

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 27, 1999
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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ADJOURNMENT [21](#)

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Wear at 10:10 a.m. The meeting was recessed by Mayor Golding at 12:12 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Wear at 2:22 p.m. with Mayor Golding not present. Mayor Golding adjourned the meeting at 3:50 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-Fishkin (pr/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin 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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: REFERRED TO THE CITY MANAGER

Comment by Don Stillwell regarding his concern about weeds growing around the Friars Road Bridge, and his suggestion that they be removed.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A031-055.)

PUBLIC COMMENT-2:

Comment by William Claycomb regarding gasoline prices, solar panels, and hydrogen and fuel cells. Mr. Claycomb expressed he consulted with pollution experts, air resource specialists, and other experts regarding a solution to the recent escalating gas prices.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A063-092.)

PUBLIC COMMENT-3:

Comment by Debra Dozier explaining that she is disabled with a non-visible illness, and that she has used marijuana for more than thirty years. Ms. Dozier expressed she feels that the use of marijuana for her illness has enabled her to attain three master degrees, and that "good government" practices should be in place to protect those individuals who legally use marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A096-120.)

PUBLIC COMMENT-4: REFERRED TO THE CITY MANAGER

Comment by Doug Beckman regarding the traffic impacts and back-up at the interchange of 163 and Friars Road. Mr. Beckman expressed he felt that this was a "quality of life" issue, and requested that the Council investigate Federal funds being allocated to address the problem.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A123-140.)

PUBLIC COMMENT-5:

Comment by Daniel Beeman wishing to express his concern regarding the homeless, ending poverty, and citizens' rights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A144-175.)

**PUBLIC COMMENT-6: REFERRED TO THE CITY MANAGER;
REFERRED TO THE CITY ATTORNEY**

Comment by Michael Bartelmo regarding legally growing marijuana for use as medicine, and that the San Diego City Police raided a co-op garden removing and

destroying the marijuana plants. Mr. Bartelmo requested that he be informed why this happened when he was following Law 215, and that there was no investigation prior to the raid.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A176-216.)

PUBLIC COMMENT-7:

Comment by Chuck Hurdley regarding his need for using marijuana for health reasons, that he does so legally, and that he feels it helps him maintain a position. Mr. Hurdley expressed he could not maintain employment otherwise.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A243-279.)

COUNCIL COMMENT:

None.

ITEM-330: El Paseo Grande Condominiums.

Matter of an appeal by Wendy von Kalinowski from the decision of the Planning Commission in approving a Coastal Development Permit and La Jolla Shores Development Permit with a Tentative Map 98-1173 within the La Jolla Shores Community Plan Area.

(CDP/LJSHDP/TM-98-1173. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following Resolution to deny the appeal and grant the permit:

Subitem A: (R-2000-523) DENIED APPEAL; GRANTED PERMIT
ADOPTED AS RESOLUTION R-291993

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

Subitem-B: (R-2000-524) GRANTED MAP, ADOPTED AS RESOLUTION
R-292375

Adoption of a Resolution granting or denying the Tentative Map 98-1173, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

The subject property is zoned MF-2 (Multi-Family Residential) and is located at the southeast corner of El Paseo Grande and Vallecitos, within the La Jolla Shores Planned District. The property is comprised of two legal lots initially subdivided in 1928. The 11,214 square-foot site was subsequently developed with eleven rental units.

The requested Coastal and La Jolla Shores Development Permit includes demolition of these units, and the future construction of four attached units intended for use as single-family residences, to be sold as condominiums. The requested Tentative Map would consolidate the lots as one parcel, and designate the property as a condominium site as required by the State Subdivision Map Act in order to permit the owners to sell the dwelling units as condominiums. Surrounding development consists of single-family residences to the north and east, and multi-family residences to the west and south.

FILE LOCATION: LUP - El Paseo Grande Condominiums

COUNCIL ACTION: (Tape location: A298-B111)

Hearing began at 10:38 a.m. and halted at 11:05 a.m.

Testimony in opposition by Wendy Von Kalinoski.

Testimony in favor by Lynne Heidel, William Smith, and Alan Nevin.

MOTION BY MATHIS TO ADOPT THE RESOLUTION TO DENY THE APPEAL AND GRANT THE PERMIT. 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-331: Mid-City Communities Planned District Amendment Hearing.

Matter of amending the Mid-City Communities Planned District to require a special permit for all projects that contain three or more dwelling units in the Mid-City Communities of Normal Heights, Kensington-Talmadge, City Heights, and Eastern Area.

This action will affect your ability to develop your property by limiting the density of new residential development containing three or more dwelling units to the density permitted by the August 1998 Mid-City Communities Plan. The permitted community plan density is currently lower than the zoning allows on an interim basis. The action before the Council is an ordinance that implements the residential densities of the community plan at this time until the permanent zoning can be applied.

This amendment would be applicable to the area generally bounded by Interstate 8 from Interstate 805 to Fairmount Avenue, southerly to Montezuma Road, easterly to Collwood Boulevard, southerly to El Cajon Boulevard, easterly to the City of La Mesa--including the north side of El Cajon Boulevard, southerly to State Route 94, westerly to State Route 15, northerly to Interstate 805, and northerly to Interstate 8.

If you have any questions about how your property was affected by the City Council's prior adoption of the Mid-City Community Plan and whether this amendment affects your ability to develop your property with more than three dwelling units, please contact John Wilhoit at 236-6006.

(Normal Heights, Kensington-Talmadge, City Heights, and Eastern Area Community Planning Areas. Districts-3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-139) INTRODUCED, TO BE ADOPTED
SEPTEMBER 14, 1999

Introduction of an Ordinance amending Section 103.1504 of the Municipal Code relating to the Mid-City Communities Planned District to establish the threshold for discretionary review at three dwelling units for all zones in the Mid-City communities of Normal Heights, Kensington-Talmadge, City Heights, and Eastern Area. This provision will be in place until the Council adopts the Mid-City Land Development Ordinance package approved by the Planning Commission on January 28, 1999.

CITY MANAGER SUPPORTING INFORMATION:

The Mid-City Communities Plan was adopted on August 4, 1998, recommending among other changes significant reductions in permitted residential densities (Attachment 1 of Manager's Report) as compared to the existing zoning for most areas in an "MR" zone (Attachment 2, Manager's Report). Also adopted at that time was a Mid-City Communities Planned District amendment restricting residential development only in certain facility-impacted neighborhoods. During the community plan adoption process, staff projected that all other implementation ordinances would be coming to a City Council hearing within a six month period.

On January 28, 1999 the Planning Commission held a public hearing and recommended approval to the City Council of the Mid-City Communities Plan implementing ordinances with their approval of the Mid-City Land Development Code (LDC) package. The Mid-City LDC package includes code amendments and zone changes using the LDC, which was expected to be certified by the Coastal commission and put into effect in early 1999. However, with delays in reaching agreement with the Coastal Commission and scheduling hearings, it is now anticipated that City Council action on the LDC will not occur before September 1999, and implementation of the code is not likely to occur until January 2000. This delay leaves significant areas of Mid-city available for development at densities far in excess of those adopted in the community plan. This interim ordinance is proposed to provide an opportunity to assess a project's residential density and consistency with the community plan until the permanent community plan implementation zone package can be applied.

The Mid-City Communities Planned District currently requires a discretionary permit for residential projects that exceed 3 dwelling units in the lowest density multiple dwelling unit zone to 38 dwelling units in the highest density zone. The discretionary permit assures that the project is consistent with community plan recommendations. This proposed interim code amendment would require a discretionary permit for residential projects of three or more units in all zones in the Mid-City communities east of I-805 and SR-15 (Normal Heights, Kensington-Talmadge, City Heights, and Eastern Area). The discretionary permit will require that residential project densities conform to the community plan for all projects with three or more units until the pending permanent zoning changes can occur. This provision will be in effect on an interim basis until the Mid-City LDC zones are applied. The previously approved residential development limitations in facility impacted neighborhoods, adopted by the City Council in August 1998, will remain in effect after the zone changes are accomplished.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B112-411.)

Hearing began at 11:05 a.m. and halted at 11:27 a.m.

Testimony in opposition by John Baker and Daniel Beeman.

Testimony in favor by Gregorio Garcia and Jim Varnadore.

MOTION BY KEHOE TO INTRODUCE. 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-332: Three actions related to Linda Vista Road Maintenance Assessment District.

(Linda Vista Community Area. Districts-5 & 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-54) ADOPTED AS RESOLUTION R-291994

Resolution to levy and collect Fiscal Year 2000 assessments.

Subitem-B: (R-2000-55) ADOPTED AS RESOLUTION R-291995

Resolution approving the City Engineer's report.

Subitem-C: (R-2000-56) ADOPTED AS RESOLUTION R-291996

Resolution adopting the annual budget for the Linda Vista Road Maintenance Assessment District in Fiscal Year 2000.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2000 assessments for the Linda Vista Road Maintenance Assessment District (District). The District was established in April 1990 to provide maintenance for landscaping improvements on the raised medians and parkway areas along each side of Linda Vista Road within the public right-of-way. Additional improvements include maintenance of street trees on the southern side of Genesee Avenue from Linda Vista Road to Highway 163.

The Fiscal Year 2000 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>FUND</u>		<u>TOTAL</u>
	<u>OPERATIONS</u>	<u>RESERVE</u>	
BEGINNING BALANCE	\$ 0.00	\$ 27,201.00	\$ 27,201.00
REVENUE:			
Assessments	\$ 79,074.00	\$ 0.00	\$ 79,074.00
Interest	\$ 0.00	\$ 1,000.00	\$ 1,000.00
City Contribution	<u>\$ 3,246.00</u>	<u>\$ 0.00</u>	<u>\$ 3,246.00</u>
TOTAL REVENUE	\$ 82,320.00	\$ 1,000.00	\$ 83,320.00
TRANSFER	\$ (2,247.00)	\$ 2,247.00	\$ 0.00
EXPENSE:			
Personnel	\$ 6,084.00	\$ 0.00	\$ 6,084.00
Contractual	\$ 45,000.00	\$ 0.00	\$ 45,000.00
Incidental	\$ 15,309.00	\$ 0.00	\$ 15,309.00
Utilities	<u>\$ 13,680.00</u>	<u>\$ 0.00</u>	<u>\$ 13,680.00</u>
TOTAL EXPENSE	\$ 80,073.00	\$ 0.00	\$ 80,073.00

ENDING BALANCE \$ 0.00 \$ 30,448.00 \$ 30,448.00

The proposed assessments for Fiscal Year 2000 is \$9.24 per Equivalent Benefit Unit (EBU) in Zone 1, \$4.62 per EBU in Zone 2, and \$4.62 per EBU in Zone 3. This is the same assessment as Fiscal Year 1999. The District contains 10,390.05 EBU's; Zone 1 has 6,719.78 EBU's, Zone 2 has 2,186.43 EBU's, and Zone 3 has 1,483.84 EBU's.

FILE LOCATION: SUBITEMS A, B & C: STRT-M-363-00 [34]

COUNCIL ACTION: (Tape location: A275-297.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-333: Three actions related to Miramar Ranch North Maintenance Assessment District.
(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-48) ADOPTED AS RESOLUTION R-291997

Resolution to levy and collect Fiscal Year 2000 assessments.

Subitem-B: (R-2000-49) ADOPTED AS RESOLUTION R-291998

Resolution approving the City Engineer's report.

Subitem-C: (R-2000-50) ADOPTED AS RESOLUTION R-291999

Resolution adopting the annual budget for the Miramar Ranch North Maintenance Assessment District in Fiscal Year 2000.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2000 assessments for the Miramar Ranch North Maintenance Assessment District (District). The District was established in 1987 to provide maintenance for 69,254 sq. ft. of landscape medians, 36.76 acres of landscaped slopes, 7.25 acres of landscapes right-of-ways, 2.77 acres of “interpretive/pocket” parks and 231 acres space within the District boundaries.

The Fiscal Year 2000 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>FUND</u>		<u>TOTAL</u>
	<u>OPERATIONS</u>	<u>RESERVE</u>	
BEGINNING BALANCE	\$ 0.00	\$ 245,690.00	\$ 245,690.00
REVENUE:			
Assessments	\$ 410,869.00	\$ 0.00	\$ 410,869.00
Interest	\$ 0.00	\$ 1,200.00	\$ 1,200.00
City Contribution	\$ 14,085.00	\$ 0.00	\$ 14,085.00
TOTAL REVENUE	\$ 424,954.00	\$ 1,200.00	\$ 426,154.00
TRANSFER	\$ 153,817.00	\$(153,817.00)	\$ 0.00
EXPENSE:			
Personnel	\$ 45,630.00	\$ 0.00	\$ 45,630.00
Contractual	\$ 270,000.00	\$ 0.00	\$ 270,000.00
Incidental	\$ 168,041.00	\$ 0.00	\$ 168,041.00
Utilities	\$ 95,100.00	\$ 0.00	\$ 95,100.00
TOTAL EXPENSE	\$ 578,771.00	\$ 0.00	\$ 578,771.00
ENDING BALANCE	\$ 0.00	\$ 93,073.00	\$ 93,073.00

The proposed assessments for Fiscal Year 2000 is \$52.76 per Equivalent Benefit Unit (EBU) in Zone 1, and \$73.19 per EBU in Zone 2. This is the same assessment amount as Fiscal Year 1999. The District contains 6,372.02 EBU’s, 2,506.89 EBU’s in Zone 1 and 3,865.13 EBU’s in Zone 2.

FILE LOCATION: SUBITEMS A, B & C: STRT-M-385-00 [34]

COUNCIL ACTION: (Tape location: A275-297.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-334: Three actions related to North Park Maintenance Assessment District.

(North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-2000-63) ADOPTED AS RESOLUTION R-292000

Resolution to levy and collect Fiscal Year 2000 assessments.

Subitem-B: (R-99-2000-64) ADOPTED AS RESOLUTION R-292001

Resolution approving the City Engineer's report.

Subitem-C: (R-99-2000-65) ADOPTED AS RESOLUTION R-292002

Resolution adopting the annual budget for the North Park Maintenance Assessment District in Fiscal Year 2000.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2000 assessments for the North Park Maintenance Assessment District (District). The District was established in July of 1996 to provide maintenance of the landscaping improvements and street lights within the District boundaries. Funding for the Districts proposed capital improvement program will be provided from a portion of the Districts assessments through Fiscal Year 2003.

The Fiscal Year 2000 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>FUND</u>		<u>TOTAL</u>
	<u>OPERATIONS</u>	<u>RESERVE</u>	
BEGINNING BALANCE	\$ 0.00	\$ 187,743.00	\$ 187,743.00
REVENUE:			
Assessments	\$264,052.00	\$ 0.00	\$ 264,052.00
Interest	0.00	1,000.00	1,000.00
City Contribution	<u>4,344.00</u>	<u>0.00</u>	<u>4,344.00</u>
TOTAL REVENUE	\$268,396.00	\$ 1,000.00	\$269,396.00
TRANSFER	18,697.00	(18,697.00)	0.00
EXPENSE:			
Personnel	\$ 21,294.00	\$ 0.00	\$ 21,294.00
Contractual	132,398.00	0.00	132,398.00
Incidental	110,901.00	0.00	110,901.00
Utilities	<u>22,500.00</u>	<u>0.00</u>	<u>22,500.00</u>
TOTAL EXPENSE	\$287,093.00	\$ 0.00	\$287,093.00
ENDING BALANCE	\$ 0.00	\$ 170,046.00	\$170,046.00

The proposed assessments for Fiscal Year 2000 is \$14.91 per Equivalent Benefit Unit (EBU). This assessment is the same as Fiscal Year 1999 with a reduction scheduled in Fiscal Year 2004 to be set at \$12.78 per EBU. The District contains 17,705.68 EBU's.

FILE LOCATION: SUBITEMS A, B & C: STRT-M-413-00 [34]

COUNCIL ACTION: (Tape location: A275-297.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-335: Three actions related to Washington Street Maintenance Assessment District.
(Mission Hills Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-60) ADOPTED AS RESOLUTION R-292003

Resolution to levy and collect Fiscal Year 2000 assessments.

Subitem-B: (R-2000-61) ADOPTED AS RESOLUTION R-292004

Resolution approving the City Engineer's report.

Subitem-C: (R-2000-62) ADOPTED AS RESOLUTION R-292005

Resolution adopting the annual budget for the Washington Street Maintenance Assessment District in Fiscal Year 2000.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2000 assessments for the Washington Street Maintenance Assessment District (District). The District was established in July 1993 to provide maintenance for the landscaping improvements on the Washington Street center islands. For Fiscal Year 2000, the District will maintain 13,500 sq. ft. of medians (7,168 sq. ft. of landscaped medians), 44,000 sq. ft. of landscaped slopes, 1,120 sq. ft. of street trees and 10,000 sq. ft. of hardscape sidewalks. Additional landscape median improvements of 6,572 sq. ft. will require maintenance in future years.

The Fiscal Year 2000 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>FUND</u>		<u>TOTAL</u>
	<u>OPERATIONS</u>	<u>RESERVE</u>	
BEGINNING BALANCE	\$ 0.00	\$ 6,136.00	\$ 6,136.00

REVENUE:			
Assessments	\$ 25,384.00	\$ 0.00	\$ 25,384.00
Interest	\$ 0.00	\$ 130.00	\$ 130.00
City Contribution	\$ 1,620.00	\$ 0.00	\$ 1,620.00
TOTAL REVENUE	\$ 27,004.00	\$ 130.00	\$ 27,134.00
TRANSFER	\$ 2,134.00	\$ (2,134.00)	\$ 0.00
EXPENSE:			
Personnel	\$ 3,042.00	\$ 0.00	\$ 3,042.00
Contractual	\$ 18,000.00	\$ 0.00	\$ 18,000.00
Incidental	\$ 5,266.00	\$ 0.00	\$ 5,266.00
Utilities	\$ 2,830.00	\$ 0.00	\$ 2,830.00
TOTAL EXPENSE	\$ 29,138.00	\$ 0.00	\$ 29,138.00
ENDING BALANCE	\$ 0.00	\$ 4,132.00	\$ 4,132.00

The proposed assessment for Fiscal Year 2000 is \$11.72 per Equivalent Benefit Unit (EBU). This is an increase of \$2.68 (a 29.6 percent increase) per EBU from the assessment of \$9.04 per EBU in Fiscal Year 1999. The increase is due to an increased level of service requested by the District. The maximum authorized assessment is \$14.91 per EBU. The District contains 2,165 EBUs.

FILE LOCATION: SUBITEMS A, B & C: STRT-M-410-00 [34]

COUNCIL ACTION: (Tape location: A275-297.)

CONSENT MOTION BY WARDEN TO ADOPT. 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-336: Interim Agreement with Sverdrup Civil, Inc. for Preliminary Engineering, Design and Planning Services for Redevelopment Purposes Pursuant to the Centre City Redevelopment Plan Including the Ballpark Infrastructure Project and Centre City East Redevelopment Area Water/Sewer Enhancements.

(Centre City Community Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-94) ADOPTED AS RESOLUTION R-292006

Authorizing the City Manager to execute an Interim Agreement with Sverdrup Civil, Inc., in an amount not to exceed \$3,000,000 for preliminary engineering, design and planning services for redevelopment purposes pursuant to the Centre City Redevelopment Plan including the Ballpark Infrastructure Project and Centre City East Redevelopment Area water/sewer enhancements;

Authorizing the expenditure of an amount not to exceed \$3,000,000 from Ballpark Interim Financing Fund 10290, providing that the City Auditor and Comptroller first furnishes a certificate demonstrating that funds are, or will be, available in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the MOU between the City, CCDC and the Padres, approved by the voters on November 3, 1998, the City is responsible for the design and construction of infrastructure components (Project) of the ballpark redevelopment project. Council approved interim financing by Ordinance O-18624 (2/1/99), \$3,500,000 and Resolution R-291450 (3/31/99), \$11,500,000 for a total of \$15,000,000, which included funds for this Project. It is anticipated that permanent financing will be obtained on or about January 31, 2000.

To accomplish the City's responsibilities regarding the infrastructure components, the City conducted a Request for Qualifications/Request for Proposals process to select a Design/Construction Management (DCM) team. Sverdrup Civil, Inc. was selected as the DCM for this Project. This Interim Agreement will be funded with interim financing funds, which will be credited to the Guaranteed Maximum Price (GMP) for the DCM Agreement. The scope of services for this Interim Agreement includes: preparing 100 percent construction documents for the parking structure; preparation of 50 percent design documents for wet utility work, streetscape and surface parking; preparation of final GMP; preparation of bidding plan, project procedures, and cost estimates; and value engineering reviews. There are two phases of this Interim Agreement: (1) design and planning services before 9/15/99 (anticipated date of Ballpark

Project EIR certification); and (2) additional design services through 1/31/2000 (anticipated date for obtaining permanent financing for the Ballpark Project). The second phase will only be authorized if the DCM Agreement is not executed at that time.

Sverdrup has committed to the following subconsultant goals: MBE 36 percent and WBE 5 percent.

Aud. Cert. 2000070.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B414-463.)

MOTION BY MATHIS TO ADOPT. 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-337: Memorandum of Understanding - De Anza Harbor Resort.

(See City Manager Report CMR-99-148. Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-68) ADOPTED AS RESOLUTION R-292007

Authorizing the execution of a Memorandum of Understanding with De Anza Harbor Resort and Golf LLC, for review of a Redevelopment Plan, establishment of a process for review, and negotiations of an option to lease for the Redevelopment Plan area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D006-E538.)

MOTION BY MATHIS TO ADOPT THE RESOLUTION AND TO ACCEPT DEPUTY MAYOR WEAR'S RECOMMENDATION DISTRIBUTED DURING THE MEETING AND READ INTO THE RECORD AS FOLLOWS:

TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE MOU WITH DE ANZA HARBOR RESORT & GOLF LLC WHICH PROVIDES THAT THE CITY:

1. REVIEW A REDEVELOPMENT PLAN FOR THE AREAS CURRENTLY COVERED BY THE HARBOR RESORT AND GOLF COURSE LEASES,

WITH THE FOLLOWING AMENDMENT TO SECTION II A OF THE DRAFT MOU:

A. PROCESSING OF REDEVELOPMENT PROGRAM/VESTED RIGHTS CITY SHALL PROCESS FOR REVIEW, IN ACCORDANCE WITH THE TIME LINE ATTACHED HERETO AS ATTACHMENT "A", DE ANZA'S APPLICATION FOR A REDEVELOPMENT PROGRAM (SUMMARIZED ON ATTACHMENT "B"). THIS SUMMARY IS INCLUDED IN THE MOU FOR INFORMATION PURPOSES ONLY. IN APPROVING THE MOU, CITY IS NOT AGREEING TO NOR BOUND BY ANY OF THE PROPOSALS IN THE REDEVELOPMENT PROGRAM. DURING THE ENVIRONMENTAL REVIEW PROCESS, ALTERNATIVE LAND USES, CONSISTENT WITH THE MISSION BAY MASTER PLAN, WILL BE ANALYZED FOR POTENTIAL ENVIRONMENTAL AND FISCAL IMPACTS. IT IS CONTEMPLATED THAT UPON APPROVAL OF THE REDEVELOPMENT PROGRAM ANY SUBSEQUENT APPROVALS WILL BE REVIEWED BY CITY, THROUGH THE NORMAL PROJECT REVIEW PROCESS APPLICABLE TO MISSION BAY LESSEES FOR SUBSTANTIAL CONFORMANCE WITH THE APPROVED REDEVELOPMENT PROGRAM AND SUCH SUBSEQUENT APPROVALS WILL BE DEEMED TO BE MINISTERIAL SO LONG AS THEY ARE IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED REDEVELOPMENT PROGRAM. (NO ADDITIONAL CHANGES)

2. ESTABLISHES A PROCESS FOR REVIEW,

WITH CHANGES TO THE TIMELINE, ATTACHMENT A, TO REFLECT A JOINT PLANNING COMMISSION/MISSION BAY PARK COMMITTEE MEETING EARLY IN THE PROCESS, AS PART OF STEP 6, AND

SHIFT THE TIMING FOR STEP 11, "REVISION OF THE PROPOSED REDEVELOPMENT PROGRAM," TO BE CHRONOLOGICALLY AFTER STEP 10, "PUBLIC REVIEW OF DRAFT ENVIRONMENTAL DOCUMENTS."

3. NEGOTIATES AN OPTION TO LEASE WITH DE ANZA FOR THE REDEVELOPMENT AREA.

THE PROCESS WOULD INCORPORATE A PUBLIC FORUM IN ORDER TO TAKE INPUT ON WHAT THOSE ALTERNATIVES MIGHT BE AND TO DEFINE THE ALTERNATIVES FOR THE SITE. THE EIR ASSOCIATED WITH THE PLANNING PROCESS IS TO INCLUDE THOSE ALTERNATIVES AS PART OF THE EIR STUDY.

Substitute motion by Stevens to continue this matter for thirty days, so that the attorney of those opposed can seek a way to change the State law that will allow the residence to stay there. Second by Vargas.

Failed. Nays-123567. Yeas-48. M-np

Main motion vote:

Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338: Fiscal Year 2000 Annual Appropriation Ordinance.

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2000-1) INTRODUCED AND ADOPTED AS ORDINANCE O-18667
(New Series)

Introduction and adoption 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 200 on the docket of Monday, July 26, 1999, for the first public hearing. Today's action is the second public hearing and the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E539-F056.)

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:50 p.m. in honor of the memory of Kris Ross Kutzke at the request of Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F057-070.)