

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

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:15 p.m. Deputy City Manager George Loveland acknowledged a historic milestone in The City of San Diego. He stated the automated trash container before Council represents the last one in a five-year program to roll out automated trash collection city-wide. This will save the City \$18 million over the next ten years. A symbolic check representing the savings from this program was presented to Mayor Golding by "Can Man" and Rich Hayes, Director of Environmental Services. Deputy Mayor Wear adjourned the meeting at 4:57 p.m.

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 Reverend Marshall Sharpe of the Phillips Temple.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comments by Don Stillwell regarding the "Border XXI Program." He asked if our locally elected officials were aware of Executive Order No. 13122 signed by President Bill Clinton. Mr. Stillwell stated this order established the Interagency

Task Force on the Economic Development of the Southwest Border in order to speed the administration's efforts on implementing this program. The program more than doubled the size of the border region which includes Texas, New Mexico, Arizona, and California. By issuing Executive Orders, President Clinton has usurped the powers of Congress to legislate or otherwise make the laws we live by, said Mr. Stillwell. He requested that the Council use their powers to usurp those of Congress.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A033-057.)

PUBLIC COMMENT-2: REFERRED TO THE CITY MANAGER

Gary Ricalde requested the internal affairs of the San Diego Police Department be looked at. He said on July 1, the police tried to break into his house, but were kept out by a 50 cent lock. Mr. Ricalde stated the police used tactics that were unfair and unjust.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A058-088.)

PUBLIC COMMENT-3:

Gary Boatwright stated he wanted to clear up some of the confusion that the opponents to the downtown redevelopment project have. He said this is a Republican plan that reflects the policies of the House Republicans and the tax cuts they just approved. He said the capital gains tax cut provides corporate welfare to rich people and cuts food stamps and child nutrition programs for poor people.

Mayor Golding reminded him there was a ballot measure and the voters of this city approved the redevelopment and ballpark project which was consistent with Proposition C. She stated it is the Council's job to do what the voters direct them to do.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A089-114.)

PUBLIC COMMENT-4:

Dan Beeman wanted to give praise to Council Member Kehoe for preventing an apartment building project from moving forward. He praised Council Member Mathis for standing up for the people in his district. He praised Council Member McCarty for her passion regarding the libraries. And he thanked Council Member Stevens for the concern he has for constituents in his district. Mr. Beeman also stated that children and teenagers need representation, not just the voters of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A126-159.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Mayor Golding requested assistance from the public in identifying the person or persons responsible for throwing teargas into the crowd at the "Gay Pride" parade. She said this was an act of violence and will not be tolerated. Three people were taken to the hospital and hundreds were affected stated Mayor Golding. If anyone has information regarding this incident she asked that they call 235-TIPS.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A154-174.)

COUNCIL COMMENT-2:

Council Member Vargas wanted to talk about our police officers. When he visited a family living in Clairmont, he noticed they had a picture of a San Diego police officer on their mantel. When this family was staying with Mr. Vargas and his

wife, they were all outside and a police officer stopped to visit. He brought out his camera and took a picture with this family. Mr. Vargas stated that is the kind of professionalism we get from our police force and said we are proud of them. He said they do a great job for our citizens.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A175-194.)

COUNCIL COMMENT-3:

Council Member Kehoe added to the Mayor's comments regarding the "Gay Pride" parade. She thanked the Police Department and the Fire Department for an outstanding job at responding to the teargas incident and said the police are actively investigating this. She noted that the UCSD ambulance, which was in the parade, pulled aside to aid in treating the victims. The parade was held in the Western Division and she said they had their hands full. Ms. Kehoe also stated that all people need to be treated with equality.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A201-231.)

COUNCIL COMMENT-4:

Council Member Stevens joined with the Mayor and Council Member Kehoe regarding their comments and stated that violence must not be condoned in San Diego. He said violence against any of us is violence against all of us and should not be accepted.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A232-250.)

ITEM-30: Approval of Council Minutes for the Meetings of:

7/05/99 Adjourned

7/06/99 Adjourned

7/12/99 Adjourned

7/13/99 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A251-252; B093-098.)

MOTION BY WARDEN TO APPROVE THE MINUTES AND ADOPT ITEMS 31, -S400, AND -S401. Second by McCarty. 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: National Night Out Against Crime Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1594) ADOPTED AS RESOLUTION R-291965

Proclaiming August 1, 1999 to be "National Night Out Against Crime Day" in San Diego and commending all participants and organizations involved with making our streets and communities safer through this program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B031-098.)

MOTION BY WARDEN TO APPROVE THE MINUTES AND ADOPT ITEMS 31, -S400, AND -S401.. Second by McCarty. 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: Officer Daniel Toneck Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-19) ADOPTED AS RESOLUTION R-291966

Recognizing the outstanding contributions that Officer Daniel Toneck has made and continues to make to increase public safety and provide service to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B104-200.)

ADOPTED BY COMMON CONSENT. 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: Transfer of Non-Exclusive Solid Waste Collection Franchises.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-12) INTRODUCED, TO BE ADOPTED SEPTEMBER 14, 1999

Introduction of an Ordinance approving the transfer of Non-Exclusive Solid Waste Facility franchises from Coast Waste Management, Inc., Falcon Disposal Services, Inc. (BDC Special Waste Services), USA Waste of California, Inc., the "Old" Waste Management, Inc., Reliable Waste, Inc., and Moor Refuse, Inc., to Waste Management, Inc.

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 No. O-18353, which amended the San Diego Municipal Code to establish 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 the following: "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 necessarily 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, Waste Management, Inc. and USA Waste Systems, Inc. merged under the new name of Waste Management, Inc. This merger affected the ownership structure of the following Non-Exclusive Solid Waste Collection franchisees: USA Waste of California, Inc. and its subsidiaries Coast Waste Management, Inc. and Falcon Disposal Services, Inc.; and Waste Management, Inc. In December 1998, Waste Management, Inc., acquired the assets of Reliable Waste, Inc., and Moor Refuse, Inc. Waste Management, Inc., has applied to have the franchises of Coast Waste Management, Inc., Falcon Disposal Services, Inc., USA Waste of California, Inc., the "old" Waste Management, Inc., Reliable Waste, Inc., and Moor Refuse Inc., transferred to Waste Management, Inc. With the exception of Falcon Disposal Services, Inc., which will be operating under its new name of BDC Special Waste Services, Inc., all companies will continue their operations under their current corporate names. The applications for the transfer of these franchises have been reviewed and staff has determined Waste Management, Inc., possesses all the technical and financial requirements for securing Non-Exclusive Franchises and the transfer of these franchises to Waste Management, Inc., would 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: B202-526.)

CONSENT MOTION BY MATHIS 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: Two actions related to Inviting Bids for the Construction of Town View Lane Pipeline as an Addendum to the Deerfield Pump Plant Project.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-39) ADOPTED AS RESOLUTION R-291967

Inviting bids for the Construction of Town View Lane Pipelines as an Addendum to the Deerfield Pump Plant Project on Work Order No. 180581;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of not to exceed \$230,971 from CIP-70-951.0, Town View Lane Pipeline, Water Revenue Fund No. 41500; and an amount not to exceed \$14,866 from CIP-73-331.0, Annual Allocation for Pooled Contingency, Water Revenue Fund No. 41500 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 such expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K99256C)

Subitem-B: (R-2000-40) ADOPTED AS RESOLUTION R-291968

Certifying that the information contained in Mitigated Negative Declaration LDR-98-1003 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study;

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The Town View Lane pipeline is an 800 foot section of ductile iron pipe which conveys water in the San Carlos service area from the Hillandale Pump Plant to the terminus of Town View Lane. This 30-year old pipeline is aged and deteriorated to the extent that replacement is required to ensure that safe, reliable water is provided in the community. Construction of the new Town View Lane Pipeline will be a critical component of the upgraded water distribution pipeline system in the San Carlos Community and will enhance reliability in the service area. Completion of this pipeline replacement in conjunction with other projects scheduled in the area including construction of the Deerfield Water Pump Plant and expansion of the Alvarado Treatment Plant will improve water system performance. Replacement of this existing ductile iron pipeline at the earliest possible time will alleviate functional concerns and continue the orderly completion of identified enhancements to the San Carlos water distribution system. The town View Lane replacement pipeline will be added as an addendum to the Deerfield Water Pump Plant project, approved for construction by Council Resolution RR-291862. This will result in benefits associated with cost savings due to economies of construction, minimal inconvenience and disruption to the community, efficient construction scheduling and reductions in overall system upgrade costs.

FILE LOCATION: Subitems A & B: CONT - TC Construction; W.O.
180581

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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-101: Inviting Bids for Point Loma Outfall Gate Modification.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-85) ADOPTED AS RESOLUTION R-291969

Inviting bids for the Point Loma Outfall Gate Modification on Work Order No. 242199;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$504,000 from Sewer Fund No. 41508 for project construction and contingencies, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department. (BID-K99107)

CITY MANAGER SUPPORTING INFORMATION:

The Point Loma Ocean Outfall (PLOO) was originally built in 1963 as a 120 inch diameter pipe laid on the ocean floor. Two diffusers terminated approximately 11,300 feet offshore in a depth of 205 feet of seawater. Advanced primary treated effluent is discharged through this system. In 1993 the PLOO was extended an additional 12,500 feet offshore, and two new diffusers were constructed approximately 24,800 feet offshore at a depth of 320 feet. The original diffusers were "shut off " with the installation of two 78 inch stop gates. Just west of the original diffusers, a single wye structure was included in the new outfall extension. When the extension went into operation a small amount of effluent was observed to be escaping from the wye structure and the two stop gates. It was anticipated that this incidental discharge would correct itself over time. Since this has not occurred this project was initiated to modify the gates. The Metropolitan Wastewater Department is monitoring the incidental discharge from around the sealed surfaces of the gates and additional water quality stations have been added to ensure that no water quality problems occur. This project will reduce or eliminate the discharge at the three gates at the wye structure and the old diffusers using a caulking method. Access openings must be installed on each diffuser leg to gain entry to the gates. Following construction, the repair work will be

monitored and evaluated to determine whether the installation of new gates will be required to completely eliminate the effluent discharge. This request is to advertise and award a contract for the caulking phase and evaluation period for determining the success of the work and whether the installation of gates will be required.

FILE LOCATION: CONT - C & W Diving Services; W.O. 242199

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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: North Mission Valley Interceptor Sewer - Easement Set Aside/Pueblo Lots.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-20) ADOPTED AS RESOLUTION R-291970

Setting aside a portion of Pueblo Lots 1101 and 1102 of the Pueblo Lots of San Diego according to Miscellaneous Map-36, as a public sewer easement.

CITY MANAGER SUPPORTING INFORMATION:

The North Mission Valley Interceptor Sewer, Phase II, upgraded the existing North Mission Valley Interceptor Sewer System to ensure sufficient capacity for the efficient transportation of sewage without spillage. Adoption of this action will provide for a public sewer easement set-aside across a portion of City-owned Pueblo Lots 1101 and 1102.

FILE LOCATION: DEED F-7555

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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: Easement Grant - San Diego Gas & Electric - Linda Vista Road / Napa Street.

(Morena Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1603) ADOPTED AS RESOLUTION R-291971

Authorizing the City Manager to execute easement deeds conveying to San Diego Gas & Electric Company two easements for the purpose of converting utilities from overhead to underground, affecting Lots 1 and 2 of Block 352, Lots 2, 3, and 4 of Block 385, and Lot 1 of Block 386, Miscellaneous Map-40.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has passed a resolution establishing an Underground Utility District in the areas of Morena Boulevard, Friars Road, Linda Vista Road and Napa Street. The resolution requires that San Diego Gas & Electric Company remove overhead electric facilities within the underground district and replace them with an underground system. Since this is a City-initiated project, there will be no charge for the easements. Two easements are required. One is for the purpose of undergrounding the electric transmission facilities within the Council-mandated Underground Utility District. It consists of a ten foot wide, thirty foot long section, and a ten foot wide, fifteen foot long section, for a total easement area of 450 square feet. The second easement provides for the placement of the overhead poles and wires, as required by OSHA for safety and technical reasons, to support the new underground facilities. The second easement is located, for the most part, outside the Underground District, on the south side of Friars Road, but requires a cable anchorage located within the Underground District. The placement of the cable anchorage is necessitated by the location of the flood control channel and Friars Road. This easement contains 5,338 square feet.

FILE LOCATION: DEED F-7556

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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: Excusing Councilmember Kehoe from the Public Safety and Neighborhood Services Committee Meeting of 7/6/99.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-78) ADOPTED AS RESOLUTION R-291972

Excusing Councilmember Christine Kehoe from attending the regularly scheduled Public Safety and Neighborhood Services meeting of July 6, 1999.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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: Father Joe Carroll Day.

DEPUTY MAYOR WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-79) ADOPTED AS RESOLUTION R-291973

Proclaiming Saturday, July 10, 1999 to be "Father Joe Carroll Day" in San Diego, in recognition of his outstanding contributions to San Diego on the occasion of his 25th Anniversary on being ordained as a priest.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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: One-Way Operation on Lindo Paseo and Hardy Avenue.

(College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1572) ADOPTED AS RESOLUTION R-291974

Declaring Lindo Paseo to be one-way eastbound between 55th Street and Campanile Drive;

Declaring Hardy Avenue to be one-way westbound between 55th Street and Campanile Drive;

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

CITY MANAGER SUPPORTING INFORMATION:

This action converts Lindo Paseo to one-way eastbound operation between 55th Street and Campanile Drive and converts Hardy Avenue to one-way westbound operation between 55th Street and Campanile Drive. Council approval is required, according to San Diego Municipal Code, Section 82.19. San Diego State University proposed these traffic circulation changes in

conjunction with an overall traffic improvement plan intended to support a new parking structure. A petition signed by 33 of 42 affected properties, representing 88 percent of the adjacent frontage, was submitted in support of this action. The College Area Community Council support this action.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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: Establish a Commercial Vehicle Prohibition on Madra Avenue.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-5) ADOPTED AS RESOLUTION R-291975

Prohibiting commercial vehicles with a gross vehicle weight rating of over 10,000 pounds from operating on Madra Avenue between Del Cerro Boulevard and Ridge Manor Avenue;

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

CITY MANAGER SUPPORTING INFORMATION:

Madra Avenue between Del Cerro Boulevard and Ridge Manor Avenue is 40 feet wide, has one lane in each direction, and is fronted by residential homes. This section of Madra Avenue has steep grades and sharp curves. A prohibition of commercial vehicles with a gross vehicle rating over five tons should enhance traffic conditions for the residents on this street. By law, passenger buses, public utility vehicles, and commercial vehicles with an origin or destination on the affected

street are exempt from this provision. Council approval is required, according to Municipal Code, Section 85.04. This action has been supported by the Navajo Community Planners, Incorporated.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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: Lease Amendment - Pier 1 Imports, Inc.

(Midway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-13) ADOPTED AS RESOLUTION R-291976

Authorizing the City Manager to execute a lease amendment to the Lease Agreement with Pier 1 Imports, Inc. to extend the lease term to 10 years, at a yearly rent of \$154,090, for continued retail operations at 3220 Sports Arena Boulevard.

CITY MANAGER SUPPORTING INFORMATION:

Pier 1 Imports, Inc. (Pier 1) has leased 1.17 acres of City-owned land since August 1, 1968. The current ground lease is due to expire in October, 2000. The existing lease provides for three 5-year options to extend. Pier 1 has maintained an excellent payment history and currently pays the City a flat rent of \$13,820 per month. The City received \$165,840 per year in 1997 and 1998. Pier 1 has requested, and staff is recommending, a 10-year extension of the lease term and a rent credit of up to \$117,500. This amount is half of the cost of improvements which add long term value to the property. The total cost of Pier 1's improvements will be \$495,000. The rent credit will result in a reduction of rent from the existing rental rate of \$165,840 per year, to \$154,090 per year. However, staff has determined the fair market rent of the property is \$127,500 per year.

The building was constructed in the late 1960's and does not meet current standards for ADA, HVAC, plumbing and lighting. The basic terms of the proposed lease amendment are as follows:

USE - Retail sale of merchandise.

TERM - 10 years, plus one 5-year option to extend.

RENT - \$165,840, less \$11,750 for the rent credit, which is \$154,090 per year. Rent is subject to CPI and fair market value adjustments in 2002, 2007 and 2009.

On April 15, 1999, the Land Use and Housing Committee approved exclusive negotiation with Pier 1 to amend the lease. By renewing the lease, the City will retain an excellent tenant, will receive favorable rent and will avoid a possible vacancy. The City will also receive an improved building upon termination of the lease agreement.

FILE LOCATION: LEAS - Pier 1 Imports, Inc.

COUNCIL ACTION: (Tape location: D415-514.)

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

* ITEM-109: Third Amendment to the Agreement with Nasland Engineering for the College Grove Drive Construction Project.

(Mid-City Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1575 Cor.Copy) ADOPTED AS RESOLUTION R-291977

Authorizing the execution of a third amendment to the agreement with Nasland Engineering for the construction project regarding College Grove Drive between 54th Street and College Grove Way, together with any reasonably necessary

modifications or amendments which do not increase the project scope or cost and which the City Manger shall deem necessary in order to carry out the purposes and intent of the project;

Authorizing the expenditure of an amount not to exceed \$136,207.73 from CIP-52-477.0;

CITY MANAGER SUPPORTING INFORMATION:

On June 6, 1996, the City entered into an agreement with Nasland Engineering for professional engineering and design services for College Grove Drive - Phase 1. This agreement is on file in the Office of the City Clerk as Document No. C-07090. On August 28, 1996, the City authorized a First Amendment to the Agreement for additional professional engineering and design services for Phase 1, Document No. C-07294. The Second Amendment to the Agreement provides the final design for widening College Grove Drive between 54th Street and College Grove Way to a four lane collector. This second phase of the project includes preparing construction documents for street, curb/gutter, sidewalk, drainage, traffic signals, landscaping and irrigation improvements. The Third Amendment to the agreement will cover the additional services which include noise analysis for barrier walls, preparation of Mitigated Negative Declaration, permitting work with other agencies, review of shop drawings and response to Request for Information during construction, and preparation of as-built drawings for both Phase I and II.

Aud. Cert. 9901351.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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: Restoration of Sewer Pump Station No. 22 - Construction Change Order No. 3.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1524) ADOPTED AS RESOLUTION R-291978

Approving Change Order No. 3, dated March 11, 1999, issued in connection with the contract with HPS Plumbing Services in an amount not to increase in the contract price of \$129,671.50;

Authorizing the City Auditor to transfer \$336,337 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement to Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, Sewer Pump Station No. 22, for the purpose of funding this change order and related engineering costs;

Authorizing the expenditure of an amount not to exceed \$36,200 from Water Fund 41500, CIP-73-083.0, Sewer Pump Station No. 22 and Water Rehabilitation, and \$336,337 from Sewer Fund 41506, CIP-46-106.0, Sewer Pump Station No. 22 and Water Rehabilitation for the purpose of funding Construction Change Order No. 3 and related construction engineering, provided that the City Auditor first furnishes a certificate certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer funds, if any, to the appropriate reserve.

CITY MANAGER SUPPORTING INFORMATION:

On September 8, 1997, the City Council approved Resolution R-289110 awarding the low base bid to HPS Plumbing Services for the construction of Sewer Pump Station No. 22 Improvements. On July 20, 1998, the City Council also approved R-290451 for funding Change Order No. 1, (\$42,760) to install three sewer mains crossing La Jolla Blvd. The installation of the three sewer mains crossing was necessary to allow the resurfacing of La Jolla Blvd to proceed on schedule, and to prevent disturbance to the new pavement by future sewer projects in the area. Change order No. 2 was for \$21,671.59 and paid from the contact contingency fund. Change Order No. 2 was issued to fund additional unforeseen electrical and structural work associated with the pump station. During the construction of the sewer gravity main on Sea Lane, it was discovered that additional construction work is needed to successfully complete the sewer main installation. This

sewer main alignment goes through more than seven properties in the La Jolla beach area. The extra work included items not shown on the plans or on the record drawings including, the demolition and removal of existing reinforced concrete encasement on the existing 6-inch C.I. deteriorated sewer main, the landscape restoration of the seven houses, restoration of block walls, and other miscellaneous work associated with this change order to install the new sewer main. The additional engineering money is needed to fund additional in-house engineering services associated with the construction work. This project construction is currently at 98 percent construction complete.

Aud. Cert 9901290.

WWF-99-390.

FILE LOCATION: CONT - HPS Plumbing Services

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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: Addition to FY2000 CIP - Mission Hills Branch Library Project.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-83) ADOPTED AS RESOLUTION R-291979

Modifying the FY2000 Capital Improvements Program by adding CIP-35-096.0, Mission Hills Branch Library Project;

Authorizing the appropriation and expenditure of an amount not to exceed \$30,000 from DIF Fund No. 79512, CIP-35-096.0, Mission Hills Branch Library Project 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:

This project would replace the current 3,850 sq. ft Mission Hills Branch Library Center with a new 13,000 sq. ft. library. Preliminary site and design studies will begin in FY2000. The proposed CIP will include a new children's area, study areas, computer lab, library storage area, and volunteer work area. In conformance with the City's Progress Guide and General Plan, \$30,000 has been allocated for the design and preliminary studies of schematic plans and gathering of community focus group information for the Mission Hills Branch Library Project.

Aud. Cert. 2000047.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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: Three actions related to Section 108 Loan Guarantee and Economic Development Initiative Grant for the Regional Transportation Center.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-74) ADOPTED AS RESOLUTION R-291980

Approving application to the United States Department of Housing and Urban Development (HUD) for an Economic Development Initiative (EDI) Grant and for a Section 108 Loan to Fund Property Acquisition and relocation costs for the Regional Transportation Center Project.

Subitem-B: (R-2000-75) ADOPTED AS RESOLUTION R-291981

Setting forth the legal authority and certifications necessary to make application for Section 108 Loan Guarantee Funds for the Regional Transportation Center Project.

Subitem-C: (R-2000-76) ADOPTED AS RESOLUTION R-291982

Authorizing the City Manager to amend the Community Development Block Grant Action Plan to include the Section 108 Loan Guarantee for the Regional Transportation Center Project.

CITY MANAGER SUPPORTING INFORMATION:

On January 11, 1999, the Redevelopment Agency approved an Exclusive Negotiating Agreement with the Regional Transportation Center LLC for development of the Alternative Fuels Regional Transportation Center Project - El Cajon Boulevard / I-15 Freeway, in the City Heights Community. This project is proposed to include facilities for the demonstration and servicing of alternative fuel vehicles, the sale of alternative fuels, such as natural gas, propane and electricity and will also include an education center for elementary through high school students and training facilities for vocational education students learning the technology of alternative fuel vehicles. The Agency is currently negotiating a Disposition and Development Agreement with the developer for this project which will be brought to the Agency at a later date. The project will require the acquisition, and development of several parcels owned by CalTrans and private parties. Since neither the City nor the Agency are providing any financial contribution for this project, the need for additional financial assistance has been identified. The City has applied to the Federal Department of Housing and Urban Development (HUD) for a \$1,475,000 grant from the Economic Development Initiatives (EDI) Program. To be considered by HUD, the EDI grant application must be accompanied by a Section 108 Loan Guarantee application within sixty days of the grant application. The sixty day period expires on August 10, 1999. It is proposed that the City submit an application to HUD for a \$2,045,000 Section 108 Loan Guarantee to finance costs of land acquisition and relocation. The proposed Section 108 Loan would be a ten year loan with an amortization schedule as shown in Attachment A. The loan payments will be paid by the developer. The Pearson Ford Company will guarantee the debt service through a letter of credit

and contracts. The obligation will be further structured and documented in the upcoming DDA. As required by HUD, the City's CDBG Program will be required to guarantee the loan in the case of default by both the developer and Pearson Ford. A public meeting on the proposed Section 108 Loan was noticed and held with the City Heights Town Council on July 6, 1999.

FILE LOCATION: Subitems A,B, & C: MEET

COUNCIL ACTION: (Tape location: D515-566.)

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

* ITEM-113: Passport Application Acceptance Service.

(See City Manager Report CMR-99-89. Rancho Bernardo, Peninsula, Navajo, and San Ysidro Community Areas. Districts 1, 2, 7, and 8)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2000-69) ADOPTED AS RESOLUTION R-291983

Authorizing the Community Service Center Program Manager to submit an application to the Passport Agency of the United States Department of State in order to have the City's Community Service Centers approved as passport acceptance facilities.

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

On 5/5/99, PS&NS voted 5 to 0 to accept the City Manager's recommendation to submit the application. (Councilmembers Mathis, Wear, Kehoe, Stevens, and Warden voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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: Implementation of Phase III of the Community Service Center Program.

(See City Manager Report CMR-99-90. North Park, Rancho Peñasquitos, Scripps Ranch, Mira Mesa, Miramar, North City, Torrey Pines, Carmel Valley, and Sorrento Valley Community Areas. Districts-1, 3 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-70) ADOPTED AS RESOLUTION R-291984

Approving Phase III of the Community Service Center Implementation Plan and authorizing the City Manager to proceed with establishing three new Community Service Centers in the following Community Service Center service areas: (1) Rancho Peñasquitos/Scripps Ranch/Mira Mesa/Miramar; (2) North City/Torrey Pines/Carmel Valley/Sorrento Valley; and (3) North Park;

Authorizing the City Manager to negotiate and execute leases for the three new Community Service Centers, with the leases being drawn up in accordance with the City's general lease standards, subject to compliance with all applicable City regulations, and at locations approved by the Office of the City Councilmember for the Council District in which the Community Service Center is to be located;

Authorizing the City Manager to expend an amount not to exceed \$291,000, for providing funds for the Phase III of the Community Service Center Implementation Plan.

Aud. Cert. 2000045.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION WITH DIRECTION TO THE MANAGER TO INCORPORATE NEGOTIATIONS WITH THE UPCOMING CARMEL VALLEY SERVICE CENTER TO INCLUDE A NEW LOCATION FOR THE POLICE STORE FRONT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115: Foreign Trade Zone No. 153 Boundary Modification.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1521) ADOPTED AS RESOLUTION R-291985

Authorizing the City Manager to submit a Request for Boundary Modification to the Foreign Trade Zones Board, United States Department of Commerce, for restructuring Foreign Trade Zone No. 153 by substituting new acreage for a portion of the approved general-purpose zone site, in accordance with regulations pursuant to Federal Law (15 C.F.R. part 400);

Authorizing the City Manager, or designee, to take actions and execute documents as may be necessary to complete the authorization process.

CITY MANAGER SUPPORTING INFORMATION:

In 1988, the U.S. Department of Commerce, Foreign Trade Zone Board authorized the City of San Diego to establish a general purpose Foreign Trade Zone (FTZ) for Otay Mesa. Foreign Trade Zones are predesignated areas outside of the U.S. Customs jurisdiction allowing for importing and exporting of merchandise to move duty free. U.S. Customs duties are only assessed as merchandise is bought into the U.S. Commerce for consumption. The regulations for the foreign trade zones, governed by the U.S. Department of Commerce, Foreign Trade Zones Board, entities grantees to apply for authority to make boundary modifications to better serve commerce. A boundary modification would change the FTZ general purpose designation from one location to another location without increasing the acreage of the FTZ. The City has received

a request to do a boundary modification that requires redesignating 165 acres from Brown Field Airport to the Siempre Viva Business Park, Otay Mesa's newest business park. The business park is currently being developed with infrastructure and with 4.236 acres under construction for 60,000 sq. ft. manufacturing facility. Since all of the business parks designated for FTZ use are nearing build out, the need to designate other areas in Otay Mesa for FTZ use has become important to afford as many businesses with opportunities to utilize the benefits of the FTZ.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-526.)

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

* ITEM-116: Approval for San Diego Data Processing Corporation to Provide Third Party Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1522) ADOPTED AS RESOLUTION R-291986

Approving the request of the San Diego Data Processing Corporation to execute a series of Y2K consulting services agreements with the State of California Department of Information Technology.

CITY MANAGER SUPPORTING INFORMATION:

This action will approve a series of agreements between San Diego Data Processing Corporation (SDDPC) and the California Department of Information Technology (DOIT) for Year 2000 (Y2K) consulting services. The City's Operating Agreement with SDDPC requires prior approval from the City Council for all third party service agreements in excess of \$100,000. SDDPC executed an initial \$490,000 Y2K consulting agreement with DOIT in April, 1999, and subsequently requested City Council approval. Approval for the proposed second DOIT

agreement of \$490,000 was requested on June 14, 1999, in compliance with the Operating Agreement. The Corporation anticipates possible future additional agreements with the State for Y2K consulting, as well. Staff supports SDDPC's two State Y2K requests to date and subsequent State Y2K work, if any, with similar scopes of service. The Y2K consulting agreements include services provided on a time and material basis. The Operating Agreement between the City and SDDPC limits services provided to third parties to help ensure that such activities do not negatively impact the level of service SDDPC provides to the City. SDDPC has convinced City staff that the series of agreements with the State for Y2K consulting will not cause the City any negative impacts in the level of service SDDPC provides the City nor will the work performed pose significant liability.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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: Fiscal Year 2000 Annual Appropriation Ordinance.

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the following ordinance:

(O-2000-1) HEARING HELD

First public hearing of an ordinance adopting the Annual Budget for the Fiscal Year 1999-2000 and appropriating the necessary money to operate the City of San Diego for said fiscal year.

NOTE: See Item 338 on the docket of Tuesday, July 27, 1999, for the second public hearing and the introduction and adoption of the ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B527-C051.)

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

ITEM-201: Proposed Amendments to the San Diego Municipal Code relating to City Elections.

(See City Clerk Report CCR-99-01 and City Attorney's memorandum dated 4/29/99.)

TODAY'S ACTION IS:

Introduce and adopt the following ordinance:

(O-2000-2 Cor.) INTRODUCED AND ADOPTED AS ORDINANCE
O-18664 (New Series)

Introduction and adoption of an Ordinance amending the San Diego Municipal Code, Chapter II, Article 7, by amending and renumbering: Division 20; Division 22; Division 23; Division 24; Division 31; Division 25; and Division 26.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 6/21/99, RULES voted 4-0 to: Motion by Councilmember Vargas, second by Councilmember Warden to approve on Consent the recommendations by the City Clerk on amendments to the City's Election Code, Chapter 2, Article 7 of the San Diego Municipal Code, Phase 1 Proposals. (Councilmembers Mathis, Wear, Warden, and Vargas voted yea. Mayor Golding not present.)

CITY CLERK SUPPORTING INFORMATION:

The City's current election code, Chapter 11, Article 7 of the San Diego Municipal Code, was first adopted in 1968. Individual sections and divisions have been amended from time to time, but a comprehensive review of the complete code has not been attempted in the thirty-one years it has been in place.

While the code has served the city well for some years, the increasing complexity of elections and events in the past several years, have pointed to the need for clarification of the code. Additionally, the City Clerk has recognized the need for a review and update to address the following: changes in state law which impact local law; processes that are not articulated in the code, or that are not clearly articulated; and problems in administration of the code.

Phase 1 proposals are included here with changes to the following existing divisions:

Division 20	General Provisions
Division 22	Ballots
Division 23	Tie Votes
Division 24	Vacancies
Division 31	Filling Vacancies
Division 25	Initiative
Division 26	Referendum

The changes in this first phase are primarily housekeeping in nature, although some substantive changes are also proposed. The divisions will also be re-numbered as part of the update process.

See City Clerk's Report Number 99-01 for additional information. These proposals were approved by the Rules Committee on June 21, 1999.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C058-235.)

MOTION BY MATHIS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. 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 proposed amendments to the San Diego Municipal Code relating to Nominations and Write-In Candidates.

(See City Clerk Reports CCR-99-02 dated 4/14/99 and CCR-99-04 dated 7/12/99.)

TODAY'S ACTIONS ARE:

Introduce and adopt the following ordinances:

Subitem-A: (O-2000-9 Cor.) INTRODUCED AND ADOPTED AS ORDINANCE
O-18665 (New Series)

Introduction and adoption of an Ordinance amending the San Diego Municipal Code by amending Chapter II, Article 7, by amending and renumbering Division 21, relating to Nomination Procedures.

Subitem-B: (O-2000-10) INTRODUCED AND ADOPTED AS ORDINANCE
O-18666 (New Series)

Introduction and adoption of an Ordinance amending the San Diego Municipal Code by amending Chapter II, Article 7, by amending and renumbering Division 32, relating to Write-in Candidates.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 6/21/99, RULES voted 4-0 to: Motion by Councilmember Mathis, second by Councilmember Warden to approve the proposals regarding the Nominations Division as recommended by the City Clerk. (Councilmembers Mathis, Wear, Warden, and Vargas voted yea. Mayor Golding not present.)

FILE LOCATION: Subitems A & B: MEET

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea (nay on the portion reducing the required nominating signatures from 200 to 100), McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Non-Exclusive Solid Waste Collection Franchise Agreements Term Extensions.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-11) INTRODUCED, TO BE ADOPTED SEPTEMBER 14, 1999

Introduction of an Ordinance extending the terms of the Non-Exclusive Solid Waste Facility Franchise Agreements of Allan Company, BDC Special Waste, Coast Waste Management, Debris Box, Dependable Disposal, Moor Refuse, Pacific Waste, Reliable Waste, USA Waste, Ware Disposal, Waste Management, and authorizing the City Manager to execute new franchise agreements with said franchises; and extending the term of dominion disposal.

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

CITY MANAGER SUPPORTING INFORMATION:

In December 1996, the City Council enacted Ordinance O-18353, which amended the San Diego Municipal Code to establish non-exclusive franchises for solid waste haulers, and authorized the City Manager to execute non-exclusive franchise agreements with the City's then seventeen licensed solid waste haulers. The term of these franchises is for seven years expiring on December 12, 2003, unless extended by City Council pursuant to San Diego Municipal Code Section 66.0113 and Section 3.3 of the Franchise Agreement. San Diego Municipal Code Section 66.0113 limits the initial term of the franchise agreement to seven years, and authorizes the extension to the term subject to City Council approval and conditions set forth in the agreement.

According to Section 3.3 of the Franchise Agreement, a one-year extension may be applied to the agreement at the conclusion of the second year of the initial franchise agreement and following each anniversary date thereafter, subject to Council approval, so that the term of the agreement remains five years. The City also reserves the right to meet and confer with the franchisees to revise the terms of the agreement on the annual anniversary date. Environmental Services Department staff and the franchisees have discussed and mutually agreed to non-substantive changes to the terms of the agreement. The performance history of these franchisees have also been reviewed and the City Manager recommends applying a one-year extension to the terms of the following franchise agreements: Allan Company, Debris Box, Dependable Disposal,

Dominion Disposal, Pacific Waste, Ware Disposal, Waste Management, Coast Waste Management, BDC Special Waste, Reliable Waste, and Moor Refuse thus extending the term of these franchises through December 12, 2004.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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-204: Two actions related to Surety Substitution for Series 1996A and 1996B Certificates of Participation (Balboa Park and Mission Bay Park CIP).

(See City Manager Report CMR-99-144. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2000-13) INTRODUCED, TO BE ADOPTED SEPTEMBER 14, 1999

Introduction of an Ordinance approving the forms of and authorizing the execution and delivery of a supplemental trust agreement, an amendment No. 1 to site and facilities lease, an amendment No. 1 to facilities lease, and a surety agreement for the Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program) Series 1996A, and approving other actions.

Subitem-B: (O-2000-14 Cor.Copy) INTRODUCED, TO BE ADOPTED
SEPTEMBER 14, 1999

Introduction of an Ordinance approving the forms of and authorizing the execution and delivery of a supplemental trust agreement, an amendment No. 1 to site and facilities lease, an amendment No. 1 to facilities lease, and a surety agreement for

the Refunding Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program, Series 1991) Series 1996B, and approving other actions.

NOTE: 6 votes required for Subitems A and B pursuant to Section 99 of the City Charter.

Aud. Cert. 2000061.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCES. 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: Two actions related to Inviting Bids for the Construction of Sewer Pump Station No. 4 Replacement.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-37) RETURNED TO THE CITY MANAGER

Inviting bids for the Construction of Sewer Pump Station No. 4 Replacement on Work Order No. 171321;

Establishing contract funding phases and executing a contract with the lowest responsible bidder;

Authorizing Amendment No. 1 to the agreement with Fraser Engineering, Inc., to provide additional engineering services for the Construction of Sewer Pump Station No. 4 in an amount not to exceed \$119,746;

Authorizing the additional expenditure of an amount not to exceed \$2,861,511 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation-Sewer Pump Station restoration, for providing funds for said 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;

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 expenditure of up to \$140,000 for the acquisition of right of way and related costs. (BID-K99266C)

Subitem-B: (R-2000-38) RETURNED TO THE CITY MANAGER

Certifying that the information contained in Mitigated Negative Declaration DEP-94-0072, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency, and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Station No. 4 is located at 2799 Carleton Street, in the Roseville neighborhood of the Peninsula community planning area. The sewer pump station was built in 1929 and consisted of a settling tank, over flow tank, and a pump station. Subsequently, additions and reconstruction were done in 1948 to convert the over flow tank into a wet well. Only the pump station and the wet well are in operation now, the settling tank has been abandoned and filled with sand. The existing structure is not suitable for rehabilitation because of deterioration and inadequate space. This project incorporates the construction of a new pump station situated south of the existing structure and the demolition of the old sewer pump station. The proposed station will house two 10-horsepower pumping units plus one spare pump and will include a natural gas generator to be used as a secondary power source.

Aud. Cert. 2000019.

WWF-99-399.

FILE LOCATION: Subitems A & B: MEET

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206: Phase-Funded Agreement with Conwell Shonkwiler and Associates for Design Services.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-47) ADOPTED AS RESOLUTION R-291987

Authorizing a phase-funded agreement with Conwell Shonkwiler and Associates to provide design services for the Water Department Central Operations Facility, CIP-73-338.0, for an amount not to exceed \$4,611,289;

Authorizing the expenditure of an amount not to exceed \$4,991,289 for the Consultant Agreement and related costs from Water Fund 41500, CIP-73-338.0, Water Department Central Operations Facility, for funding the agreement to be phase-funded over two phases as follows: Phase 1 (Fiscal Year 2000) \$3,700,000; and Phase 2 (Fiscal Year 2001) \$1,291,289, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure under established funding phases are, or will be, on deposit with the City Treasurer.

CITY MANAGER SUPPORTING INFORMATION:

Council action in March 1999, authorized consulting services with Conwell Shonkwiler and Associates to provide initial site development, layout alternatives and concept plan preparation to consolidate the Water Department on a 23-acre commercial site in Kearny Mesa. Consolidating staff/functions from several locations to a central site will increase operational efficiencies, maximize available resources, eliminate redundant facilities, improve customer access and enhance service delivery. This initial planning and programming effort ensured staff/functions from multiple locations were considered and incorporated into the Water Department Central Facility project. All work associated with this initial stage is complete and a concept plan that takes into consideration the physical, functional, adjacency, cost and aesthetic objectives of the Water Department's centralization project has been formulated. Consistent with the City's inclusive approach regarding capital improvements implementation, a full community outreach/public involvement process was established at the start of the project. The intent of this process was to identify groups within the community, determine interest, provide information, solicit input and act upon comments pertaining to the project. There are three groups participating in the development of the project; the Kearny Mesa Planning Group, the Kearney Lodge Mobile Home residents and the Telecom Business Park Design Review Board. The comments from these groups and the ongoing dialogue is resulting in a concept plan that is sensitive to the surrounding environment while satisfying the requirements for reliable delivery of quality water service to our customers. Council authorization to execute this agreement with Conwell Shonkwiler and Associates will allow continued site development in a partnership with the community. As design progresses, the project will be scheduled for periodic updates with presentations to all interested parties in the community. Completion of the Central Facility design will be accomplished to achieve an efficient means of constructing project components to maximize funding sources and enhance department operations.

Aud. Cert. 2000033.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B202-526.)

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

ITEM-207: Memorandum of Understanding - Quivira Basin Redevelopment.

(See City Manager Report CMR-99-147. Mission Bay Community Area.
District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-67) ADOPTED AS RESOLUTION R-291988

Authorizing the City Manager or his duly designated representative to execute a
Memorandum of Understanding with the Developer and Lessees to implement a
Redevelopment Plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C233-D401.)

MOTION BY WEAR TO ADOPT THE RESOLUTION, APPROVING THE CITY
MANAGER'S RECOMMENDATION. Second by Mathis. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-208: Street Vacation - Del Mar Hills Drive.

(Carmel Valley Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1580) ADOPTED AS RESOLUTION R-291989

Resolution summarily vacating Del Mar Hills Drive Northwest of Del Mar Heights
Road.

Subitem-B: (R-99-1581) ADOPTED AS RESOLUTION R-291990

Resolution certifying that the information contained in the Addendum No. 99-0279 to EIR No. 96-7158, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto. That the report reflects the independent judgment of The City of San Diego as Lead Agency.

CITY MANAGER SUPPORTING INFORMATION:

The vacation of Del Mar Hills Drive northwest of Del Mar Heights Road has been requested by the adjacent property owner (Pacific Bell) in order to facilitate development of the Del Mar Central Office (Pacific Bell) expansion. This street vacation is consistent with Carmel Valley Community Planning Board's recommendation to the City to approve a horizontal design alternative, which would reduce the impacts of the proposed project to the visual character of the community by reducing building heights. The horizontal expansion design requires additional area for parking which is planned for the area of the proposed street vacation. Also, the street vacation is a significant feature of the final EIR environmentally preferred alternative.

Del Mar Hills Drive contains public facilities, for which a general utilities easement will be reserved as a condition of the vacation. Staff review of the vacation indicates that the required four findings of vacation can be made and recommends that the right-of-way be vacated conditioned upon the closing of the vacated portion with standard curb and gutter and the installation of a standard driveway which will provide access to the proposed parking lot. An addendum to the original EIR of the Del Mar Central Office Expansion (LDR-96-7158) is required for the vacation of Del Mar Hills Drive. There are no new environmental impacts associated with the street vacation.

FINDINGS: Staff review has indicated that the right-of-way may be vacated because the four required findings for vacation can be made: 1. That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired for any other public use of a like nature that can be anticipated. 2. That the Public will benefit from the action through improved utilization of land made possible by the street vacation. 3. That the vacation is not inconsistent with the General Plan, an approved Community Plan, or the Local Coastal Program. 4. That the facility for which the right-of-way was originally acquired will not be detrimentally affected by the street vacation.

FILE LOCATION: Subitems A & B: STRT - J-2899 (39)

COUNCIL ACTION: (Tape location: B202-526.)

CONSENT MOTION BY MATHIS 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-S400: Fleet Week 1999.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-96) ADOPTED AS RESOLUTION R-291991

Proclaiming the weeks of July 24, 1999 through August 8, 1999, as "Fleet Week 1999" in San Diego, and commending the event organizers and all the participants for their commitment to honoring the service men and women of the United States Navy, Marine Corps, and Coast Guard, and their families.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A363-492; B093-098.)

MOTION BY WARDEN TO APPROVE THE MINUTES AND ADOPT ITEMS 31, -S400, AND -S401. Second by McCarty. 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-S401: Pride and Promise Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-119) ADOPTED AS RESOLUTION R-291992

Proclaiming July 26, 1999 to be "Pride and Promise Day" in San Diego in recognition of the dedication and determination demonstrated by the participants and the program organizers in assisting San Diego welfare recipients' transition from welfare to work.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A493-634; B093-098.)

MOTION BY WARDEN TO APPROVE THE MINUTES AND ADOPT ITEMS 31, -S400, AND -S401. Second by McCarty. 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 Deputy Mayor Wear at 4:57 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D573).