

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, OCTOBER 5, 1999  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:16 a.m. Mayor Golding adjourned the regular meeting at 11:11 a.m. to convene the Redevelopment Agency and the Special Joint Council Meeting with the Redevelopment Agency thereafter.

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 Father Steven Grancini of Our Lady of the Rosary.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Somhale Omer of Birney Elementary School.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on interest paid by the government. He stated that interest charges increase the debt and said it is time to replace loans with interest free money.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A043-062.)

PUBLIC COMMENT-2:

John Jones presented the Mayor and Council with a hypothetical situation under the presumption they all live in nice homes. He asked what Council would do if the state came along and decided to build a park, a shopping center, or maybe even a hotel in their neighborhood.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A063-088.)

PUBLIC COMMENT-3:

Steve McWilliams commented on safe access to marijuana for medical use. He stated the health and safety code is not the responsibility of the City Attorney or police officers. He said medical marijuana is covered under the California Health and Safety Code according to the new guidelines issued.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A089-115.)

PUBLIC COMMENT-4:

Barbara MacKenzie commented on communication with San Diego police officers regarding the medical use of marijuana. She said the communication with the Police Department last week was very positive and thanked Mayor Golding for any input she had. Ms. MacKenzie is very confident that the issues surrounding the use of medical marijuana can be worked out.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A116-140.)

PUBLIC COMMENT-5:

Ron Boshun commented on the environmental impact report for the downtown ballpark. He said Council voted to eliminate the environmental impact report and move forward on construction, thereby violating the law. He also commented on City Attorney Casey Gwinn's attendance at Council meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A142-161.)

PUBLIC COMMENT-6:

Daniel Beeman commented on ethics and improper spending. Mr. Beeman said the Mayor was in favor of an ethics committee and then voted against it. He also stated our City is \$2 million in debt under the current budget proposal. Mr. Beeman also commented on the environmental impact report for the ballpark.

Mayor Golding stated that Council has never voted to approve or not to approve the environmental impact report. She said there are several public hearings scheduled regarding this very subject and then Council will vote whether to certify it or not. Mayor Golding also stated that City Attorney Casey Gwinn is in attendance at almost every Council meeting and provides sound legal advice.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A162-202.)

COUNCIL COMMENT:

None.

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

9/20/99 Adjourned

9/21/99 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A203-206.)

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

ITEM-31: National Arts and Humanities Month.

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-281) ADOPTED AS RESOLUTION R-292258



Proclaiming the month of October 1999 to be "National Arts and Humanities Month" in San Diego, and urging all residents to participate in and celebrate the cultural riches our community has to offer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A213-280.)

MOTION BY COMMON CONSENT TO ADOPT. 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: YMCA and SDG&E Character Development Month.

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-376) ADOPTED AS RESOLUTION R-292259

Recognizing YMCA and SDG&E for its many contributions to the quality of life for all San Diegans and proclaiming October 1999, to be "YMCA and SDG&E Character Development Month."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A283-349.)

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

ITEM-33: Father John Sanders Day.

**COUNCILMEMBER KEHOE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-355) ADOPTED AS RESOLUTION R-292260

Proclaiming October 4, 1999 to be "Father John Sanders Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A355-449.)

MOTION BY COMMON CONSENT TO ADOPT. 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: Office Space Lease Amendment - Information Technology and Communications Department.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2000-42) INTRODUCED, TO BE ADOPTED OCTOBER 18, 1999

Introduction of an ordinance authorizing the City Manager to execute a 15-year Fourth Amendment to the Lease Agreement with Civic Center Associates for the expansion of the Information Technology and Communications Department.

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

**CITY MANAGER SUPPORTING INFORMATION:**

The Information Technology and Communications Department (ITC), currently located on the 4th floor and 2nd floor in the Civic Center Plaza Building, has expanded beyond current capacity. Recently, additional square footage became available on the 4th floor of the building. The ITC office is proposing to lease the additional space under the following basic terms:  
TERM - Approximately 15 years. Lease amendment will be effective September 15, 1999 and will terminate on July 23, 2014, the expiration date of the Master Lease. RENT - \$1.35 per square foot or \$3,357.45 per month.  
USE - General office usage for the ITC Department.  
SIZE - 2,487 square feet.  
TENANT IMPROVEMENTS - Landlord shall install the Tenant Improvements at landlord's sole cost and expense. The cost of the improvements are estimated at \$53,483.85.

**FISCAL IMPACT:**

\$32,007.69 will be paid from the General Fund 100, Citywide Office Space Job No. 060143, for FY 2000.

Culbreth-Graft/Griffith/DML

Aud. Cert. 2000308.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE TO INTRODUCE THE ORDINANCE. Second by Warden. 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-100: Awarding of Contract - Point Loma Outfall Gate Modification.

(Point Loma Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-284) ADOPTED AS RESOLUTION R-292261

Accepting the low bid and awarding a contract to C&W Diving Services in the amount of \$688,452 for modifications to the Point Loma Outfall Gate;

Authorizing the City Auditor and Comptroller to transfer \$218,875 from Sewer Revenue Fund No. 41509, Metro Wastewater Unallocated Reserve, Dept. 777, Org. No. 445, Job Order 777210, Object Account 4903, to Sewer Revenue Fund No. 41508, Dept 771, Org. No. 421, Job Order 242199, Object Account 4220;

Authorizing the expenditure of an additional amount not to exceed \$218,875 from Fund No. 41508, Dept 771, Org. No. 421, Job Order 242199, Object Account 4220, to supplement funds previously authorized by the Council for this project, for a revised expenditure of \$722,875 (base on actual low bid), consisting of \$688,452 for construction and \$34,423 for contingency; and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditures 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.

**CITY MANAGER SUPPORTING INFORMATION:**

The Point Loma Outfall Gate Modification project will seal three leaking gates on the Point Loma Ocean Outfall. Although the discharge is minute, and we have never violated any of the water quality standards, the City is not permitted to discharge treated effluent at these locations. The advertisement and award for this contract was authorized by City Council on July 26, 1999, under Resolution No. R-291969. This construction contract was advertised for bids on July 1, 1999. The bids were opened on August 17, 1999, The apparent lowest responsible bidder is C & W Diving Services of National City, California, with a bid amount of \$688,542. This bid amount is over the final design estimated amount. It is felt that this higher than anticipated bid amount is due to recently instituted Federal Regulations governing procedures for dives in water to depths of 200 feet below sea level as well as new requirements for underwater entry into confined spaces. This action is being processed to increase the funding originally requested for the Point Loma Outfall Gate Modification project and to award the contract to C & W Diving Services. Because the bid amount exceeded the anticipated budget reserves set aside for this

repair, funding to cover the additional cost must be appropriated. Therefore, the necessary \$218,875 required to complete this project will be obtained from the Metro Wastewater Department's Unallocated Reserve.

**FISCAL IMPACT:**

The total cost of this action is \$218,875 (Sewer Fund), of which \$208,452 is for the construction contract and \$10,423 is for contingencies. (The total cost of this contract, including the previous authorization of \$504,000, is \$722,875).

Loveland/Schlesinger/DQG

Aud. Cert. 2000307.

FILE LOCATION: CONT - C & W Diving Services

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-101: Five actions related to the Final Subdivision Map of California Terraces Unit No. 3C.

(This is a 107-lot subdivision. Otay Mesa Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-336) ADOPTED AS RESOLUTION R-292262

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Pardee Construction Company, for installation and completion of certain public improvements in the subdivision to be known as California Terraces Unit No. 3C.

Subitem-B: (R-2000-335) ADOPTED AS RESOLUTION R-292263

Approving the final map.

Subitem-C: (R-2000-337) ADOPTED AS RESOLUTION R-292264

Authorizing the City Manager to execute a Landscape Maintenance Agreement with Pardee Construction Company, for the installation and completion of certain public improvements in the subdivision to be known as California Terraces Unit No. 3C.

Subitem-D: (R-2000-338) ADOPTED AS RESOLUTION R-292265

Approving the acceptance by the City Manager of a grant deed of Pardee Construction Company, granting to the City Lots "A" and "G" of California Terraces Unit No. 3C for open space purposes.

Subitem-E: (R-2000-339) ADOPTED AS RESOLUTION R-292266

Authorizing the City Manager to execute a Deferred Improvement Agreement with Pardee Construction Company, for the extension of Del Sol Boulevard.

### **CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 32.283 acre site into 107 lots for residential development, plus lots "A" through "M". It is located southwest of Ocean View Hills Parkway in the Otay Mesa Community Plan area. On April 12, 1994 the Council of the City of San Diego approved City Council Resolution Nos. R-283694 and R-283695 for California Terraces Subdivision. T.M. Condition No. 22 requires the Subdivider to extend Del Sol Boulevard from Ocean View Hills Parkway to the westerly subdivision boundary. The westernmost 100 feet of the road provides no access and cannot be readily constructed because the Subdivider is unable to secure a letter of permission to grade from the adjacent property owner. The extension is not necessary at this time and staff recommends allowing the Subdivider to enter into a Deferred Improvement Agreement for this roadway segment. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28991-1-D through 28991-24-D, filed in the Office of the City Clerk under Micro Number 140.01. All improvements are to be completed within two years. The Engineers estimate for the cost of public improvements is \$4,097,888 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$14,300, as determined by the surveyors estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Western Otay Mesa Public Facilities Financing Plan area, which provides for the payment of a Development Impact Fee (DIF), including parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. Lots "A" and "G" are being deeded to the City at no cost as a

condition of Tentative Map approval. The lots total 2.298 acres in size. No park fee credit is being granted by this action. The lots are to be used for open space purposes.

**FISCAL IMPACT:**

None.

Culbreth-Graft/Haase/SH

FILE LOCATION: Subitems A, B, C, & E: SUBD - California Terraces  
Precise Plan (40)  
Subitem D: DEED F-7598

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTIONS. 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-102: Three actions related to the Final Subdivision Map of Coral Gate Unit No. 4.

(This is a 55-lot subdivision. San Ysidro Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-278) ADOPTED AS RESOLUTION R-292267

Authorizing the City Manager to execute a subdivision Improvement Agreement with Gateway Ivey Ranch Associates, Inc., for installation and completion of certain public improvements in the subdivision to be known as Coral Gate Unit No. 4.

Subitem-B: (R-2000-277) ADOPTED AS RESOLUTION R-292268

Approving the final map.

Subitem-C: (R-2000-279) ADOPTED AS RESOLUTION R-292269

Authorizing the City Manager to execute a Landscape Maintenance Agreement with Gateway Ivey Ranch Associates, Inc., for the installation and completion of certain public improvements in the subdivision to be known as Coral Gate Unit No. 4.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 10.005 acre site into 55 lots for residential development. It is located north of Camino De La Plaza in the San Ysidro Community Plan area. On February 11, 1999 the Planning Commission of the City of San Diego approved Tentative Map No. 98-0434 by Resolution No. 2757-1-PC for Coral Gate Unit No. 4 Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29859-1-D through 29859-19-D, filed in the Office of the City Clerk under Micro Number 140.11. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$889,466 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$2,100, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the San Ysidro Public Facilities Financing Plan area, which provides for the payment of a Development Impact Fee (DIF), including parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given



assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the 'Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility.

**FISCAL IMPACT:**

None.

Culbreth-Graft/Haase/SH

FILE LOCATION: Subitems A, B, & C: SUBD - Coral Gate Unit #4 (40)

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTIONS. 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-103: Vacating a Portion of Sunset Street west of Ampudia Street.

(Uptown Community Planning Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-266) ADOPTED AS RESOLUTION R-292270

Vacating a portion of Sunset Street west of Ampudia Street, and designating a sewer easement reservation as a sewer easement for the construction and maintenance of sanitary sewer facilities and appurtenances thereto together with the right of ingress and egress for such purposes.

**CITY MANAGER SUPPORTING INFORMATION:**

The vacation of this unimproved street has been requested by the adjacent property owner to increase the security of the existing dwelling. The street is located adjacent to Heritage Park. There have been numerous trespassing incidents in which individuals have walked on a path in Heritage Park and then crossed the applicant's property in order to get to a private driveway which leads to Arista Street. The street is located in the R-1-5000, R-1-40000, and HR zones. The Uptown Planners Community Planning Committee voted 4-2 with 3 abstentions to oppose the proposed vacation. Because the motion lacked 5 affirmative votes, no formal action was taken. The street contains a public sewer main for which a sewer easement will be reserved. The property adjacent to the proposed vacation is owned by the County of San Diego, as Heritage Park. The County holds the underlying fee title to the south half of the street, and supports the proposed 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 summarily vacated with a sewer easement reserved.

**FINDINGS:**

1. There is no present or prospective use for the street, either for the public street system for which the right-of-way was acquired or for any other public use of like nature.
2. The public will benefit from the vacation through improved utilization of the land.
3. The vacation is consistent with the approved Community Plan.
4. The public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

**FISCAL IMPACT:**

None. All costs have been paid for by the applicant

Culbreth-Graft/Haase/GH

FILE LOCATION: STRT - J-2903 (39)

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-104: Lisbon Street Widening and Street Dedication.

(Lomita Village Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-361) ADOPTED AS RESOLUTION R-292271

Approving the acceptance by the City Manager of a grant deed of the San Diego Unified School District, granting to the City a portion of Lot 12, Map 859, Rancho Mission of San Diego, dedicating and naming the same Lisbon Street.

**CITY MANAGER SUPPORTING INFORMATION:**

The Jamacha Road/Lisbon Street Widening Project was initiated due to the fact that existing and predicted traffic counts in the region dictate the roadway be widened for safety and increased traffic flow. The phase of this project to which this action pertains allows for the widening and improvement of right-of-way fronting Keiller Middle School. In addition to the road widening, pedestrian access and safety have been enhanced with additional signage, striping, and the installation of flashing beacons. All improvements have been completed in the area fronting the school, on the merits of a Temporary Encroachment Permit granted by the San Diego Unified School District. This action will allow for the consummation of the property rights transfer, and the naming and dedicating of the right-of-way for street purposes.

**FISCAL IMPACT:**

None with this action.

Culbreth-Graft/Griffith/SLG

FILE LOCATION: DEED F-7599

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-105: Torrey Pines State Reserve Day.

**COUNCILMEMBER MATHIS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-356) ADOPTED AS RESOLUTION R-292272

Recognizing the 100th Anniversary of Torrey Pines State Reserve, which hosts over 1.5 million visitors enjoying its wonders each year;

Designating October 9, 1999, as "Torrey Pines State Reserve Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-106: The Scripps Research Institute Department of Molecular and Experimental Medicine Laboratory Dedication Day.

**COUNCILMEMBER MATHIS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-363) ADOPTED AS RESOLUTION R-292273

Commending The Scripps Research Institute and its San Diego development team led by Lankford and Associates for constructing this 110,000 square foot world class science facility eight months ahead of schedule;

Proclaiming Thursday, October 14, 1999 to be "The Scripps Research Institute Department of Molecular and Experimental Medicine Laboratory Dedication Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-107: Japanese Friendship Garden Day.

**COUNCILMEMBER KEHOE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-267) ADOPTED AS RESOLUTION R-292274

Commending the Japanese Friendship Garden Board of Directors, volunteers and staff for showcasing and presenting the beauty of Japanese culture to the San Diego community;

Proclaiming September 21, 1999 to be "Japanese Friendship Garden Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-108: Recognizing Stanley Gabara.

**COUNCILMEMBER KEHOE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-331) ADOPTED AS RESOLUTION R-292275

Congratulating Stanley Gabara on his receipt of the 1999 JOHNS Fellowship Award, and recognizing his outstanding record of contributions to the enhancement of the quality of life for working men and women and all citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-109: Recognizing Timothy Galloway.

**COUNCILMEMBER KEHOE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-332) ADOPTED AS RESOLUTION R-292276

Congratulating Timothy Galloway on his receipt of the 1999 JOHNS Distinguished Service Award, and recognizing his outstanding records of contributions to the enhancement of the quality of life for working men and women and all citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-110: Recognizing Jerry Butkiewicz.

**COUNCILMEMBER KEHOE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-333) ADOPTED AS RESOLUTION R-292277

Congratulating Jerry Butkiewicz on his receipt of the 1999 Labor Leader of the Year Award, and recognizing his outstanding record of contributions to the enhancement of the quality of life for working men and women and all citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-111: San Diego County Hispanic Chamber of Commerce Week.

**COUNCILMEMBER KEHOE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-260) ADOPTED AS RESOLUTION R-292278

Recognizing and commending the San Diego County Hispanic Chamber of Commerce for its commitment to the education of Hispanic youth, as well as its strong commitment to promote Hispanic businesses;

Proclaiming the week of September 13 through 18, 1999 to be "San Diego County Hispanic Chamber of Commerce Week" in San Diego.

\_\_\_\_\_ FILE LOCATION:                      AGENDA

\_\_\_\_\_ COUNCIL ACTION:                      (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-112: Rolando Woman's Club Day.

**COUNCILMEMBER McCARTY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-349) ADOPTED AS RESOLUTION R-292279



Proclaiming October 15, 1999 as "Rolando Woman's Club Day" in San Diego,  
and recognizing the contributions of the Rolando Woman's Club.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-113: Arab-American Day.

**COUNCILMEMBER VARGAS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-306) ADOPTED AS RESOLUTION R-292280

Proclaiming October 15, 1999 to be "Arab-American Day" in San Diego, in  
recognition of the contributions of Arab-Americans, and encouraging all residents  
to share and enjoy the festivities and cultural significance of this day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-114: Accepting a Grant from the U.S. Department of Commerce's Economic Development Administration.

(San Ysidro Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-320) ADOPTED AS RESOLUTION R-292281

Authorizing the City Manager to accept, appropriate, and expend grant funds from the U.S. Department of Commerce's Economic Development Administration in the amount of \$100,000 for the development of economic development strategies for the economic development component of the San Diego/Tijuana International Boundary Area Plan;

Authorizing the City to provide a required match of \$100,000, paid for by in-kind services which will come from the budgets of the following departments: Transportation, Economic Development and Planning;

Authorizing the City Manager to execute all documents, including but not limited to contracts, agreements, amendments, extensions, renewals, or future funding, provided funding is made available by the U.S. Department of Commerce.

**CITY MANAGER SUPPORTING INFORMATION:**

On April 21, 1999, the City submitted an application to the U.S. Department of Commerce's Economic Development Administration (EDA) for an Economic Adjustment Grant. Through recently instituted cooperative agreements, officials in the San Diego/Tijuana border region have agreed to undertake a comprehensive transborder planning program which is the first of its kind in the United States. The program will include economic development, transportation, land use, infrastructure investment, environmental and urban design components. The City of San Diego was invited to submit an application, for an Economic Adjustment Grant in the amount of \$100,000 which will provide for the economic development component of the San Diego/Tijuana International Boundary Area Plan. The EDA grant will be used to develop economic

development strategies specifically designed for the border communities so they can share in the economic prosperity that the San Diego region has experienced since 1980. The study will assist in establishing investment priorities and in developing an economic standard that creates not only numbers of jobs but quality jobs.

The economic study is also of critical importance at this time do to the currently proposed unique projects such as a new port of entry, a trans-border airport terminal, a multi-use redevelopment complex and major transportation routes on both sides of the border, all of which promise to enhance the economic status of the border communities.

**FISCAL IMPACT:**

The City will receive and expend a grant in the amount of \$100,000 from EDA. A match of \$100,000 is required and will consist of in-kind contributions which will come from the Transportation Department's Economic Development and Community Services and Planning and Development Review Department's budgets.

Loveland/Gonzalez/HLL

Aud. Certs. 2000281 and 2000285.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-115: Grant Application - Updates for La Jolla and La Jolla Shores Planned District Ordinances.

(La Jolla and La Jolla Shores Community Areas. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-304) ADOPTED AS RESOLUTION R-292282

Declaring that the Coastal Commission is requested to provide financial and planning assistance, under authority of the Government Code of the State of California and Chapter 779 of Statutes 1997, not to exceed \$55,000;

Authorizing the City Manager to execute all documents, including applications, contracts, agreements, and amendments necessary to implement and carry out the purposes of the funding grant;

Authorizing the City Manager to accept and expend grant funds if the grant is awarded.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego has been notified of the availability of grant funds from the California Coastal Commission for local government initiated Local Coastal Program updates that involve revising implementation regulations that address new or changed circumstances. Since the City is in the process of updating the La Jolla / La Jolla Shores Local Coastal Program Land Use Plan, it would be appropriate and cost effective to review the Planned District Ordinances (PDO) for those communities at this time. Updating the PDO at this time would provide consistency between the policy document and the implementing regulations. Additionally, should the City Council act to accept Coastal Commission modifications to the Land Development Code, the updates would consider, where appropriate, implementation of the Land Development Code in place of specific PDO regulations. The grant funding requested by the City from the California Coastal Commission for the updates of the La Jolla and La Jolla Shores Planned District Ordinances, as detailed in the accompanying grant application work program, will not exceed \$55,000. The one to one matching fund amount will be fulfilled by using monies already budgeted within the Planning and Development Review Dept (1300) for this purpose.

Culbreth-Graft/Hasse/DPJ

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-116: Grant Application - Update of the La Jolla Community Plan and Local Coastal Program Land Use Plan.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-347) ADOPTED AS RESOLUTION R-292283

Declaring that the Coastal Commission is requested to provide financial and planning assistance, under authority of the Government Code of the State of California and Chapter 779 of Statutes 1997, not to exceed \$23,170;

Authorizing the City Manager to execute all documents, including applications, contracts, agreements, and amendments necessary to implement and carry out the purposes of the funding grant;

Authorizing the City Manager to accept and expend grant funds if the grant is awarded.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego has been notified of the availability of grant funds from the California Coastal Commission for local government initiated Local Coastal Program (LCP) updates that involve revising policies and implementing regulations that address new or changed circumstances. In 1995, the City Council approved an update to the La Jolla Community Plan and Local Coastal Program which was subsequently considered by the California Coastal Commission. The Coastal Commission recommended several revisions to policies related to public views and visual access that have not been incorporated into the plan update and therefore the update has not been completed. Since the City is finalizing the update of the Land Development Code and is proposing to update the La Jolla and La Jolla Shores Planned District Ordinances, it would be appropriate and cost effective to complete the update of the La Jolla Community Plan and LCP at this time. Updating the Community Plan and LCP at this time would provide consistency between the policy document and the implementing regulations. The grant funding requested by the City from the California Coastal Commission for the update of the La Jolla Community Plan and Local Coastal Program Land Use Plan, as detailed in the accompanying

grant application work program, will not exceed \$23,270. The one to one matching fund amount will be fulfilled by using monies already budgeted within Planning and Development Review Dept (065) for this purpose.

Culbreth-Graft/Goldberg/BM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-117: Acceptance of SANDAG Funds and Execution of Subcontractor Agreement.

(Mid-City, Normal Heights, Kensington-Talmadge and City Heights Community Areas. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-358) ADOPTED AS RESOLUTION R-292284

Authorizing the acceptance and expenditure of funding from the San Diego Association of Governments [SANDAG] and the execution of all documents necessary to carry out the purpose of the funding and authorizing the execution of Amendment No. 3 to Agreement No. C-09106 with McKeever/Morris, Inc., for professional services related to the Mid-City Transit Interchanges Project (McTIP).

**CITY MANAGER SUPPORTING INFORMATION:**

In May of 1998, the City of San Diego joined a partnership of agencies and organizations in work on the Mid-City Transit Interchanges Project (McTIP). McTIP is an on-going planning and implementation project focused on several blocks of the Mid-City Community within and surrounding the Interstate 15 (I-15) construction corridor. The intent is to capitalize on the investment undertaken by CalTrans and ensure that future development surrounding I-15 enhances the area and is consistent with community goals as well as 'Smart Growth' and 'Transit-Oriented Development' principles. To date, work on this project has been supported by Community Development Block Grant (CDBG) Funding and a State of California grant for technical support. The San Diego Association of Governments (SANDAG) has allocated \$35,000 for continued work on the McTIP Project to include public outreach and preparation of a

conceptual land use plan. The funding will enable the City to continue to coordinate the work of its subcontractor, McKeever/Morris, Inc. Council action is needed to accept and expend the funding and amend the Agreement with McKeever/Morris, Inc. to reflect the SANDAG funding and scope of work.

**FISCAL IMPACT:**

\$35,000 would be provided by the SANDAG for work on the Mid-City Transit interchanges Project (McTIP).

Culbreth-Graft/Goldberg/MPW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-118: Storm Drain Diversion Sump and Project Mitigation Funds Transfer.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-311 Corrected) ADOPTED AS RESOLUTION R-292285

Authorizing the City Manager to negotiate and execute Change Order No. 4 for the Point Loma North Operations Building, with Nielsen Dillingham Builders, in connection with the Low Flow Storm Drain Diversion Project, in an amount not to exceed \$692,047;

Authorizing the City Auditor and Comptroller to transfer the following amounts:

- 1) \$449,980 consisting of 250,000 from Fund No. 41509, CIP-46-170.0, Point Loma - Degester Facility Upgrade & Expansion, and \$199,980 from Fund No. 41508, CIP-46-180.0, Point Loma - North Operations Building, to Fund No. 41508, CIP-46-110.0, Point Loma - Annual Allocation, to provide funds for construction, contingency, and related costs for the Low Flow Storm Drain Diversion Sump Project.
- 2) \$20,000 from Fund No. 41509, CIP-40-921.0, FIRP Phase II Digested Sludge & Centrate Pipeline, Job Order 195520, Object Account 4116, to Fund No. 10525, CIP-28-005.0, Sunset Cliffs Shoreline Park Improvements, to provide funds for mitigation for construction work related to the FIRP pipeline;

Authorizing the expenditure of an amount not to exceed \$821,750 from Fund No. 41508, CIP-46-119.0, Point Loma - Annual Allocation, consisting of \$692,047 for the project construction, and \$129,703 for the related costs and project contingency, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

**CITY MANAGER SUPPORTING INFORMATION:**

This project is needed to help the Point Loma Wastewater Treatment Plant (PLWTP) comply with National Pollution Discharge Elimination System (NPDES) permit conditions. The purpose of this project is to prevent the flow of unanticipated spills into the ocean via four storm drain outlets. This will be accomplished by installing containment systems upstream of the outlets. With the desire to install these facilities before the winter and use available funds, as- needed consultant services were used to design this project in a short time frame. To minimize reconstruction of surface improvements and save costs, it is recommended that contractors already on site perform the work as a change order. Since the northern outlet is located on the North Operations Building (NOB) site, currently under construction by Nielsen Dillingham Builders (NDB), it is recommended that NDB construct the containment systems on that site. The second outlet, south of the first one, is close enough to the NOB and has the same electrical source as the northern one. Therefore, NDB is also the recommended contractor for this system. The two remaining containment systems are located within other contract areas which are closer to completion than the North Operations Building. Adding these improvements to these contracts would cost the City more in delay impacts. For the reasons mentioned and since the



additional work will not delay that NOB project, the recommended change order is to have the NDB NOB contract install all the containment systems. The cost for the containment systems was negotiated at \$692,047. A limited Notice To Proceed has been issued to NDB to order long lead items for an amount not to exceed \$200,000. An Annual Allocation Sublet CIP-46-191.5 has been set up to fund this project. To mitigate park and community impacts from construction of the FIRP Phase II Digested Sludge and Centrate Pipeline, \$20,000 is transferred to Sunset Cliffs Shoreline Park Improvements.

**FISCAL IMPACT:**

The total authorized to expend, for Point Loma Low Flow Storm Drain Diversion, is \$821,750 for construction, contingency and other project related costs. Total authorized to transfer for mitigation is \$20,000 from CIP-40-921.0 FIRP Phase II Digested Sludge and Centrate Pipeline to Sunset Cliffs Shoreline Park Improvements.

Loveland/Schlesinger/JAW

Aud. Cert. 2000273.

FILE LOCATION: CONT - Nielsen Dillingham Builders

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-150: Pilot Study on the Use of Reclaimed Water in the Electronics and Biotech Industries.

(See City Manager Report CMR-99-166 and Toppan Electronics, Inc.'s statement.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2000-258) ADOPTED AS RESOLUTION R-292286

Authorizing the City Manager to implement the pilot study as described in City Manager Report CMR-99-166;

Authorizing the City Manager to execute an agreement with Toppan Electronics for Phase I of the pilot study;

Authorizing the City Manager to utilize consultant services to manage the pilot study;

Authorizing the City Auditor and Comptroller to apply for and accept the \$1.75 million project funding from the State Water Resources Control Board;

Authorizing the expenditure of an amount not to exceed \$1.75 million from Fund 41500, Dept. 760, provided that the City Auditor first issues an Auditor's Certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer's Office.

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

On 8/4/99, NR&C voted 3-0 to approve the City Manager's recommendation to: a) Authorize the City Manager to implement the pilot study; and b) Enter into an agreement with Toppan Electronics to partner with the City in conducting Phase I of the pilot study. (Councilmembers Mathis, Kehoe, and Warden voted yea. Councilmembers Stallings and McCarty not present.)

Aud. Cert. 2000247.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B051-141.)

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS IN ITEMS -150, -201, -202, -330, -331, AND -S502 AND INTRODUCE THE ORDINANCES IN ITEM 200. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: Two actions related to Long-Term Disposal Agreements with EDCO Disposal Corporation and Waste Management.

(See City Manager Report CMR-99-184. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinances:

Subitem-A: (O-2000-43) INTRODUCED, TO BE ADOPTED OCTOBER 18, 1999

Introduction of an Ordinance authorizing the City Manager to execute Long Term Waste Delivery Agreements with EDCO Disposal Corporation and Waste Management to ensure stable disposal tonnages and revenues at Miramar Landfill.

**NOTE:** 6 votes required for Subitem A.

Subitem-B: (O-2000-44) INTRODUCED, TO BE ADOPTED OCTOBER 18, 1999

Introduction of an Ordinance amending Chapter VI, Article 6, Division 1, of the San Diego Municipal Code by amending Section 66.0129 titled "Fees for Use of Refuse Disposal Facilities;" and by amending Chapter III, Article 1, Division 3, by amending Section 31.0306 titled "Refuse Collector Business Tax" relating to Long Term Waste Delivery Agreements.

FILE LOCATION: Subitems A & B: NONE

COUNCIL ACTION: (Tape location: B051-141.)

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS IN ITEMS -150, -201, -202, -330, -331, AND -S502 AND INTRODUCE THE ORDINANCES IN ITEM 200. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: Bid-to-Goal Employee Gainsharing.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-351) ADOPTED AS RESOLUTION R-292287

Authorizing and directing the City Manager to administer and expend funds for Metropolitan Wastewater Department employee gainsharing under the Bid-to-Goal Program, in accordance with guidelines developed in the recent meet and confer process;

Authorizing the expenditure of an amount not to exceed \$651,000 from Fund No. 41508, MWWO Operations and Maintenance Division Assurance Program, to provide funds for employee gainsharing in accordance with guidelines set forth in the meet and confer process, and set forth in detail in City Manager Report CMR-98-33 and Memorandum of Understanding, Document No. RR-289890.

**CITY MANAGER SUPPORTING INFORMATION:**

In March 1998, City Council authorized acceptance of the Employee Bid for operations and maintenance of certain wastewater treatment facilities through FY 2003, and directed further meet and confer with the Municipal Employees Association (MEA) and AFSCME Local 127 on details for an Employee Gainsharing Program. Pursuant to Council direction, staff has met and conferred with MEA and Local 127 and developed the administrative details of the gainsharing program as follows:

1. In recognition of the team aspect of this performance incentive, all individual "full payout shares" shall be equal, regardless of seniority or classification. Individual payout shares shall be prorated based upon the proportion of time the employee has been assigned to, and has been productively a part of an in-scope facility.

2. Classified employees on the payroll of an in-scope facility for at least six full pay periods, or classified employees or interns recommended by the Labor-Management Partnership Committee and approved by the MWWD Director to receive a specified share, are eligible. Employees with a current performance evaluation of "Below Standard" or "Unsatisfactory," or who are not City of San Diego employees on June 30 of the relevant fiscal year are ineligible.
3. Gainsharing shall supplement the existing department-wide Pay for Performance Program.
4. Individual "full payout shares" (on a net after tax basis) shall be capped as follows: FY1999 - \$1,500, FY2000 - \$2,500, and FY2001 through FY2003 - \$3,000/year. Individual full payout shares shall be made at the cap. If the amount available in the Assurance Program is insufficient to fund the cap and or the Labor Management Partnership Committee recommends a payout share less than the cap, the parties agree to meet and confer to determine the payout share for that year. Funds will be available for gainsharing only if designated additional savings below benchmarked budgets are achieved.

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**FISCAL IMPACT:**

FY 1999 cost estimated to use \$651,000 funded by MWWD / O & M Division Assurance Program, which was appropriated using Bid-to-Goal savings accrued in FY 1998.

Loveland/Schlesinger/JNH

Aud. Cert. 2000293.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B051-141.)

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS IN ITEMS -150, -201, -202, -330, -331, AND -S502 AND INTRODUCE THE ORDINANCES IN ITEM 200. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: Fiscal Year 2000 Proposed San Diego Data Processing Corporation (SDDPC) Budget.

(See City Manager Report CMR-99-181.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-362) ADOPTED AS RESOLUTION R-292288

Approving the Annual Budget of \$78,803,587 for San Diego Data Processing Corporation for Fiscal Year 2000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B051-141.)

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS IN ITEMS -150, -201, -202, -330, -331, AND -S502 AND INTRODUCE THE ORDINANCES IN ITEM 200. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 7, 2000 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/24/99	165	LAST DATE (10:00 a.m) for public to submit ballot proposals to City Clerk for review by Rules Committee
Monday	10/4/99	155	Rules Committee review
Tuesday	10/26/99	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	11/1/99	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/8/99	120	Council adopts propositions for
	through	to	ballot; directs City Attorney to
Tuesday	11/23/99	105	prepare ordinances
Monday	11/29/99	99	Council adopts ordinances prepared by City Attorney
Friday	12/10/99	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	12/23/99	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4060.

ITEM-330: Two actions related to the Del Mar Mesa Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P99-135. Public Facilities Financing Plan and FBA, Fiscal Year 2000, June 1999 Draft. Del Mar Mesa Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-210) ADOPTED AS RESOLUTION R-292289

Designating an area of benefit in Del Mar Mesa; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of the Del Mar Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2000-211) ADOPTED AS RESOLUTION R-292290

Declaring that the assessment fee schedule contained in the Del Mar Mesa Public Facilities Financing Plan, as adopted and approved in Resolution R-292168, is an appropriate and applicable Development Impact Fee.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 8/4/99, the LU&H voted 3-0 to approve the recommendation of the City Manager on consent. (Councilmembers Mathis, Stevens, and Vargas voted yea. Councilmembers Wear and McCarty not present.)

FILE LOCATION: Subitems A & B: STRT - FB-16 (33)

COUNCIL ACTION: (Tape location: B051-141.)

Hearing began at 11:04 a.m. and halted at 11:11 a.m.

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS IN ITEMS -150, -201, -202, -330, -331, AND -S502 AND INTRODUCE THE ORDINANCES IN ITEM 200. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: Approving the Financing of the Centre City Redevelopment Project by the



Redevelopment Agency.

(See memorandum from Centre City Development Corporation dated 9/10/99. Centre City Community Area. Districts-2, 3 and 8.)

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**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-373) ADOPTED AS RESOLUTION R-292291

Approving the financing of the Centre City Redevelopment Project by the Redevelopment Agency of the City of San Diego.

**NOTE:** See the Redevelopment Agency Agenda of 10/5/99 for a companion item.

FILE LOCATION: MEET (64)

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COUNCIL ACTION: (Tape location: B051-141.)

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS IN ITEMS -150, -201, -202, -330, -331, AND -S502 AND INTRODUCE THE ORDINANCES IN ITEM 200. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-500: Carol Sing Day.

(Continued from the meeting of September 27, 1999, Item 34, at Councilmember McCarty's request, due to individual not being able to attend the Council meeting.)

**COUNCILMEMBER McCARTY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-224) ADOPTED AS RESOLUTION R-292292

Proclaiming August 20, 1999, to be "Carol Sing Day" in San Diego in recognition of her incredible dedication to the journey of a lifetime.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A461-565.)

MOTION BY COMMON CONSENT TO ADOPT. 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-S501: Aids Walk 10th Anniversary Day.

**COUNCILMEMBER WARDEN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-354) ADOPTED AS RESOLUTION R-292293

Proclaiming Sunday, October 3, 1999 to be "Aids Walk 10th Anniversary Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A590-B050.)

CONSENT MOTION BY KEHOE 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-S502: Three actions related to the Final Subdivision Map of Carmel Valley Neighborhood 10 Unit No. 3.

(Continued from the meetings of September 14, 1999, Item 203, and September 28, 1999, Item 335; last continued at the City Manager's request, for further review.)

NOTE: Hearing open. No testimony taken on 9/28/99.

(This is a 109-lot subdivision. Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-231) ADOPTED AS RESOLUTION R-292294

Authorizing the execution of a Subdivision Improvement Agreement with Pardee Construction Company, for the installation and completion of public improvements.

Subitem-B: (R-2000-230 Cor. Copy) ADOPTED AS RESOLUTION R-292295

Approving the final map.

Subitem-C: (R-2000-232) ADOPTED AS RESOLUTION R-292296

Authorizing the execution of a Landscape Maintenance Agreement with Pardee Construction Company, for the installation and completion of public improvements.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of 59.265 acres into 109 lots for residential development. It is located south of Carmel Mountain Road in the Carmel Valley Community Plan area. On June 30, 1997, the Planning Commission of The City of San Diego approved VTM-96-0737, amending VTM-91-0834 by Resolution R-288908 for Carmel Valley Neighborhood 10. The City Engineer has approved the final map and states that all conditions of the Vesting Tentative Map have been satisfied. City Council action is required to give final approval of all final maps and agreements. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28047-1-D through 28047-26-D, filed in the Office of the City Clerk under Micro Number 140.09. All improvements are to be completed within two years. The Engineers estimate for the cost of public improvements is now \$2,088,821 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$15,000, as determined by the surveyors estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which

provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility. Lot "A" is being deeded by separate instrument to the City at no cost as a condition of tentative map approval. This lot totals 25.038 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

**FISCAL IMPACT:**

None.

Culbreth-Graft/Haase/SH

FILE LOCATION: Subitems A, B, & C: SUBD - Carmel Valley  
Neighborhood 10 Unit No. 3 (40)

COUNCIL ACTION: (Tape location: B051-141.)

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS IN ITEMS -150, -201, -202, -330, -331, AND -S502 AND INTRODUCE THE ORDINANCES IN ITEM 200. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

CLOSED SESSION ACTION:

ITEM-CS-1: (R-2000-412) ADOPTED AS RESOLUTION R-292297

A Resolution adopted by the City Council in Closed Session on Tuesday, October 5, 1999:

The City Manager is hereby authorized to pay the sum of \$450,000.00, in the settlement of each and every claim against The City of San Diego, its agents and employees, in Superior Court Case No. 728486, Frontier II Properties Limited Partnership v. City of San Diego, et al., resulting from property damage to Frontier II Properties Limited Partnership; the City Auditor and Comptroller is authorized to issue one check in the amount of \$450,000.00, made payable to Frontier II Properties Limited Partnership and their attorney of record Brian B. Frasch, in full settlement of all claims.

Aud. Cert. 2000348

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 11:11 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B142).