Confirming the City Manager's appointment of David Bejarano to be the Chief of Police per City Charter Section 57.

FILE LOCATION: Subitems A,B: MEET

COUNCIL ACTION: (Tape location: A210-C132.)

MOTION BY VARGAS TO ADOPT THE RESOLUTIONS CONFIRMING THE CITY MANAGER'S DESIGNATE FOR CHIEF OF POLICE, DAVID BEJARANO, PER CHARTER SECTION 57, AND WAIVING COUNCIL POLICY 300-8. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50: Leash-Free Areas for Dogs in Parks and Process for Establishing Future Leash-Free Areas.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/12/99. (Council voted 7-0. Councilmember Warden and Mayor Golding not present.):

(O-99-90) ADOPTED AS ORDINANCE O-18642 (New Series)

Amending Chapter VI, Article 3, Division 1 of the San Diego Municipal Code by amending Section 63.0102, relating to Regulating the Use of Public Parks and Beaches.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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

* ITEM-51: Rio Vista West.

(Mission Valley Community Area. District-6.)

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/13/99. (Council voted 7-0. Councilmember Warden and Mayor Golding not present.):

(O-99-110) ADOPTED AS ORDINANCE O-18643 (New Series)

Repealing Ordinance Number O-18626 (New Series), adopted February 16, 1999, and approving the Seventh Amendment to the First San Diego River Improvement Project Development Agreement between the City of San Diego and Calmat Co., thereby amending the Development Agreement adopted December 6, 1982, including the first amendment adopted August 1, 1983; the second amendment adopted March 16, 1987; the third amendment adopted October 19, 1992; and the fourth, fifth, and sixth amendments adopted February 22, 1994.

FILE LOCATION: DEV'L - FSDRIP, Rio Vista West (07)

COUNCIL ACTION: (Tape location: C133-186.)

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

* ITEM-52: Parking Meters on W. University Avenue.

(Uptown Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/12/99. (Council voted 7-0. Councilmember Warden and Mayor Golding not present.):

(O-99-114) ADOPTED AS ORDINANCE O-18644 (New Series)

Establishing a two-hour metered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted on the north and south sides of W. University Avenue between First Avenue and Albatross Street;

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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

- * ITEM-53: Master Lease Agreements for Financing the Acquisition of Equipment through Lease-Purchase.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/12/99. (Council voted 7-0. Councilmember Warden and Mayor Golding not present):

(O-99-151 Corr.) ADOPTED AS ORDINANCE O-18645 (New Series)

Authorizing a Master Lease Agreement with Pitney Bowes Credit Corporation (PBCC), to serve as a primary lease provider for the 3, 4 and 5-year lease terms and as a primary back-up lease provider for the 6 and 7-year lease terms for the purpose of financing the acquisition of equipment through lease-purchase;

Authorizing a Master Lease Agreement with BA Leasing and Capital Corporation (BALCAP) to serve as a primary lease provider for the 6 and 7-year lease terms for the purpose of financing the acquisition of equipment through lease-purchase;

Authorizing a Master Lease Agreement with GE Capital Public Finance Corporation (GE Capital) to serve as a primary back-up lease provider for the 3, 4 and 5-year lease terms and as a secondary back-up lease provider for the 6 and 7 year lease terms for the purpose of financing the acquisition of equipment through lease-purchase;

Authorizing the Lease Refinance Agreement with the most qualified proposer for the purpose of refinancing equipment through lease-purchase when interest rate conditions merit.

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

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: C133-186.)

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

* ITEM-54: Transfer of Non-Exclusive Solid Waste Collection Franchise.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-112) INTRODUCED, TO BE ADOPTED MAY 17, 1999

Introduction of an Ordinance transferring the Non-exclusive Franchise Agreement from Mashburn Waste and Recycling Services, Inc. to EDCO Disposal Corporation.

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

On December 13, 1996, the City Council enacted Ordinance O-18353, which amended the San Diego Municipal Code to established Non-exclusive Franchises for solid waste haulers and authorized the City Manager to execute Non-Exclusive Franchise Agreements with the City's seventeen existing licensed solid waste haulers. Under City Charter Section 103, these franchises can be transferred by an ordinance of the Council. Charter Section 103 states as follows: "For the purpose of this Section, a Council approved transfer shall be required when there is any change in the legal structure of the entity which holds the franchise, which change alters the ownership or control of the entity. Such changes include, but are not necessary limited to sale, lease, assignment..." It further states that "Absent Council approval, the franchise shall not be deemed to have been transferred to the new entity."

In August 1998, EDCO Disposal Corporation acquired all assets of Mashburn Waste and Recycling Services, Inc. and subsequently applied to have the franchise transferred to EDCO Disposal Corporation dba EDCO Waste and Recycling Services, Inc. City staff has reviewed the application and determined that EDCO Disposal Corporation possesses all the technical and financial requirements for securing a Non-Exclusive Franchise and that the transfer will not have an adverse impact on competition for solid waste hauling services in the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C133-186.)

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-55: Non-Exclusive Solid Waste Franchises.

(See City Manager Report CMR-99-81.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-113) INTRODUCED, TO BE ADOPTED MAY 17, 1999

Introduction of an Ordinance awarding nonexclusive solid waste collection franchises to Norcal Disposal and Recycling, Inc., and John Smith Earthworks;

Authorizing the City Manager to execute franchise agreements with the haulers.

NOTE: **6** votes required pursuant to Section 103 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C133-186.)

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-100: Transfer of Funds for El Camino Real and San Dieguito Road Improvements.

(Carmel Valley, NCFUA subarea II, Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1102) ADOPTED AS RESOLUTION R-291516

Authorizing the City Auditor and Comptroller to transfer and appropriate an amount not to exceed \$125,560.70 from Fund 39051, CIP-52-523.0, El Camino Real Widening (right turn), Fairbanks Country Club Facility Development to El Camino Real Improvement, CIP-52-479.0;

Authorizing the City Auditor and Comptroller to transfer and appropriate an amount not to exceed \$50,000 from Fund 39051, CIP-52-523.0, El Camino Real Widening (right turn), Fairbanks Country Club Facility Development to San Dieguito Road Improvements, CIP-62-303.0;

Authorizing the expenditure of an amount not to exceed \$125,560.70 from Fund 39051, CIP-52-479.0, El Camino Real Improvement - Half Miles Drive to Via de la Valle.

CITY MANAGER SUPPORTING INFORMATION:

CIP-52-523.0 required the construction of a right turn lane from El Camino Real onto Eastbound Via de la Valle as a short term solution to relieve traffic congestion at this intersection. This work has been completed, therefore, we recommend CIP-52-523.0, Fund 39051, be closed, and all remaining funds be transferred and authorized for expenditure in the following Capital Improvement Projects:

Transfer of \$125,560.70 from CIP-52-523.0 into El Camino Real widening CIP-52-479.0, Fund 39051, which will improve the roadway to four lanes.

Transfer the remaining \$50,000 from CIP-52-523.0 into San Dieguito Road Improvement CIP-62-303.0, Fund 39051 since it is currently in construction and additional funds are needed to complete this work.

Aud. Cert. 9901017.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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: Parking Meters on Island Avenue and Union Street.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1094) ADOPTED AS RESOLUTION R-291517

Establishing a two-hour metered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the north side of Island Avenue between Front Street and Union Street, and on the east side of Union Street between Island Avenue and Market Street;

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

CITY MANAGER SUPPORTING INFORMATION:

This action establishes two-hour metered time limit parking zones effective between 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the north side of Island Avenue between Front Street and Union Street and on the east side of Union Street between Island Avenue and Market Street. Council approval is required according to San Diego Municipal Code, Section 82.04.

The establishment of two-hour metered zones along the subject segments of Island Avenue and Union Street was requested by the Children's Museum. Recent studies indicate that these segments are heavily impacted by long term parking. The average parking occupancy on Island Avenue is 94 percent, the average parking duration is 3.03 hours, and the average turnover is 3.1 parkers per space. Also, the average parking occupancy on Union Street is 100 percent the

average parking duration is 5.0 hours, and the average turnover is 2.0 parkers per space. Therefore, both segments satisfy the criteria established in Council Policy 200-04 for the installation of parking meters. A petition representing 100 percent of the affected properties was submitted in support of this action. The Centre City Development Corporation supports this action.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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: Southern California Comprehensive Water Reclamation and Reuse Study.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1135) ADOPTED AS RESOLUTION R-291518

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$450,000 within Fund No. 41500 from CIP-70-943.0, North City Raw Sludge & Water Pipelines, to CIP-70-915.0, Southern California Comprehensive Water Reclamation and Reuse Study;

Authorizing the expenditure of an amount not to exceed \$47,887.33 from Fund No. 41500, CIP-70-915.0. Southern California Comprehensive Water Reclamation and Reuse Study to provide funds for project related administrative costs, as previously authorized by the Council in Resolution Number R-282625 adopted on September 13, 1993.

CITY MANAGER SUPPORTING INFORMATION:

Due to extensions of the schedule for the subject study and delays in invoicing by the U.S. Bureau of Reclamation, the council-approved funding for Agreement No. 3-SC-93-0001 between the United States Department of the Interior, Bureau of Reclamation and The Metropolitan Water District of Southern California, Santa Ana Watershed Project Authority, City of San Diego, San

Diego County Water Authority, City of Los Angeles, California Department of Water Resources and West Basin and Central Basin Municipal Water Districts was transferred to other council-authorized capital improvement projects where the funding could be put to more immediate use. The agreement was subsequently amended to add another cooperating partner, the South Orange County Reclamation Authority. The Bureau of Reclamation is funding 50% of the cost of this \$6,000,000 study, and each of the other eight cooperating partners are providing funds on an equal share basis for the remaining 50% of the study cost. Phase 11 of this study of regional reclaimed water reuse is now proceeding, with a scheduled completion date for the entire study of March 2000. This transfer of \$450,000 from CIP-70-943.0 to CIP-70-915.0 will fund the City's share of the aforementioned study and agreement in the amount of \$402,112.67, previously authorized by City Council on Resolution R-282625, adopted on September 13, 1993, along with additional project related costs in the amount of \$47,887.33 for administration.

Aud. Cert. 9901078.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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: Reimbursement Agreement - San Dieguito Regional Open Space Park Joint Powers Authority.

(San Pasqual Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1130) ADOPTED AS RESOLUTION R-291519

Authorizing the execution of a Reimbursement Agreement with the San Dieguito River Valley Regional Open Space Joint Powers Authority (JPA), for survey and restoration plans for the Sikes Adobe preliminary environmental review and site plan for Sikes Adobe Visitor's Center and other projects in the San Dieguito Regional Open Space within the City of San Diego;

Authorizing the City Auditor and Comptroller to expend all funds in Fund 60361, reserving up to \$5,000 for City administrative expenses and appropriating the remainder to the JPA for the purpose stated in the agreement.

CITY MANAGER SUPPORTING INFORMATION:

In 1987, City Council, per Resolution R-268542, accepted a donation of \$100,000 from Western Sun Suites Rancho Bernardo Limited to be used solely for acquisition, maintenance or development of the proposed San Dieguito Regional Open Space Park. These funds have been held by the City and accruing interest. The San Dieguito River Valley Open Space Joint Powers Authority (JPA) at their April 17, 1998 meeting voted to request the City to transfer funds to the JPA.

This action, if approved, will authorize execution of an agreement with the JPA to effect the transfer and provide a work program for expenditure of the funds. The work program includes the following: a restoration plan for the Sikes Adobe, a site plan for a visitors' center complex and gateway to the Open Space Park, maintenance and improvement to the San Dieguito River Valley Open Space Park, reserve for matching grants and preliminary restoration and Site Preparation of the Sikes Adobe. It is expected that the City will incur some costs in administering the reimbursement and is reserving up to \$5,000.00 for that purpose. Any funds not needed will be transferred to the JPA.

Aud. Cert. 9901068.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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: Agreement with Moffatt, Nichol & Ferver Engineers.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1137) ADOPTED AS RESOLUTION R-291520

Authorizing an agreement with Moffatt, Nichol and Ferver Engineers, for consulting services to provide design services for the Bayview Reservoir Project;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$762,871 from Water Revenue Fund 41500, Bayview Reservoir, CIP-73-236.0, for providing funds for the project.

CITY MANAGER SUPPORTING INFORMATION:

The Bayview Reservoir was originally constructed in 1950 to provide increased water storage in the La Jolla and Mission/Pacific Beach service area. The facility was constructed as an earth berm structure with concrete lining and has a capacity of 10 million gallons (MG). This reservoir is supplied by the 30-inch diameter Kearny Mesa Pipeline and conveys water to the service area via the Electric Avenue Pipeline and the Bayview Pump Plant. Since it was constructed, the reservoir has continued to be an integral component of the City's water system. Due to the age of the facility and the construction standards in place 50 years ago, the service life of the reservoir is approaching the end. A recent video inspection has shown that the existing structure is deteriorated to the point that replacement is necessary to ensure continued water quality and to address the existing concrete roof structure which is vulnerable to collapse. The City of San Diego entered into an agreement with Moffatt, Nichol & Ferver Engineers on July 10, 1989 (R-273945, \$490,255) authorizing design services for replacement of the Bayview Reservoir. The original design consisted of demolishing the existing 10 MG reservoir and replacing it with a larger 18 MG reservoir to address water system capacity considerations. This project design phase concluded in 1992 and was not scheduled for construction due to funding constraints. Over the past eight years since the 18 MG design was completed, installation of additional pipelines within the service area has reduced the need for additional water storage at this facility. This Council action is for a redesign of the project to reduce the reservoir from 18 MG to 10 MG. Given the consultant's knowledge and experience with the previous design, time and cost efficiencies will be realized by retaining this firm to provide the requires services.

Aud. Cert. 9901067.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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: Amending the 1999 Legislative Calendar for Meetings of the City Council and Standing Committees.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1123) ADOPTED AS RESOLUTION R-291521

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 1999 through December 31, 1999, by adding the following Land Use and Housing Committee meetings:

1. Wednesday, May 12, 1999, at 1:00 p.m., in the Council Committee Room, 202 C Street, San Diego, CA 92101.
2. Wednesday, July 21, 1999, at 2:00 p.m., in the Council Committee Room, 202 C Street, San Diego, CA 92101.
3. Wednesday, September 15, 1999, at 2:00 p.m., in the Council Committee Room, 202 C Street, San Diego, CA 92101.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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: Excusing Mayor Susan Golding from the City Council Meetings of April 12 & 13, 1999.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1160) ADOPTED AS RESOLUTION R-291522

Excusing Mayor Susan Golding from attending the regularly scheduled Council meetings of April 12 and 13, 1999, due to other official City business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C133-186.)

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: Randy Edmonds Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-907) ADOPTED AS RESOLUTION R-291523

Commending Mr. Randy Edmonds, Jr. for his years of commitment and service to San Diego;

Proclaiming April 30, 1999 to be "Randy Edmonds Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C133-186.)

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: Chief Robert E. Osby Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1038) ADOPTED AS RESOLUTION R-291524

Commending Chief Robert E. Osby for forty years of service and dedication to the fire service;

Proclaiming April 28, 1999 to be "Chief Robert E. Osby Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C133-186.)

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: Appointment to the Tree Advisory Board.

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

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1152) ADOPTED AS RESOLUTION R-291525

Council confirmation of the appointment by the Mayor of Jeanne Zagrodnik to the Tree Advisory Board, in the category of District 3 Representative, for a term ending January 1, 2001, replacing Andrew Spurlock, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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: Appointment to the Board of the Public Facilities Financing Authority.

(See memorandum from Mayor Golding dated 4/9/99 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1134) ADOPTED AS RESOLUTION R-291526

Council confirmation of the appointment by the Mayor of M. Faye Wilson to serve as a member of the Commission of the Public Facilities and Financing Authority, for a term ending January 11, 2003, replacing Christine M. Frahm, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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: Appointment to the Small Business Advisory Board.

(See memorandum from Mayor Golding dated 4/19/99 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1133) ADOPTED AS RESOLUTION R-291527

Council confirmation of the appointment by the Mayor of Wayne A. Dunlap, to serve as a member of the Small Business Advisory Board, for a term ending July 1, 2000, representing the Member at Large category, replacing Jeanne M. Zagrodnik, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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: Appointment to the Housing Advisory and Appeals Board.

(See memorandum from Mayor Golding dated 4/8/99 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1131) ADOPTED AS RESOLUTION R-291528

Council confirmation of the appointment by the Mayor of Frank L. White to serve as a member of the Housing Advisory and Appeals Board, for a term ending March 1, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. 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-113: Amending the 1999 Legislative Calendar and Standing Committees for the City of San Diego City Council to cancel the regularly scheduled meeting of Monday, May 3, 1999 and add a Special Council Meeting on Monday, May 3, 1999 at 10:00 a.m., at 202 C Street, 12th floor - Council Chambers, San Diego, CA 92101.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1176 Corr. Copy) ADOPTED AS RESOLUTION R-291529

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 1999 through December 31, 1999, to cancel the regularly scheduled meeting of Monday, May 3, 1999 and add a Special Council Meeting on Monday, May 3, 1999 at 10:00 a.m., at 202 C Street, 12th floor - Council Chambers, San Diego, CA 92101, for the sole purpose of the Council making final recommendations on Community Development Block Grant appropriations for FY2000, consideration of the draft FY2000 City of San Diego Consolidated Annual Plan for submission to the U.S. Department of Housing and Urban Development, and designation of a site for the new Main Library.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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: Excusing Councilmember Christine Kehoe from the PS&NS meeting of 4/14/99.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1175) ADOPTED AS RESOLUTION R-291530

Excusing Councilmember Christine Kehoe from attending the regularly scheduled Public Safety and Neighborhood Services meeting of April 14, 1999, because of attendance at the California Coastal Commission.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C133-186.)

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: Agreements with O'Brien-Kreitzberg Incorporated and the Corrao Brady Group.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1120) ADOPTED AS RESOLUTION R-291531

Authorizing the City Manager to execute a phase-funded agreement with O'Brien-Kreitzberg, Incorporated, for Construction Management Services, Phase 1 amount of \$345,843, with Phase 1 to begin on the date of award;

Authorizing the City Manager to execute a phase-funded agreement with the Corrao Brady Group, for Construction Management Services, Phase 1 amount of \$345,499, with Phase 1 to begin on the date of award;

Authorizing an expenditure of an amount not to exceed \$8,049,170 from Fund 41500 (\$3,993,914 for O'Brien-Kreitzberg, Incorporated and \$4,055,256 for the Corrao Brady Group), provided that the City Auditor first furnishes one or more

certificates demonstrating that the funds necessary for such expenditure, under established contract funding are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess unbudgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is continuing with implementation of the system-wide Capital Improvements Program (CIP) for the scheduled upgrade, expansion and rehabilitation of the City's water system. Many of these CIP projects are approaching final design and will be ready to advertise for construction in the coming months. As these projects transition from the design phase, a focused approach in the Construction Management (CM) of these various facilities has been given a high priority. Based on the projects to be constructed and the importance of meeting state mandated completion milestones, it was decided that the most efficient, cost effective method to ensure adherence to design performance standards was through specialized CM services.

This decision required the careful selection of professional CM consultants that were familiar with the numerous demands associated with a major infrastructure program. To adequately address the requisite attributes, Requests for Qualifications were issued, proposals were received, 12 firms were interviewed by a panel composed of staff representing the City's Water Department and EOCP, the County Water Authority and the American Society of Civil Engineers. Using essential criteria including resource flexibility, program knowledge, dedicated personnel, consistency, commitment, and specific skills/abilities, two firms were chosen to provide system-wide CM services. The selected firms were the Corrao Brady Group and O'Brien-Kreitzberg Incorporated. These CM firms will provide all aspects of support during construction of water system facilities for a three year period. Work will be assigned to a particular CM firm based on the relationship to other water system projects, individual project requirements and overall efficiency in the use of professional CM services.

Aud. Certs. 9901069 and 9901070.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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

ITEM-201: Amended and Restated Agreement with Orrick Herrington & Sutcliffe and Webster & Anderson for Water and Wastewater Financing and Other Financing Matters Bond Counsel.

(District-6.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1139) ADOPTED AS RESOLUTION R-291532

Authorizing an Amended and Restated Agreement with Orrick, Herrington & Sutcliffe and Webster & Anderson for Bond Counsel Services relating to Water and Wastewater Financing and Other Financing Matters;

Authorizing the expenditure of an amount not to exceed \$438,637.70 (\$15,000 from Water Fund 41500, Dept. 760, Org. 328, J.O. 003284; \$10,000 from Convention Center Expansion Fund 102212, Dept. 102212, Org. 100, J.O. 000017; \$225,000 from MWWD Fund 41509, Dept. 777, Org. 445, Job Order 005024; \$4,000 from Ballpark Fund 102213, Dept. 102213, J.O. 000200; \$128,900 from Convention Center Expansion Fund 91202, Dept. 91202, Org. 1000; J.O. 001003; and \$55,737.70 from Water Fund 91116, Dept. 91116, J.O. 001002), for the agreement.

CITY MANAGER'S SUPPORTING INFORMATION:

The Amended and Restated Agreement with Orrick Herrington & Sutcliffe (Orrick) and Webster & Anderson (Webster) is for bond counsel, disclosure counsel, and post-closing investment services for the Water Department, the Metropolitan Wastewater Department, and the San Diego Convention Center financings. Additionally, Orrick is providing other legal services pertaining to other financing matters for the Water Department, the Metropolitan Wastewater Department and the Ballpark. The amendments to the contract with Orrick and Webster are due to additional work the City has requested them to perform relating to the various financing matters discussed above.

Aud. Cert. 990100.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

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: Two actions related to Naval Training Center - Lease Modification #8.

(Point Loma Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1166) ADOPTED AS RESOLUTION R-291533

Authorizing the City Manager to execute Modification No. 8 to Lease No. N6871196RP0607, with the United States of America, Department of the Navy, for the purpose of extending the term of the agreement and by adding additional buildings, landscape areas, thoroughfares, and parking areas to the City's leasehold.

Subitem-B: (R-99-1167) ADOPTED AS RESOLUTION R-291534

Authorizing the City Manager, or Designee, to make application to the Secretary of Health and Human Services for the United States of America to acquire certain property at the Naval Training Center pursuant to the provisions of Section 203(K) (1) of the Federal Property and Administrative Services Act of 1949.

CITY MANAGER SUPPORTING INFORMATION:

The City Manager has negotiated an eight modification to the Master Lease with the Navy which will extend the term of the agreement through April 30, 2000, or until the Naval Training Center (NTC) property is transferred to the City, whichever occurs first. In addition this modification will add to the leased area a landscaped area known as Sellers Plaza; add thoroughfares and additional parking areas; add "H" style barrack building nos. 55-63, 66, 67 & 73, that are located on Camp Nimitz; and will provide an option for the City to acquire buildings that are currently occupied by the Navy's Public Works Center, when they are vacated by the Navy. In addition, the City Manager is requesting authorization to apply for the transfer of the water and sewer systems

within the NTC to the City. These systems have been determined by the Federal Government to be "surplus". The application will be submitted to the Secretary of Health and Human Services (H&HS) who oversees the transfer of Federal systems. The application review and authorization are necessary prior to the conveyance of the property. The application request was approved by the City Council on April 29, 1998. Specific language required by H&HS is included in the accompanying Council Resolution and will complete the application submittal requirements.

FILE LOCATION: Subitems A,B: LEAS - United States of America,
Department of the Navy (67)

COUNCIL ACTION: (Tape location: C133-186.)

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-203: Two actions related to EmTek Fund Phase Two Recapitalization.

(See City Manager Report CMR-99-79)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance in Subitem A, and adopt the resolution in Subitem B:

Subitem-A: (O-99-108) INTRODUCED, TO BE ADOPTED MAY 17, 1999

Introduction of an Ordinance authorizing a Recoverable Grant Agreement and Note with the Jacobs Center for Nonprofit Innovation to recapitalize phase two of the EmTek Fund Small Business Revolving Loan Program.

Subitem-B: (R-99-1107) ADOPTED AS RESOLUTION R-291535

Adoption of a Resolution authorizing the City Manager, or his designee, to administer phase two of the EmTek Fund Small Business Revolving Loan Program, including engaging in revenue-generating investing and lending activities and incurring expenses for related personnel costs, including engagement of a qualified Program Manager, and for non-personnel costs, as needed;

Authorizing the City Manager, or his designee, to accept the grant and authorizing the City Auditor and Comptroller to expend a \$25,000 Bank of America operating support grant and such other future operating support grants as may be received for similar purposes;

Authorizing the City Manager, or his designee, to open and maintain such private financial institution accounts and engage such investment and lending activities as may be required under the Program.

FILE LOCATION: Subitem A: NONE; Subitem B: MEET

COUNCIL ACTION: (Tape location: C133-186.)

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. 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-S400: Sanchez Appeal.

An appeal by Frank R. Sanchez, President of the Human-Powered Vehicle Association, from the decision of the Park and Recreation Department in denying a request to operate bicycle taxis to transport passengers to and from the 10th Annual Earth Fair in Balboa Park on April 18, 1999. The proposed activity was to be limited to the area from the San Diego Museum of Man to the outlying areas West of Balboa Park using a maximum of six vehicles.

(District-3.)

TODAY'S ACTION IS: DENY THE APPEAL, DENY THE PERMIT

To approve or disapprove issuance of the permit.

SUPPORTING INFORMATION:

The appeal is being requested for a denial of a request to operate a maximum of six bicycle taxis in Balboa Park for Earth Day events in Balboa Park on April 18, 1999.

Frank Sanchez received the Park and Recreation Department's denial of his request within three days of receipt of his request by the Department, the time allowed by San Diego Municipal Code Section 63.0103(c).

Mr. Sanchez filed his appeal with the City Clerk on April 15, 1999. The date of the event was the following Sunday, April 18, 1999.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C133-186.)

MOTION BY KEHOE TO DENY THE APPEAL AND DENY THE PERMIT WITH DIRECTION TO REFER THE ISSUES OF POLICY AND WORKING OUT THE DETAILS OF THE RFP TO THE PS&NS COMMITTEE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:27 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C550-552).