

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 TUESDAY, JUNE 8, 1999
 AT 9:00 A.M.
 IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:22 a.m. Mayor Golding recessed the regular meeting at 10:46 a.m. to convene the Housing Authority and the Redevelopment Agency thereafter. Mayor Golding reconvened the regular meeting at 10:50 a.m. with all Council Members present. The meeting was recessed by Mayor Golding at 12:07 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:15 p.m. with all members present. Mayor Golding recessed the regular meeting at 2:15 p.m. to reconvene the Redevelopment Agency. Mayor Golding reconvened the regular meeting at 3:20 p.m. with all members present.

Mayor Golding welcomed and introduced San Diego Chargers Natrone Means, Ralleigh Roundtree, Troy Sienkiewicz, and Melvin Johnson who came to the City Council Meeting to say some very special words, and to thank everyone for their support. Mayor Golding wished the Chargers luck next season and further expressed that we were going to host the Super Bowl in 2003, and that she hoped the Chargers would be playing in it.

Mayor Golding adjourned the meeting at 4:00 p.m. into Closed Session immediately following the regular meeting in the twelfth floor conference room to discuss real property negotiation matters.

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 (mc/pr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-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

CLOSED SESSION ANNOUNCEMENT:

Assistant City Attorney Les Girard announced that the afternoon Closed Session regarding the matter of action by the Port District approving a Term Sheet with Manchester Resorts for the development of a 1200 room hotel on the Campbell Shipyard site would be continued to Wednesday, June 9, 1999 at 5:00 p.m., at the Horizon Fellowship Conference Room at 5331 Mt. Alifan Drive, San Diego.

FILE LOCATION: Minutes

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding the anniversary of the Declaration of Independence on July 4th and the importance of it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A025-047.)

PUBLIC COMMENT-2:

Comment by William E. Claycomb regarding the Silicon Cell Photovoltaic Electricity Generation. He informed Council that in June, 1974, congressional testimony was given by Dr. H. Guyford Stever, Eugene L. Ralph, Dr. Charles E. Backus and Dr. Paul Rappaport, stating that by the year 2000 silicon cells photovoltaic and silicon cells panels would be selling for \$100 to \$500 per kilowatt. Mr. Claycomb stated that the reason that the top scientists and engineers were so far off and wrong 25 years ago, is because the oil, gas, coal and nuclear energy industry made sure that photovoltaic did not happen.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A048-067.)

PUBLIC COMMENT-3: REFERRED TO CITY ATTORNEY

Comment by Michael Bartelmo regarding the article in the June 3, 1999 Union Tribune newspaper, that presented the positive impact that medical marijuana has had on patients suffering from a variety of illnesses to alleviate pain and discomfort. Mr. Bartelmo requested that a resolution be adopted endorsing the medical use of marijuana for patients when recommend by their doctor.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A069-106.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Stallings announcing that on Saturday, June 12, 1999, from 8:00 a.m. until 1:00 p.m., Council Districts 1, 5 and 6, and the Tecolote Citizens Advisory Committee, the Marian Bear Natural Park Recreation Council, the Rose Canyon Council and the tri-canyon rangers will be having another tri-canyon cleanup. Volunteers are to meet at the North Clairemont Recreation Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A109-121.)

COUNCIL COMMENT-2:

Comment by Council Member McCarty stating that last Saturday, June 5, 1999, they had sixty volunteers in Tierrasanta cleaning out a very steep canyon in less than two hours. The volunteers pulled up garbage cans full of trash using pulley ropes. Ms. McCarty expressed her thanks and appreciation to all those who took part in that endeavor.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A122-132.)

COUNCIL COMMENT-3:

Comment by Deputy Mayor Wear announcing the groundbreaking for the new Robb Field Skateboard Park and the new soccer and rugby fields at Robb Field on Friday, June 11, 1999, at 3:30 p.m. Mr. Wear stated that it will be the largest skateboard park in our City's history.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A133-139.)

ITEM-30: Diana L. Celle Day.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1391) CONTINUED TO MONDAY, JULY 19, 1999

Commending Diana L. Celle for her outstanding contribution to Holmes Elementary School, commitment to her students, and success with the national Toshiba Explora Vision and Craftsman Young Inventer competitions.

Proclaiming Tuesday, June 8, 1999 to be "Diana Celle Day" in San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A551-047.)

MOTION BY STEVENS TO ADOPT ITEMS 33 AND 34 AND TO CONTINUE ITEM 30 TO JULY 17, 1999, FOR FURTHER REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: Philippine Independence Anniversary Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1416) ADOPTED AS RESOLUTION R-291742

Proclaiming June 6 through 12, 1999 as "Philippine Independence Anniversary Week" in San Diego in recognition of the 101st anniversary of Philippine independence from Spain, and the ongoing efforts of the Council of Philippine American Organizations of San Diego County to raise Filipino awareness within the community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A300-395; A445-449.)

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

ITEM-32: National Homeownership Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1427) ADOPTED AS RESOLUTION R-291743

Commending the Board of Directors and SANDAG for their support in increasing homeownership;

Proclaiming the week of June 5 through 12, 1999 as "National Homeownership Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A396-449.)

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

ITEM-33: Mr. Hartwell W. Ragsdale Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1424) ADOPTED AS RESOLUTION R-291744

Commending Mr. Hartwell W. Ragsdale for his years of commitment and service to San Diego;

Proclaiming June 8, 1999 to be "Mr. Hartwell W. Ragsdale Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A450-550; B040-047.)

MOTION BY STALLINGS TO ADOPT ITEMS 33 AND 34 AND TO CONTINUE ITEM 30 TO JULY 19, 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-34: Recognition and Presentation of Prosecutor of the Year 1998 Award.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1432) ADOPTED AS RESOLUTION R-291741

Recognition and Presentation of Prosecutor of the Year 1998 Award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A551-B047.)

MOTION BY STALLINGS TO ADOPT ITEMS 33 AND 34 AND TO CONTINUE ITEM 30 TO JULY 19, 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-35: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

5/10/99 Adjourned
5/11/99 Adjourned
5/17/99 Adjourned
5/18/99

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A140-316.)

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

* ITEM-100: Inviting Bids for the repair of the Harris Plant Road Bridge over Kearny Villa Road.

(Miramar Naval Air Station Community Area. Districts-5 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1329) ADOPTED AS RESOLUTION R-291746

Inviting bids for the repair of the Harris Plant Road Bridge over Kearny Villa Road on Work Order No. 322254;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the appropriation of \$330,000, Gas Tax Funds 30219, received from the property damage settlement claim vs. Dalton Trucking, Inc., Jay Smollen,

Brian Krotje and Cal Permits, for Repair of Harris Plant Road Bridge over Kearny Villa Road, J.O. 322243;

Authorizing the expenditure, not to exceed \$397,000 from J.O. 322254, Fund 30219 for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury; and authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On October 4, 1996, the Harris Plant Road Bridge over Kearny Villa Road suffered extensive damage when it was struck on the underside by a 12 foot diameter piece of concrete pipe. The pipe was being transported on a tractor-trailer combination owned by Dalton Trucking. On October 3, 1997, suit was filed in Superior Court against Dalton, its vehicle operators and permit coordinator Cal Permits. On September 15, 1998, the City Council approved settlement of the lawsuit for a total payment of \$330,000 from the defendants. Payment has been received and the case dismissed.

Aud. Cert. 9901114.

FILE LOCATION: W.O. 322254, CONT - R.J. Bullard Construction

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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: Two actions related to Business Improvement District Budgets for Fiscal Year 2000.

(Mid-City, Center City, Uptown, Greater North Park, Old San Diego, Ocean Beach, La Jolla, Linda Vista, Clairemont Mesa, Southeast San Diego, College Area, Mission Beach, Pacific Beach and San Ysidro. Districts-1, 2, 3, 4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1225) ADOPTED AS RESOLUTION R-291747

Adoption of a Resolution accepting the budget report for each Business Improvement District for July 1, 1999 through June 30, 2000 (FY2000).

Subitem-B: (R-98-1226) ADOPTED AS RESOLUTION R-291748;
HEARING SCHEDULED FOR TUESDAY,
JUNE 29, 1999, AT 10:00 A.M.

Resolution of Intention to levy an annual assessment within previously established Business Improvement Districts for July 1, 1999 through June 30, 2000 (FY 2000) and setting Tuesday, June 22, 1999 as the noticed public hearing for that purpose.

CITY MANAGER SUPPORTING INFORMATION:

Business Improvement Districts (BIDS) are authorized by State law to assess benefitted businesses for the cost for certain activities. These activities are generally promotional in nature. Once a BID is established the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently 18 active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Central, El Cajon Boulevard Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Mission Hills, Morena, North Park, Ocean Beach, Old Town, Pacific Beach and San Ysidro.

State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. The actions being taken today are: accept the budget reports and set Tuesday June 22, 1999 for the public hearing to levy the proposed assessment for each BID for FY 2000.

FILE LOCATION: Subitems A & B: STRT - L-1, L-2, L-3, L-4, L-5, L-6,
L-7, L-8, L-9, L-11, L-12, L-13, L-14, L-15, L-16, L-17,
L-19, L-20 (32)

COUNCIL ACTION: (Tape location: A140-316.)

Mayor Golding announced that the hearing date has been changed to June 29, 1999, at 10:00 a.m.

CONSENT MOTION BY STEVENS 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: Excusing Councilmember Stallings from attending the Council Meetings of May 24 and 25, 1999, and NR&C Committee Meeting of May 26, 1999.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1381) ADOPTED AS RESOLUTION R-291749

Excusing Councilmember Valerie Stallings from attending the regularly scheduled Council meetings of May 24 and 25, 1999, and Natural Resources and Culture Committee meeting of May 26, 1999, due to her attendance at the APTA's Commuter Rail/Rapid Transit conference in Toronto, Ontario.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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: San Diego Veterans Memorial Day.

DEPUTY MAYOR WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1389) ADOPTED AS RESOLUTION R-291750

Proclaiming Monday, May 31, 1999 to be "San Diego Veterans Memorial Day" in recognition of those valiant men and women who gave their lives in the service of their country.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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: Aviation Safety Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1360) ADOPTED AS RESOLUTION R-291751

Recognizing and commending the San Diego Association of Aviation Safety Counselors for its dedication to improving aviation safety awareness;

Proclaiming June 19,1999 as "Aviation Safety Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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: Fund San Diego Opera \$40,000 to Conduct a Preliminary Case Statement and Feasibility Study for a New Landmark Performing Arts Center.

(North Embarcadero Redevelopment Zone Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1363 Rev.) ADOPTED AS AMENDED AS RESOLUTION
R-291752

Authorizing the City Manager to accept a \$40,000 loan repayment from the Redevelopment Agency into the Allocated Reserve Fund;

Approving the appropriation and transfer of \$40,000 to the Allocated Reserve Fund;

Authorizing the City Manager to execute an agreement with the San Diego Opera for the purpose of funding a Feasibility Study for a new landmark Performing Arts Center in North Embarcadero;

Authorizing the expenditure of an amount not to exceed \$40,000 from Fund 10001, Dept. 901, Allocated Reserve to San Diego Opera.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Opera is requesting the City to allocate \$40,000 to their Preliminary Case Statement and Strategic Feasibility Study leading to design and construction of a Landmark Performing Arts Center in the North Embarcadero redevelopment zone. The total cost for this study is \$120,000. Additional support for this project has been solicited to the County of San Diego and local philanthropist. The study will research the preliminary capital cost and operating cost estimates & projections; interview 25 to 30 community leaders for their level of interest; and identify potential funding sources and a site in the North Embarcadero redevelopment zone. Preparation of the Preliminary Case Statement and Strategic Feasibility Study will require an estimated 85 consultant days. It is scheduled to conclude within six months. The envisioned center would comprise at least two performing spaces with different capacities. It would be used by members of other art organizations in addition to the San Diego Opera. Among them are the La Jolla Chamber Music Society, San Diego Cinema Society, the California Ballet, City Ballet, Malashock Dance and others. On May 3, 1999, Council made funding decisions for the FY2000 Community Development Block Grant Program (CDBG). Included in that action was a \$40,000

allocation to the Centre City Development Corporation (CCDC) for the Little Italy Landmark Sign project. The funds came from Council District 2's CDBG allocation. Council District 2 put forward the CDBG allocation in exchange for a \$40,000 repayment of a CCDC Redevelopment Agency loan in order to fund the Performing Arts Center Feasibility Study. On May 14, 1999 the Centre City Development Corporation Board approved a \$40,000 loan repayment to the City of San Diego for purposes of contributing to the Performing Arts Center Feasibility Study.

Aud. Cert. 9901197.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS TO ADOPT THE RESOLUTION WITH THE AMENDMENT BY COUNCIL MEMBER VARGAS TO CHANGE THE FUNDING FROM \$40,000 TO \$50,000, TO REFLECT THE ADDITIONAL \$10,000 FROM COUNCIL DISTRICT 8, ADDED DURING THE CDBG PROCESS. 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: Hurlbut Street Improvements.

(Serra Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1411) ADOPTED AS RESOLUTION R-291753

Amending the Fiscal Year 1999 Capital Improvement Projects by adding CIP-52-685.0, Hurlbut Street Improvements;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$20,000 from CIP-58-007.0, Annual Allocation-Overhead / Other City Costs for Streets Projects, Capital Outlay Fund No. 30245 to CIP-52-685.0 Hurlbut Street Improvements;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$5,000 from CIP-37-200.0, Annual Allocation-Consultant Services / Right-of-Way Projects, Capital Outlay Fund No. 30245 to CIP-52-685.0, Hurlbut Street Improvements;

Authorizing the expenditure of an amount not to exceed \$25,000 from CIP-52-685.0, Hurlbut Street Improvements, Fund No. 30245 for work performed within the public right-of-way, said funds being TransNet Maintenance of Effort eligible.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for street improvement work along Hurlbut Street, adjacent to the Cabrillo Heights Park; improvements include drainage improvements, disabled parking signs, slurry seal and striping. The requested funds will be used for improvements in the public right-of-way and are considered eligible for TransNet Maintenance of Effort (MOE). The street improvements will be performed as part of the current Cabrillo Heights Ballfield project, W.O. 112708, which provides for the renovation of two existing ballfields, including drainage improvements, cobble removal and turf upgrades. Concurrent construction for both projects is projected to start in the summer of 1999.

Aud. Cert. 9901217.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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: Traffic Signal at Kearny Villa Road and Topaz Way.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1272) ADOPTED AS RESOLUTION R-291754

Amending the FY 1999 Capital Improvements Program by adding \$100,000 to CIP-68-010.0, Annual Allocation - Install Top 10-15 Signals, for the Traffic Signal and Street Light System at Kearny Villa Road and Topaz Way;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$100,000 from the Sewer Unallocated Reserves Fund 41509, Dept. 777, Org. 445, OA 4903, PE 777210 to CIP-68-010.0;

Authorizing the expenditure of an amount not to exceed \$100,000 from CIP-68-010.0 for the purpose of funding the design and construction of the Traffic Signal and Street Light System at Kearny Villa Road and Topaz Way.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager to transfer \$100,000 from the Sewer Unallocated Reserves, Fund 41509, to CIP-68-010.0, Annual Allocation - Install Top 10-15 Signals, to construct a Traffic Signal and Street Light System at the intersection of Kearny Villa Road and Topaz Way adjacent to the Metropolitan Water and Wastewater Department facilities. The action further authorizes the City Manager to amend the FY1999 Capital Improvement Program by adding \$100,000 to CIP-68-010.0, Annual Allocation - Install Top 10-15 Signals, for the Traffic Signal and Street Light System at Kearny Villa Road and Topaz Way.

Aud. Cert. 9901129.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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: Reappointments to the La Jolla Shores Planned District Advisory Board.

(See memorandum from Mayor Golding dated 5/7/99.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1307) ADOPTED AS RESOLUTION R-291755

Council confirmation of the reappointments by the Mayor of Janice A. Zamudio and Susan J. Stone to serve as members of the La Jolla Shores Planned District Advisory Board, for a term ending April 1, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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: Reappointments to the Old Town San Diego Planned District Design Review Board.

(See memorandum from Mayor Golding dated 5/7/99.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1306) ADOPTED AS RESOLUTION R-291756

Council confirmation of the following reappointments by the Mayor to serve as members of the Old Town San Diego Planned District Design Review Board:

REAPPOINTMENT

TERM ENDING

Kathleen A. Garcia
(Landscape Architect)

March 1, 2003

Jack Borgas
(Community Planning Committee)

March 1, 2003

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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: Inviting Bids for the Construction of Water and Sewer Group Job 530A.

(Old San Diego Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1328) ADOPTED AS RESOLUTION R-291757

Inviting bids for the Construction of Water and Sewer Group Job 530A on Work Order Nos. 173371/183331;

Authorizing the execution of a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller, first furnishes a certificate certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to return excess budgeted funds to the appropriate reserves;

Authorizing the expenditure of an amount not to exceed \$134,695 from Fund No. 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and \$1,341,286 from Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main

Replacement for the Construction of Water and Sewer Group 530A, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the use of City Forces to make connection and perform operational checks for a cost not to exceed \$197,738 from Water Fund 41500.
(BID-99247C)

CITY MANAGER SUPPORTING INFORMATION:

The Water and Sewer pipes along Taylor Street were constructed in 1928 to carry water and sewage within the Old San Diego Community, from Pacific Coast Highway to Presidio Street. The existing cast iron water main and concrete Sewer main is deteriorated and is in need of replacement. This project includes the installation of approximately 3,500 feet of 16-inch water main and approximately 500 feet of 8-inch Sewer main, along the same alignment. The construction of Water and Sewer Group 530A is subsequent to the construction completion of Water and Sewer Group 529, which is South of this project in the Peninsula and Midway Community Areas. Group 529 is currently under construction and at 55% completion. Water and Sewer Group 530 lies South of Water and Sewer Group 529, in Point Loma and the construction will be subsequent to Water and Sewer Group 530A.

WWF-99-375.

FILE LOCATION: W.O. 173371/183331, CONT - Southern California
Underground Contractors

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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-201: City Council Policy Regarding the Small Business Enhancement Program.

(See City Manager Report CMR-99-110.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1200) ADOPTED AS RESOLUTION R-291758

Establishing City Council Policy regarding the Small Business Enhancement Program and adding it to the Council Policy Manual.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B048-485.)

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

ITEM-202: Two actions related to Metropolitan Operations Center Expansion - Phase II.

(Kearny Mesa Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1292) ADOPTED AS RESOLUTION R-291759

Approving the acceptance by the City Manager of two Grant Deeds of Padres Investors LLC and Barrow Padres Kearny LLC, granting the City two parcels of land totaling 2.16 acres containing three industrial buildings totaling 32,038 square feet located at 5655 Kearny Villa Road and 9175 and 9181 Kearny Villa Court for the expansion of the immediately adjacent Metropolitan Operations Center.

Subitem-B: (R-99-1349)

ADOPTED AS RESOLUTION R-291760

Authorizing the City Auditor and Comptroller to amend the Capital Improvement Program budget to add CIP-45-942.0, Metropolitan Operations Center Expansion - Phase II in accordance with the Fiscal Year 1999 Annual Appropriation Ordinance;

Authorizing the City Auditor and Comptroller to transfer \$2,000,000 from the Assurance Program Reserve Fund No. 41508 to CIP-45-942.0, Metropolitan Operations Center Expansion - Phase II;

Authorizing the City Auditor and Comptroller to transfer \$1,800,000 from the Unallocated Reserve Fund No. 41508 to CIP-45-942.0, Metropolitan Operations Center Expansion - Phase II;

Authorizing the City Manager to expend an amount not to exceed \$3,800,000 from the Sewer Revenue Fund, Fund No. 41508, CIP-45-942.0, Metropolitan Operations Center Expansion - Phase II for the acquisition of necessary property rights and related costs of the acquisition.

CITY MANAGER SUPPORTING INFORMATION:

This action provides for the "opportunity acquisition" of two parcels totaling 2.16 acres of land with three industrial buildings totaling 32,038 sq. ft. located at 5655 Kearny Villa Road and 9175 & 9181 Kearny Villa Court immediately adjacent to the City's existing Metropolitan Operations Center. The two parcels being offered to the City were part of thirteen office and industrial buildings included in a bulk purchase from one property owner by an investment group in October 1998. The investment group subsequently offered these two parcels to the City. This purchase would complete the City's acquisition of the entire block and may be the City's last chance to acquire any additional structures immediately adjacent to its Metropolitan Operations Center for consolidation of its operations at one location and to provide for expansion. The acquisition meets department requirements identified several years ago for warehousing and other emergent needs attendant to the growing sewerage system. It will also provide a more efficient central location for technical equipment, training space, and associated function of the overall operation. There are three tenants currently occupying the properties with leases expiring in the years 2000, 2001, and 2002. Revenue generated from the existing leases will be deposited into Sewer Revenue Fund 41508 to offset the cost of the acquisition.

Aud. Cert. 9901198.

FILE LOCATION: Subitems A & B: DEED F-7514

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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-203: Accepting Donation for Central Area Police Substation.

(Logan Heights Neighborhood Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1430) ADOPTED AS RESOLUTION R-291761

Authorizing the City Manager to accept Sempra Energy for its generous donation of \$1,000,000 for CIP-36-056.0, Private Donation Fund 63022;

Amending the Fiscal Year 1999 Capital Improvements Program budget by increasing CIP-36-056.0, by the estimated interest earnings on the HUD Section 108 loan proceeds, Fund 18516, in the amount of \$200,000 reflecting a total project cost of \$11,703,552.86;

Authorizing the expenditure of a total amount not to exceed \$1,909,552.86 for CIP-36-056.0 for providing funds for the construction of CIP-36-056.0 for the specific purposes, from the accounts, and in the amounts set below:

<u>Purpose</u>	<u>From Account</u>	<u>Amount</u>
Increase the Acquisition budget	TOT Fund 102244	\$ 29,000.00
City Related Costs	State COPS Fund 18744	\$ 44,552.86
City Related Costs	Interest earned on HUD Sec. 108 Loan Fund 18516	\$ 200,000.00

<u>Purpose</u>	<u>From Account</u>	<u>Amount</u>
CityLink Contract Phase II	Private Donation Fund 63022	\$1,000,000.00
CityLink Contract Phase II	TOT Fund 102244	\$ 400,552.86
CityLink Contract Phase II	State COPS Fund 18744	<u>\$ 235,447.14</u>
	TOTAL	\$1,909,552.86

Authorizing the City Manager to proceed with Phase II of CityLink's contract for the construction of the parking garage which was previously put on hold per City Council Resolution R-290589.

CITY MANAGER SUPPORTING INFORMATION:

Sempra Energy is donating one million towards the construction of CIP-36-056.0. These Actions provide required funding for the completion of the project for a total project cost of \$11,703,552.86.

Aud. Certs. 9901226 and 9901227.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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-204: Replacement of the Central Animal Shelter.

(See City Manager Report CMR-99-109. Linda Vista Community Area.
District-6)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1426) ADOPTED AS RESOLUTION R-291762

Approving the conceptual financing plan for the replacement of the Central Animal Shelter at 5480 Gaines Street, as outlined in City Manager Report CMR-99-109;

Authorizing the City Manager to enter into exclusive negotiations with the San Diego Humane Society for sale of approximately 50-60 percent of the property at 5480 Gaines Street to co-locate the Humane Society with the replacement Central Animal Shelter;

Authorizing the City Manager to enter into necessary agreements with the County of San Diego, the Humane Society and consultants to proceed with a co-located animal care facility;

Amending the Capital Improvement Program (CIP) budget by adding CIP-37-259.0, Central Animal Shelter;

Authorizing the appropriation and expenditure of funds from sale of the property at 887 Sherman Street to the Humane Society in the amount of \$590,000 from Fund 302453, to CIP-37-259.0, Central Animal Shelter.

Authorizing the appropriation and expenditure of \$31,423.03 from Central Animal Shelter Fund 63089 to CIP-37-259.0, Central Animal Shelter.

Aud. Cert. 9901223.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B486-C276.)

MOTION BY STALLINGS TO ADOPT THE RESOLUTION, APPROVING THE RECOMMENDATION OF THE CITY MANAGER. 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: Approving, in concept, a Corporate Partnership Program.

(See City Manager Report CMR-99-108.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1390 Cor. Copy) ADOPTED AS RESOLUTION R-291745

Adopting, in concept, a Corporate Partnership Program;

Directing the City Manager to prepare a request for proposals to search the marketplace for a municipal marketing firm and negotiate an agreement for implementation of the corporate sponsorship program and forward to the City Council for approval;

Approving, in concept, the beverage vending program and directing the City Manager to forward a recommended proposal to the City Council for approval;

Directing the City Manager to work with the City Attorney to amend Council Policy 000-23, "Product Endorsement" and Council Policy 100-2, "City Receipt of Donations".

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E318-F187.)

MOTION BY WEAR TO ADOPT THE RESOLUTION WITH DIRECTION TO THE CITY MANAGER AS REQUESTED BY COUNCIL MEMBER McCARTY TO CONSIDER THE "ADOPT A SPOT" PROGRAM AS APPROVED BY COUNCIL IN 1993. 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-yea.

ITEM-206: Housing Trust Fund Program Plan Implementation Strategy for FY2000.

(See Housing Commission Report HCR-99-044.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1295) ADOPTED AS RESOLUTION R-291763

Authorizing the Housing Trust Fund Program Plan Implementation Strategy for
FY2000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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-207: In the matter of directing the City Manager regarding marketing the City's
leasehold interest in Lot 9 located at the Eastgate Technology Park.

As a requirement of the Brown Act (California Government Code Section
54956.8) this issue must be listed on the docket for public testimony prior to
Council discussion in Closed Session

TODAY'S ACTION IS: HEARING HELD, REFERRED TO CLOSED
SESSION

1) Open the Public Hearing and accept testimony from any members of the public
who wish to address the Council on this subject; 2) Close the public hearing; and
3) Refer the matter to Closed Session.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS TO REFER THIS ITEM 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.

5. To provide the Division with copies of the canceled checks documenting payment of the state match amount, on a quarterly basis.

CITY MANAGER SUPPORTING INFORMATION:

On March 17, 1997, City Council by Resolution R-288425 authorized the City Manager, or his duly designated representative, to conduct all negotiations, execute and submit documents, and apply for and enter into all loan agreements required to fund wastewater capital projects under the State Revolving Fund (SRF) Loan Program for funding of wastewater infrastructure. The City has recently been informed by the State Water Resources Control Board staff, that the SRF Loan Program guidelines require specific authorization from City Council for the City to participate in the zero/low interest loan option and identification of a dedicated source of revenue for loan repayment. This proposed action will meet the requirements of the SRF Loan Program. In addition, Council approval is requested to enter into the specific loans, under the SRF Loan Program, for the following projects: the Point Loma Digesters 7&8 for \$12,727,104; the Point Loma Central Boiler Facility for \$8,021,329; and the South Bay Water Reclamation Plant for Package 1, Site Preparation - \$3,785,518; Package 2, O&M Buildings - \$3,750,000; and Package 3, Process Facilities - \$52,500,000. The loan amount for the Point Loma Digesters 7&8, Point Loma Central Boiler Facility and South Bay Water Reclamation Plant, Package 1, are final and these projects are currently under construction. The loan amounts for South Bay Water Reclamation Plant Package 2 and Package 3 are estimates and the final loan amounts will be established after eligibility is determined by the State Water Resources Control Board.

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

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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-209: Two actions related to Year End Budget Adjustments.

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the Ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-99-130) HEARING HELD; TO BE INTRODUCED AND
ADOPTED ON JUNE 10, 1999

First public hearing in the matter of:

Amending Ordinance No. O-18551 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1998-99 and Appropriating the Necessary money to operate the City of San Diego for said Fiscal Year" by amending Document No. 00-18551, as amended and adopted therein.

NOTE: Subitem A requires two public hearings pursuant to Section 17 of the City Charter. The second public hearing for the introduction and adoption of the ordinance will be held on June 10, 1999.

Subitem-B: (R-99-1418) ADOPTED AS RESOLUTION R-291765

Authorizing Year-End Budget Adjustments.

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

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS TO APPROVE THE FIRST HEARING FOR SUBITEM-A AND TO ADOPT THE RESOLUTION FOR SUBITEM-B. 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: Amendments of the Housing Authority Revenue Bonds for Paseo Point Apartments, La Cima Apartments and Nobel Court Apartments.

(See San Diego Housing Commission Report HCR-99-063. District-1.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1428) ADOPTED AS RESOLUTION R-291766

Approving the reissuance of bonds by the Housing Authority of the City of San Diego for \$51,500,000 Multifamily Housing Revenue Bonds, 1985 Issue L, [Nobel Bonds]; \$43,640,000 Multifamily Housing Revenue Bonds, 1985 Issue K, [La Cima Bonds]; \$14,550,000 Multifamily Housing Revenue Bonds, 1994 Issue A, [Paseo Bonds], pursuant to Section 147(f) of the Internal Revenue Code of 1986.

NOTE: See the Housing Authority Agenda of 6/8/99 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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-211: Application to the State of California, Trade and Commerce Agency for designation of the Naval Training Center as a Local Agency Military Base Recovery Area (LAMBRA) Zone.

(District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1425 Cor.Copy)

ADOPTED AS RESOLUTION R-291767

Authorizing the City Manager, or designee, to apply to the State of California, Trade and Commerce Agency, for designation of the Naval Training Center (NTC) as a Local Agency Military Base Recovery Area (LAMBRA) Zone;

Authorizing the City Manager, or designee, to execute all documents to implement and carry out the purposes of the State of California, Trade and Commerce Agency LAMBRA program.

CITY MANAGER SUPPORTING INFORMATION:

Local Area Military Base Recovery Area (LAMBRA) legislation was signed into law in October, 1993 to stimulate job creation in areas experiencing military base down-sizing. LAMBRA designations are similar to Enterprise Zones. The designation allows communities to extend California tax credits to companies locating in a LAMBRA Zone. These tax credits include: 1) A 15-year net operating loss carryover; 2) Tax credits for sales and use taxes paid; 3) Hiring credits for wages paid; and 4) Various business expense deductions. LAMBRA's goal is to encourage private investment, business retention and new business in order to reemploy workers whose jobs were lost as a result of base closures. The LAMBRA designation will be an added incentive in the City's efforts to implement the NTC Reuse Plan and attract businesses to locate in NTC. The Economic Development Division currently manages two successful State Enterprise Zones (Metropolitan and San Ysidro / Otay Mesa). Upon authorization from the City Council to apply for designation by the State Office of Trade and Commerce and upon successfully competing for the LAMBRA designation, staff proposes to work with the Enterprise Zone (EZ) Program staff and the job development resources the EZ staff have developed with the San Diego Workforce Partnership in administering the LAMBRA Zone at NTC.

FILE LOCATION: MEET N.T.C. (67)

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS 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-310: Hillside Residence.

Request by Beatrice Hughes, Joanne Pearson, and Scot Peters, for a hearing of an appeal from the decision of the Planning Commission in approving the request for an application for a Coastal Development (CDP) and Hillside Review Permit (HRP) for the development of a 9,840 gross square foot, three story single family residence on a vacant 3.8 acre property. The project site is located at 7674 Hillside Drive.

(96-7549. La Jolla Community Plan Area. District-1.)

TODAY'S ACTION IS: GRANTED HEARING

A motion either granting or denying the request for a hearing of the appeal.

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, time has been reserved for the project to be heard on June 29, 1999 at 10:00 a.m.

SUPPORTING INFORMATION:

The project site is located at 7674 Hillside Drive in the R-1-40,000 (main portion of lot), R-1-8,000 (narrow strip portion of flag shaped lot), and Hillside Review Overlay Zone, within the La Jolla Community Plan area. The project site is legally described as Lot 4, La Jolla Hillside, Map No. 8782. This project proposes a three story, 9,840 square foot single family residence with an attached garage and patio/pool all designed to conform to the R-1-40,000 Zone development regulations (Planning Commission Report, Attachment 2). The proposed structure utilizes an embedded design which fits into the natural topography and minimizes the amount of grading outside the building footprint consistent with the recommended design methods from the Hillside Review Design Guidelines. Access to the site would be provided by a 16 foot wide shared driveway, in conformance with the previously approved HRP No. 126. The proposed driveway has been reviewed and approved by the City's Fire and Engineering Sections of the Planning and Development Review Department subject to permit conditions.

A landscape and alternative brush management plan has been incorporated into the project design which restricts the use of non-native plant species, avoids impacts to the adjacent open space park, and restricts drainage. All of these measures are aimed at protecting the surrounding

environmentally sensitive areas. The landscape and alternative brush management program conform to the requirements under the City's Landscape Ordinance Alternative compliance provisions.

The home, brush management zone one, and driveway design propose an encroachment of 20 percent into the mapped Hillside Review and sensitive slope area. The project site contains steep slopes or sensitive slope area over 98 percent of the property, and the Hillside Review Ordinance would allow for an encroachment of up to 20 percent. As one of the mitigation measures, the applicant has agreed to either dedicate in fee title or place in a conservation easement the remaining undeveloped portion of the lot.

The Hearing Officer approved the project, with conditions and findings to support the project. The Planning Commission voted 6-0 to deny the appeal and approve the project with the inclusion of two additional conditions: that soils be tested before any road is built to ensure adequacy for a retaining structure; and a hold-harmless clause for the City be included; was opposition.

Ayes: Anderson, Butler, Skorepa, Stryker, Watson, White
Not present: Steele

The La Jolla Community Planning Association has recommended approval of the project.

FILE LOCATION: PERM - 96-7549 (65)

COUNCIL ACTION: (Tape location: C277-322.)

MOTION BY MATHIS TO GRANT THE HEARING OF THE APPEAL DUE TO THE UNIQUENESS OF THE SITE, THE STEEP SLOPE, ITS LOCATION, AND THE COMPLEX GEOLOGICAL ISSUES THAT HAVE BEEN RAISED. REQUEST THAT STAFF REVIEW THE CONFLICTING INFORMATION RELATIVE TO THE GEOLOGIC HAZARD AND BE PREPARED TO ADDRESS THAT AT THE HEARING. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: Auto Zone Store #2826.

(Continued from the meetings of March 22, 1999, Item 201, and May 24, 1999, Item 216; last continued at the City Manager's request, to allow time for staff to meet with the applicant and the property owner.)

Matter of a Rezone and Planned Commercial Development Permit No. 96-7615 in the Otay Mesa-Nestor Community Planning area.

(RZ/PCD-96-7615. District-8.)

NOTE: Arthur Nave, Regional Design Manager for the Auto Zone has requested Item 330 be withdrawn, per letter dated April 26, 1999; Victor B. Cherniak, the property owner, via David X. Durkin, his attorney, has also requested that this item be withdrawn, per letter dated June 2, 1999.

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem-A; introduce Subitem-B and adopt Subitem-C to grant the permit:

Subitem-A: (R-99-929) RETURNED TO CITY MANAGER

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR-96-7615 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration reflects the independent judgment of the City of San Diego as Lead Agency. Stating for the record that the final negative declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-99-93) RETURNED TO CITY MANAGER

Introduction of an Ordinance rezoning a 1.0 acre site from A1-10 to CA zone in the Otay Mesa-Nestor Community Planning Area.

Subitem-C: (R-99-) RETURNED TO CITY MANAGER

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

OTHER RECOMMENDATIONS:

Planning Commission voted 7-0 to approve; no opposition

Ayes: Anderson, Butler, Skorepa, Steele, Stryker, Watson, White.

The Otay Mesa-Nestor Community Planning Group has recommended approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

The project proposes for the development of a one-story 8,521 sq. ft. commercial building for retail use through a Planned Commercial Development Permit in conjunction with a rezone of the 1.0 acre site from the A1-10 zone to the CA zone.

The 1.0 acre site is zoned A-1-10 and is designated commercial mixed use by the Otay Mesa-Nestor Community Plan. Also, the Otay Mesa-Nestor Community Plan identifies the subject property as being within the Iris Avenue Mercado. The Iris Avenue Mercado identifies areas which are suitable for small scale commercial projects with the implementation of Transit Oriented Development Guidelines (TOD).

The lot currently contains four sheds and two small buildings all of which would be demolished. A well that is used for domestic purposes is located on the northern portion of the site and will be abandoned.

Properties to the north and south are designated commercial mixed-use and zoned A-1-10 (agricultural). Property to the east is designated low-medium density residential and zoned R-1-5000 (residential). The property to the west is designated commercial mixed-use and zoned M1-B (industrial). Surrounding land uses are commercial uses to the north and south, single family residences to the east and a trolley station to the west.

LEGAL DESCRIPTION:

The subject property is located at 3167 Beyer Boulevard between Beyer Boulevard and 30th Street and is more particularly described as a portion of the Southwest Quarter of Southwest Quarter of Section 26, Township 18 South, Range 2 West, San Bernardino Meridian within the Otay Mesa-Nestor Community Planning area.

FISCAL IMPACT: None.

FILE LOCATION: LUP - Autozone Store #2826

COUNCIL ACTION: (Tape location: A140-316.)

CONSENT MOTION BY STEVENS TO RETURN THIS ITEM TO THE CITY
MANAGER. 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F190.)