

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, OCTOBER 25, 1999  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor at 2:07 p.m. Deputy Mayor Wear adjourned the meeting at 3:40 p.m. into Closed Session on Tuesday, October 26, 1999, at 9:00 a.m. in the twelfth floor conference room to discuss anticipated litigation and real property negotiations.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-excused by R-292462 (Due to illness)

(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 (lw)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Gary Harms of Trinity Lutheran Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Mr. Don Stillwell commented on “without authority.” He stated that approximately \$100 million has been withheld from employees’ wages since May 3, 1993. He said all laws passed by Congress must be published in the

Federal Register. Mr. Stillwell said without a law, the City is without authority to withhold income taxes from employees' wages.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A031-057.)

PUBLIC COMMENT-2: REFERRED TO THE CITY MANAGER

Comments by Ethel Murphy regarding the De Anza Community. She stated the residents were offered only about \$8,000 to move which will not be paid until after their homes are removed. She also stated that even if they move prior to November 2003, they would still have to pay rent on the empty space until that date.

City Manager Uberuaga stated that the residents would be receiving a schedule of public meetings by mail this week.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A058-090.)

PUBLIC COMMENT-3: REFERRED TO THE CITY MANAGER

Mr. Steve McWilliams commented on the guidelines used by the police department regarding the use of medical marijuana. He stated that the guidelines currently in use are at least three years old. Mr. McWilliams said guidelines should be under the direction of the County Health Officers and are not for officer discretion at the scene of a crime to decide how many plants a patient may or may not have.

City Manager Uberuaga stated he would check with the police department to see if we are using antiquated guidelines. He also stated he would meet with Mr. McWilliams to discuss the enforcement of the guidelines in a proper and legal manner.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A091-125.)

PUBLIC COMMENT-4:

Ms. Barbara MacKenzie commented on the holistic community outreach. She stated that due to recent meetings there has been a cooperative working relationship established with the San Diego Police Department. Ms. MacKenzie thanked everyone on the City Council, the office of the Mayor, and the office of Assistant Chief George Salamando in getting this process started. She said Shelter From the Storm proclaims to be the preferred model for the implementation of the Compassionate Use Act of 1996 in San Diego county.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A126-150.)

PUBLIC COMMENT-5:

Comments by Daniel Beeman regarding redevelopment and housing. He said San Diego has a major housing problem. Mr. Beeman talked about the 1998 annual report of the Redevelopment Agency and said there is money that could be used for housing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A151-180.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Kehoe commented on the sewer cost of service report which shows that single family homeowners, including the lowest water users in the City, pay up to 56 percent more than they should for sewer service. She stated this report was prepared by the City and is available to everyone. Ms. Kehoe urged her colleagues to read it and stated the matter would be docketed soon.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A181-200.)

COUNCIL COMMENT-2:

Council Member Warden was excited to comment on the ground-breaking ceremony for State Route 56 which took place last Thursday. She appreciated Deputy Mayor Wear's attendance, along with Council Members McCarty and Kehoe. She said this was a big day after five years of work and the finding of \$110 million for this project. Council Member Warden also gave special thanks to Frank Belock.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A201-221.)

COUNCIL COMMENT-3:

Deputy Mayor Wear congratulated the Chinese Consolidated Benevolent Association. He stated that both Council Members Stevens and Warden were present on Saturday when the ribbon was cut for the 41-unit senior housing project in the Marina district.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A222-227.)

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

10/4/99 Special Meeting  
10/5/99  
10/5/99 Special Meeting  
10/11/99 Adjourned  
10/12/99 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A228-232.)

MOTION BY McCARTY TO APPROVE. 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-not present.

\* ITEM-50: Proposed Amendments to the Municipal Lobbying Ordinance, Chapter II, Article 7, Division 40 of the San Diego Municipal Code.

(See City Clerk Report CCR-99-05.)

**CITY CLERK'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2000-21) INTRODUCED, TO BE ADOPTED NOVEMBER 8, 1999

Introduction of an Ordinance amending Chapter II, Article 7, Division 40 of the San Diego Municipal Code by amending Sections 27.4002, 27.4004, 27.4012, 27.4015 and 27.4025; by repealing Section 27.4027; by reenacting new Section 27.4027; by amending Section 27.4028, all relating to Municipal Lobbying.



**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:**

On 10/4/99, Rules voted 4-0 to approve the City Clerk's recommendations in the matter of Proposed Amendments to the San Diego Municipal Lobbying Ordinance and forward to Council; and to direct the City Attorney, City Manager and City Clerk to return to Rules with what would be required to have the Lobbying Ordinance apply to all City agencies, including potential costs and oversight responsibilities. (Councilmembers Mathis, Wear, Warden and Vargas voted yea. Mayor Golding not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A233-406.)

CONSENT MOTION BY MATHIS 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-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-100: Approving the Plans and Specifications and Inviting Bids for the Arizona LFG Collection System Upgrades.

(Balboa Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-385) ADOPTED AS RESOLUTION R-292334

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for the Arizona LFG Collection System Upgrades;

Inviting bids for the Arizona LFG Collection System Upgrades on Work Order No. 320113;

Authorizing a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller to transfer \$150,000 from CIP-32-020.0, South Chollas Landfill Improvements, Fund No. 41201 to CIP-32-011.0, Arizona Street Landfill Closure;

Authorizing the expenditure of not to exceed \$392,000 from CIP-32-011.0, Arizona Street Landfill Closure Fund No. 41201;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K20021C)

**CITY MANAGER SUPPORTING INFORMATION:**

The 65 acre Arizona Street Landfill located along Pershing Drive in Balboa Park received municipal solid wastes from 1952 to 1974. In 1991, a landfill gas control system was constructed and placed into service. The original system functioned reliably, however, it has aged and improvements are necessary to achieve compliance with California Code of Regulations Title 27, Article 6. Gas Monitoring and Control at Active and Closed Disposal Sites.

**FISCAL IMPACT:**

The estimated construction cost of the gas system upgrade is \$330,000. Total project cost is estimated to be \$392,000. \$242,000 is available in Environmental Services Enterprise Fund 41201, CIP-32-011.0, and this request is to transfer an additional \$150,000 from Environmental Services Enterprise Fund 41201, CIP-32-020.0, South Chollas Landfill Improvements.

Loveland/Hays/RAP

Aud. Cert. 2000300.

\_\_\_\_\_ FILE LOCATION:                   CONT - LFG&E International; W.O. 320113

\_\_\_\_\_ COUNCIL ACTION:               (Tape location: A233-406.)

CONSENT 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-not present.

\* ITEM-101: City Heights Redevelopment Plan Amendment Funding.

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

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-367) ADOPTED AS RESOLUTION R-292335

Authorizing the Auditor and Comptroller to transfer \$20,000 in Community Development Block Grant (CDBG) funds (Fund 18535) in the amounts and from the projects listed below to the City Heights Redevelopment Plan Amendment Project, for the purpose of preparing an amendment to the City Heights Redevelopment Plan in accordance with the California Community Redevelopment Law (Health & Safety Code section 33000 et seq.):

<u>Project Name</u>	<u>Dept./Org.</u>	<u>Amount</u>
CD3 Neighborhood Services Center Project	4182/8233	\$ 5,000
Alpha of San Diego Move Project	4182/8201	\$ 5,000
Mid-Block Street Lights Project	4181/8112	\$10,000

Authorizing the expenditure of an amount not to exceed \$20,000 from Fund 18535, Dept. 4191, Org. 9107 for the City Heights Redevelopment Plan Amendment Project.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego and the Redevelopment Agency are initiating the process for the second amendment to the City Heights Redevelopment Plan. This amendment is expected to accomplish re-designating land uses within the City Heights Redevelopment Project Area and reaching compliance with the Mid-City Communities Plan and the California Community Redevelopment Law. The Mid-City Communities Plan was amended and approved by the City Council on August 4, 1998. This amendment modified the land use map for the area. It is a

State law requirement that the redevelopment plan land use map be consistent with the City's General Plan as well as local community plans.

**FISCAL IMPACT:**

City Council District 3 has identified \$20,000 to pay for a portion of the City Heights Redevelopment Plan Amendment. This resolution is requesting those funds be made available through the transfer of three FY 2000 Community Development Block Grant (CDBG) funded projects, the CD3 Neighborhood Service Center project (\$5,000), Alpha of San Diego Move Project (\$5,000) and the Mid-Block Street Lights Project (\$10,000) into the City Heights Redevelopment Plan Amendment Project. The total amount of the transferred funds is \$20,000.

Culbreth-Graft/Christiansen/JJL

Aud. Cert. 2000358.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A233-406.)

CONSENT 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-not present.

\* ITEM-102: Renewal of Lease Agreement - San Diego Community College District.

(See City Manager Report CMR-99-140. Clairemont Mesa Community Area. District-5.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2000-395) ADOPTED AS RESOLUTION R-292336

Authorizing the City Manager to execute a five-year lease agreement with the San Diego Community College District for the 26,000 square foot landlocked parcel to provide a free parking facility for disabled students and staff, at an initial monthly rent of \$50.

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

On 7/6/99, PS&NS voted 4-0 to approve the execution of a lease agreement with the San Diego Community College District for a five-year term at \$600 per year. (Councilmembers Mathis, Wear, Stevens, and Warden voted yea. Councilmember Kehoe not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

The City owns a 26,000-square-foot landlocked parcel located south and adjacent to Mesa College Campus. The parcel has been leased to the San Diego Community College District (District), a nonprofit public agency, since 1975. The parcel is utilized as a free parking facility for disabled Mesa College students and staff. The District made improvements to the property including asphalt paving, striping and installation of lights.

The existing agreement expired on July 31, 1998 and the District has requested a 5-year renewal of the lease. On July 6, 1999, the Public Safety and Neighborhood Services Committee recommended exclusive lease negotiations with the District with an annual rent of \$600.

The basic terms and conditions of the proposed new lease are:

PREMISES - 26,000 square feet.

TERM - Five (5) years. The agreement may be terminated at any time by either party by providing 60 days written notice of intent to terminate.

USE - Parking facility for disabled students and staff.

RENT - \$50 per month. Should lessee, during the term of the lease charge for parking on the premises, City shall be entitled to 50 percent of said charges.

MAINTENANCE - Lessee is responsible for maintenance, utilities and insurance of the premises throughout the term.

This parcel is needed for future extension of Mesa College Drive; however, the parcel will not be needed within the next five years. Staff recommends entering into a new 5-year lease for continued operation of the parking lot.

**FISCAL IMPACT:**

An annual rent of \$600 will be deposited into the General Fund.

Culbreth-Graft/Griffith/VEB

FILE LOCATION: LEAS - San Diego Community College District

COUNCIL ACTION: (Tape location: A233-406.)

CONSENT 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-not present.

\* ITEM-103: Amendment of The City of San Diego Non-Disposal Facility Element (NDFE) for the Evergreen Nursery Green Waste Facility.

(Torrey Highlands Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-406) ADOPTED AS RESOLUTION R-292337

Approving the amendment to the Non-Disposal Facility Element (NDFE) to include the description of the Evergreen Nursery Green Waste Facility on Black Mountain Road, pursuant to California Public Resources Code Section 41730 et seq.

**CITY MANAGER SUPPORTING INFORMATION:**

California Public Resources Code (PRC), Section 41730 et seq, requires every California city and county to prepare and adopt a Non-Disposal Facility Element (NDFE) for all new non-disposal facilities, and any expansions of existing non-disposal facilities, which will be needed to implement local Source Reduction and Recycling Elements (SRREs). As stated in PRC Section 41735(a), the adoption or amendment of this element is not subject to environmental review under the California Environmental Quality Act (CEQA). A non-disposal facility is defined as any solid waste facility required to obtain a state solid waste facility permit that will recover for reuse or recycling at least five percent of the total volume of material received by the facility (PRC Sections 40151 and 41733).

This amendment to the NDFE identifies the Evergreen Nursery Green Waste Facility on Black Mountain Road as the facility to be included in the NDFE. This composting operation will process green waste produced from the commercial nursery on site and also accept material from outside haulers. These materials will be made into a high quality mulch for use at the nursery and for sale to the public. At its June 25, 1999 meeting, SANDAG, serving as the San Diego County Integrated Waste Management Local Task Force, found the Evergreen Nursery Green Waste Facility on Black Mountain Road in the City of San Diego consistent with AB 939 goals.

**FISCAL IMPACT:**

No direct costs are associated with this action.

Loveland/Elper/LW

\_\_\_\_\_ FILE LOCATION:                    MEET

\_\_\_\_\_ COUNCIL ACTION:                (Tape location: A233-406.)

CONSENT 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-not present.

\* ITEM-104: Sewer Pump Station No. 24 - Change Order No. 4.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-396) ADOPTED AS RESOLUTION R-292338

Amending the Fiscal Year 2000 Capital Improvements Projects Budget by increasing the budget for Sewer Pump Station No. 24, Work Order No. 172121 by \$258,067;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$258,067 from Sewer Fund 41506, CIP-45-936.0, Sewer System Canyon Access to CIP-46-142.0, Sewer Pump Station No. 24;

Approving Change Order No. 4, dated June 2, 1999, issued in connection with the contract with Orion Construction Corporation, amounting to a net increase in the contract price of \$112,887;

Authorizing the expenditure of an amount not to exceed \$112,887 from CIP-46-142.0, Sewer Pump Station No. 24 to fund Change Order No. 4;

Authorizing the expenditure of not to exceed \$145,180 from CIP-46-142.0, Sewer Pump Station No. 24, for additional engineering required by Change Order No. 4.

**CITY MANAGER SUPPORTING INFORMATION:**

On March 30, 1999, the City Manager approved awarding the low base bid of \$3,595,325 to Orion Construction Corporation for the construction of Sewer Pump Station No. 24. This project includes the construction of a new underground sewer pump station, the demolition of the existing sewer pump station, the construction of a new forcemain, and the rehabilitation of the existing forcemain along Coast Boulevard and Pearl Street in the La Jolla Community area. Construction Change Order No. 1 included the additional installation of three manholes, and compensation to the contractor for work associated with various underground utility conflicts. Change Order No. 2 compensated the contractor for additional work associated with modifications to the Comnet System and other electrical work. Change Order No. 3 compensated the contractor for additional work required by the Regional Water Quality Board in connection with the Site Assessment Plan to abandon the existing sewage emergency storage tank. These three change orders were funded from the construction contingency for a total cost of \$80,218. During the final phase of construction, it was necessary to pave additional areas impacted by the construction activities and around the new sewer pump station. Also, included in this change order is additional sewer main replacement along Pearl Street that was requested by the operating division. The total construction cost for Change Order No. 4 is \$112,887. The additional requested money of \$145,180.55 is needed to fund additional design and inspection work associated with the project, which will be performed by City Forces as City Forces can perform such work at a lower cost than if the work was let by contract.



**FISCAL IMPACT:**

The total cost for the project is \$4,788,731, of which \$4,530,664 was previously authorized. This request of \$258,067 is available in Fund 41506, CIP-46-142.0, Sewer Pump Station No. 24.

Loveland/Belock/AO

Aud. Cert. 2000275.

FILE LOCATION: CONT - Orion Construction Corporation

COUNCIL ACTION: (Tape location: A233-406.)

CONSENT 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-not present.

\* ITEM-105: Joslyn Senior Center Day.

**COUNCILMEMBER WARDEN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-421) ADOPTED AS RESOLUTION R-292339

Recognizing and commending the Joslyn Senior Center for their efforts to improve the health care, self-sufficiency, and cultural life of Rancho Bernardo seniors and does congratulate them on their ten-year anniversary;

Proclaiming Monday, October 24, 1999 to be "Joslyn Senior Center Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A233-406.)

CONSENT 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-not present.

ITEM-106: Four actions related to Approving the Final Subdivision Map of Loma Sorrento, Subdivision Agreement and Related Items.

(This is a 66-lot subdivision. Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-469) TRAILED TO OCTOBER 26, 1999

Approving the final map of Loma Sorrento.

Subitem-B: (R-2000-484) TRAILED TO OCTOBER 26, 1999

Authorizing the City Manager to enter into a Subdivision Improvement Agreement with Western Pacific Housing-Sorrento, LLC, A Delaware Limited Liability Company for the work to be done.

Subitem-C: (R-2000-485) TRAILED TO OCTOBER 26, 1999

Authorizing the City Manager to accept a grant deed for Lot "A" of Loma Sorrento for open space.

Subitem-D: (R-2000-486) TRAILED TO OCTOBER 26, 1999

Authorizing the City Manager to enter into a deferred Development Agreement for construction of a portion of Carmel Creek Road with Western Pacific Housing-Sorrento, LLC, A Delaware Limited Liability Company for the work to be done.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 52.167 acre site into 66 lots for residential development. It is located northerly of El Camino Real and Carmel Creek Road in the Carmel Valley Community. On Sept. 8, 1998 the Council of the City of San Diego approved City Council Resolution No. R-290684 for Loma Sorrento. 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. 29731-1-D through 29731-43-D, filed in the Office of the City Clerk under Micro Number 140.13. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$1,109,793.80 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$24,000, as determined by the surveyors estimate, has been posted as surety for the setting of survey monuments. This subdivision is subject to the Carmel Valley - Phase II Plat No. 4050 Public Facilities Financing Plan and Facilities Benefit Assessment fee. Subdivider, by letter, has given assurance to the City of San Diego that he 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". Lot "A" is being deeded to the City at no cost as a condition of Tentative Map approval. The lot totals 12.430 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes. Subdivider has requested to enter into a bonded Deferred Improvement Agreement for the construction of a portion of Carmel Creek Rd. offsite to this project. The Subdivider is unable to acquire the right-of-way needed for construction of this road from the adjacent property owner. This agreement will assure the acquisition of the right-of-way and construction of the improvements prior to the occupancy of the first unit.

**FISCAL IMPACT:** None.

Culbreth-Graft/Haase/JC

FILE LOCATION: Subitems A,B, & D: SUBD - Loma Sorrento (40)  
Subitem C: NONE

COUNCIL ACTION: (Tape location: A233-406.)

This item was trailed to October 26, 1999, by City Manager Uberuaga to allow Council the opportunity to discuss it in Closed Session due to a lawsuit being filed.

ITEM-150: Planning and Development Review Fees.

(See City Manager Reports CMR-99-200 and CMR-99-159; and letter from Matthew J. Adams dated 8/3/99.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2000-212 Corr.Copy) ADOPTED AS RESOLUTION R-292340

Approving the adoption, consolidation, and elimination of selected development fees listed in the City Manager's Report.

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

On 8/4/99, 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: GEN'L - Fees & Charges - Planning and Development Review

\_\_\_\_\_ COUNCIL ACTION: (Tape location: A233-406.)

CONSENT 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-not present.

ITEM-200: San Diego Jewish Academy.

\_\_\_\_\_ Matter of a Rezone, Resource Protection Ordinance/Coastal Development/Conditional Use Permit within the Carmel Valley Community Plan area.

(RZ/RPO/CDP/CUP-98-0837. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution in Subitem A; introduce the ordinance in Subitem B; and adopt the resolution in Subitem C to grant the permit:

Subitem-A: (R-2000-417) ADOPTED AS RESOLUTION R-292341

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0837 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the declaration has been reviewed and considered by the Council and adopting appropriate findings of Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2000-55) INTRODUCED, TO BE ADOPTED NOVEMBER 8, 1999

Introduction of an Ordinance rezoning 40.59 acres from SF-2 and OS zones to OS and SF-2 zones.

**NOTE:** In order to comply with the noticing provisions for an amendment to the Local Coastal Program (LCP) the Council docket must reflect that the public hearing will be held open until the second reading/adoption for the Rezone.

Subitem-C: (R-2000- ) CONTINUED TO NOVEMBER 8, 1999

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

**OTHER RECOMMENDATIONS:**

Planning Commission voted 7-0 to approve; was opposition.

Ayes: Steele, Anderson, Brown, Butler, Skorepa, Stryker, White

The Carmel Valley Community Planning Group has recommended approval of the project.

**CITY MANAGER SUPPORTING INFORMATION:**

San Diego Jewish Academy proposes a Rezone for a portion of the subject property from OS to SF2 and SF2 to OS, and a Resource Protection Ordinance/Coastal Development Permit/Conditional Use Permit to allow the construction of an educational academy with grades pre-kindergarten through high school operated by a non-profit corporation in twelve buildings with approximately 189,075 square feet of floor area, 13.85 acres of hardscape/paved areas, retaining walls, 26.75 acres of open space, landscaping, on and off-site public improvements on a 40.59 acre site.

**FISCAL IMPACT:** None.

Culbreth-Graft/Haase/JF

**LEGAL DESCRIPTION:**

The project site is located south of State Route-56 and Shaw Ridge Road, west of Carmel Creek Road and east of El Camino Real in Neighborhood 8 of the Carmel Valley Community Planning Area and is more particularly described as Lot 1, portions of Parcels 1,2 and 3 of Parcel Map-11968; Lot 2, a portion of the east half of the northeast quarter of the northwest quarter of Section 30 Township 14 South, Range 3 West; and a portion of the east half of the southeast quarter of the southwest quarter of Section 19, Township 14 South, Range 3 West, San Bernardino Base Meridian.

FILE LOCATION: Subitem A & C: PERM - 98-0837 (65)  
Subitem B: NONE

COUNCIL ACTION: (Tape location: A412-B315.)

Hearing began at 2:39 p.m. and halted at 3:15 p.m.

Testimony in opposition by Reverend Father Movanne's, Ted Griswold, and Christian Clews.

Testimony in favor by Lynne Heidel, Larry Acheatel, Eddy Bialostozky, Ron Rouse, Lisa Ross, and Bunny Clews.

MOTION BY MATHIS TO CONTINUE SUBITEM C TO NOVEMBER 8, 1999, FOR FURTHER REVIEW, ADOPT THE RESOLUTION IN SUBITEM A AND INTRODUCE THE ORDINANCE IN SUBITEM B, APPROVING THE PROJECT AND INCORPORATING THE RECOMMENDATIONS FROM STAFF REGARDING THE EXTENSION OF SHAW RIDGE ROAD AS INDICATED IN THEIR VERBAL PRESENTATION AS FOLLOWS:

- A) APPROVE THE REVISED DESIGN WITH THE REQUIREMENT THAT THE FINAL DESIGN AND DEVIATIONS SHALL BE ACCEPTABLE TO THE CITY ENGINEER; AND
- B) THAT NO PARKING SHALL BE ALLOWED ON THE STREET AND THAT ALL WALLS AND LANDSCAPING SHALL BE MAINTAINED BY THE PROPERTY OWNER.

INCLUDE THE FOLLOWING MODIFIED CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION:

- 1) THAT THE APPLICANT LIMIT THE GENERAL STUDENT CAPACITY (ELEMENTARY, MIDDLE AND HIGH SCHOOL) TO NO MORE THAN 1,008 STUDENTS TOTAL, WITH A HIGH SCHOOL STUDENT MAXIMUM CAPACITY OF 252 STUDENTS;
- 2) THAT STAFF WORK WITH THE CARMEL VALLEY COMMUNITY PLANNING BOARD AND MR. CLEWS TO IDENTIFY APPROPRIATE TRAFFIC CALMING AND PEDESTRIAN/EQUESTRIAN CROSSING DEVICES FOR CARMEL CREEK ROAD, TO BE PROVIDED BY THE APPLICANT;
- 3) THAT ALL WALLS SHOULD BE CONSTRUCTED IN ACCORDANCE TO THE ADOPTED BUILDING CODES IN ORDER TO NOT IMPACT ST. EPHREM'S PROJECT; AND
- 4) INCLUDE THE RECOMMENDATIONS AS OUTLINED IN THE LETTER DATED OCTOBER 25, 1999, FROM MR. ROUSE OF LUCE, FORWARD, HAMILTON & SCRIPPS, LLP, INCLUDING THE LETTER DATED OCTOBER 22, 1999, FROM JAMES TAYLOR OF THE LIGHTFOOT PLANNING GROUP;

5) DELETE PERMIT CONDITION 2-C REFERRING TO ADOPTION OF THE LOCAL COASTAL PROGRAM AMENDMENT;

6) MODIFY CONDITION 14 TO READ IN ITS ENTIRETY AS FOLLOWS:

“THIS COASTAL DEVELOPMENT PERMIT SHALL NOT BECOME EFFECTIVE FOR THE PORTION OF THE PROPERTY TO BE REZONED UNTIL AFTER THE ADOPTION OF THE LOCAL COASTAL PROGRAM AMENDMENT BY THE STATE COASTAL COMMISSION. GRADING PERMITS MAY BE ISSUED AND GRADING MAY BEGIN PURSUANT TO THE GRADING PLAN DATED OCTOBER 25, 1999, ONCE CONDITION 2 HAS BEEN SATISFIED, HOWEVER, NO GRADING OR OTHER DEVELOPMENT SHALL BE PERMITTED IN THE PORTION OF THE SITE ZONED OPEN SPACE UNTIL APPROVAL OF THE LOCAL COASTAL PROGRAM AMENDMENT BY THE STATE COASTAL COMMISSION.”

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

ITEM-201: Fifth Amendment to Lease for Expansion of the City’s Community Services Department.

(Centre City Community Area. District-2.)

**NOTE:** The hearing for this item will remain open for public testimony at the second reading of the ordinance due to noticing requirements.

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2000-56 Cor. Copy)      INTRODUCED, TO BE ADOPTED  
NOVEMBER 8, 1999

Introduction of an Ordinance authorizing the City Manager to execute a fifth amendment to lease with Civic Center Associates for expansion of the City’s



Community Services Department.

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

**CITY MANAGER SUPPORTING INFORMATION:**

Community Services, currently located on the 9th floor in the Civic Center Plaza Building, has expanded beyond current capacity. Recently, additional square footage became available on the 13th floor of the building. Community Services is proposing to lease the additional space under the following basic terms:

TERM - Approximately 15 years. Lease amendment will be effective October 5, 1999 and will terminate on July 23, 2014, the expiration date of the Master Lease.

RENT - \$1.35 per square foot or \$4,333.50 per month.

USE - General office usage for Community Services.

SIZE - 3,210 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 \$30,000.

**FISCAL IMPACT:**

\$38,442.33 will be paid from the General Fund 100, Community Services Job No. 002755, for FY2000.

Culbreth-Graft/Griffith/DML

Aud. Cert. 2000369.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A233-406.)

Hearing began at 2:28 p.m. and halted at 2:38 p.m.

CONSENT MOTION BY MATHIS 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-not present.

ITEM-202: Exemption of Park and Recreation Development Officer from Classified Service.

(See memorandums dated 8/6/99 and 8/27/99.)

**CITY MANAGER'S RECOMMENDATION:**

Hold the first public hearing of the following ordinance:

(O-2000-54) HEARING HELD

Amending Ordinance No. O-18667 (New Series), as amended, entitled "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" by amending Document No. OO-18667 to add the position of Development Officer in The Park and Recreation Department, and exempting the position from the Classified Service.

**CITY MANAGER SUPPORTING INFORMATION:**

On September 2, 1999, the Civil Service Commission reviewed a request of the Park and Recreation Department to exempt a Development Officer Position from the Classified Service. This position will be responsible for designing strategies and developing proposals for Park and Recreation Department programs to become more competitive; for developing and cultivating corporate funding opportunities; for creating and implementing special and unique donation programs; and for advising the City Manager as well as the Park and Recreation Department Director on funding agreements. Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempt from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council." Upon review of the duties and responsibilities of this position, the Commission found that it meets the intent of Charter Section 117.

**FISCAL IMPACT:**

Funds for this position have been budgeted in Park and Recreation Management Division for Fiscal Year 2000.

Culbreth-Graft/McLatchy/JD

**NOTE:** Today's action is the first public hearing of the ordinance. See Item 330 on the docket of Tuesday, October 26, 1999 for the second public hearing and introduction and adoption of the Ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B319-C096.)

Deputy Mayor Wear closed the hearing.

ITEM-203: Skateboard Park Protective Gear Required.

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2000-50) INTRODUCED, TO BE ADOPTED NOVEMBER 8, 1999

Introduction of an ordinance amending Chapter VI, Article 3, Division 1, of the San Diego Municipal Code by renumbering Sections 63.0107 and 63.0108 to Section 63.0108 and 63.0109; and by adding new Section 63.0107, all relating to use of park areas, to make it unlawful for any person to ride a skateboard at the Robb Field Skateboard Park or at any other recreational skateboard facility owned or operated by The City of San Diego, unless that person is wearing a helmet, elbow pads and knee pads.

**CITY MANAGER SUPPORTING INFORMATION:**

The City's first municipal skateboard park is expected to open at Robb Field in December, 1999. This park became feasible when Assembly Bill 1296 modified the California Health and Safety Code to provide local public agencies with increased protection from liability for injuries at publicly owned or operated recreational skateboard parks. That legislation requires the public agency to adopt an ordinance requiring any person riding a skateboard at the facility to wear a helmet, elbow pads and knee pads. The legislation further requires that signs notifying users that protective gear is required be posted on site, along with notice that failure to do so will be subject to citation under the ordinance.

**FISCAL IMPACT:**

None with this action.

Culbreth-Graft/McLatchy/TW

\_\_\_\_\_ FILE LOCATION:                    NONE

\_\_\_\_\_ COUNCIL ACTION:                (Tape location: A233-406.)

CONSENT MOTION BY MATHIS 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-yea, Vargas-yea, Mayor Golding-not present.

ITEM-204:    Awarding of Contract - Ferric Chloride.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-423) ADOPTED AS RESOLUTION R-292342

Accepting the low bid and awarding a contract to Kemiron Pacific, Inc. (Bartow, FL) for ferric chloride, as may be required for a period of one year beginning November 1, 1999 through October 31, 2000, for a total estimated cost of \$5,642,145.58, with options to renew the contract for four additional one year periods, with price escalations not to exceed 50 percent of prices in effect at the end of each prior contract year;

Declaring that in the event the Contractor fails to deliver material in accordance with the contract, that the Purchasing Agent is authorized to terminate the contract and to obtain ferric chloride in the open market until this requirement can be rebid;

Authorizing that the expenditure of \$5,642,145.58 of which \$4,608,504.51 is from Fund No. 41508, Department No. 771, Organization No. 410, Object Account No. 3221, and Job Order No. 2412; \$977,219.61 is from Fund No. 41508, Department

No. 771, Organization No. 310, Object Account No. 3221, and Job Order No. 2312; and \$56,421.46 is from Fund No. 41508, Department No. 771, Organization No. 260, Object Account No. 3221, and Job Order No. 2262, provided the City Auditor issues a certificate demonstrating that the funds necessary for expenditure will be on deposit in the City Treasury. FY 2001 funding of \$1,880,715.20 is contingent upon Council approval of FY 2001 budget;

Authorizing the City Auditor and Comptroller , upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-S2677/00)

(One bid received. For use by the Purchasing Department.)

#### **CITY MANAGER'S RECOMMENDATION:**

Metropolitan Wastewater Department, Operations and Maintenance Division, uses ferric chloride at six (6) sites: Point Loma Wastewater Plant, Metro Pump Station No. 1, Metro Pump Station No. 2, East Mission Gorge Pump Station, Metro Biosolids Center, and the North City Water Reclamation Plant. This chemical is used for coagulation of solids to enhance solids removal at Point Loma and at the North City Water Reclamation Plant; to control sulfide generation (odor control) at Pump Stations 1, 2, and East Mission Gorge Pump Station; and to enhance the dewaterability of sludge and protect the centrate lines from struvite (scale deposit) growth at Metro Biosolids Center. The total estimated usage for the contract year is 19,910 dry tons of ferric chloride. However, since the plants cannot determine in advance exactly how much of this product they will use, a greater or lesser number of tons may be purchased as required. Twenty-nine (29) potential bidders were contacted; one (1) bid was received. The previous contract for this material was with Kemwater North America Company at a cost of \$179.18 per dry ton. The current bid price of \$263 per dry ton is approximately 47 percent above the previous contract price. This price increase is due to the fact that the current bidder, Kemiron Pacific, Inc., bought the iron chloride business of the previous contractor, Kemwater North America, so that there remains only one company in the Western area market able to supply ferric chloride in large quantities. It is recommended that this contract be awarded to the only bidder, Kemiron Pacific, Inc.

**FISCAL IMPACT:**

The contract year runs from November 1, 1999 through October 31, 2000. Estimated expenditure for FY 2000 is based upon estimated usage for the period of November 1, 1999 through June 30, 2000; for FY 2001 the estimated expenditure is based upon estimated usage for the period of July 1, 2000 through October 31, 2000.

FY 2000: \$3,761,430.38 (including sales tax) estimated expenditure

FY 2001: \$1,880,715.20 (including sales tax) estimated expenditure  
\$5,642,145.58

Frazier/Baldwin/SGL

Aud. Cert. 2000364.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: A233-406.)

CONSENT 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-not present.

ITEM-205: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of Lopez Ridge Neighborhood Park - Development.

(Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-383) ADOPTED AS RESOLUTION R-292343

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for the Construction of Lopez Ridge Neighborhood Park - Development;

Inviting bids for the Construction of Lopez Ridge Neighborhood Park - Development on Work Order No. 294040;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of not to exceed \$2,162,910 from CIP-29-404.0, Lopez Ridge Neighborhood Park - Development, Mira Mesa Facilities Benefit Assessment Fund No. 79006, for the project and related costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K20018C)

Subitem-B: (R-2000-384) ADOPTED AS RESOLUTION R-292344

Certifying that the information contained in Mitigated Negative Declaration LDR-99-0022, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Construction of Lopez Ridge Neighborhood Park - Development;

Adopting the Mitigation Monitoring and Reporting Program.

**CITY MANAGER SUPPORTING INFORMATION:**

Lopez Ridge Neighborhood Park is located on the south side of Calle Cristobal between Camino La Bar and Camino Santa Fe in the Mira Mesa Community Planning Area. Approximately 10 useable acres of the 17.8 acre site was previously rough-graded with a subdivision and, the remaining portion, will remain a naturally vegetated hillside and canyon open space. The proposed park development will be located on the previously graded area and will include additional finish grading, retaining walls, a single-story field house building, parking lot, children's play area, picnic facilities, par course, fencing, multi-purpose court, multi-sports field, sports field lighting, security lighting, concrete walks, irrigation systems, landscaping, and other park amenities. This project is consistent with the Mira Mesa Community Plan and the City's General Plan Guidelines.

**FISCAL IMPACT:**

The estimated total project cost is \$2,245,125, of which \$82,215 has been previously authorized for professional services. The balance of \$2,162,910 is available from CIP-29-404.0, Lopez Ridge Neighborhood Park - Development, Fund No. 79006, Mira Mesa Facilities Benefits Assessment.

Loveland/Belock/HHR

Aud. Cert. 2000342.

FILE LOCATION: Subitems A & B: CONT - Sierra Pacific West, Inc.; W.O. 294040

COUNCIL ACTION: (Tape location: A233-406.)

CONSENT MOTION BY MATHIS 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-not present.

ITEM-206: Agreement With Camp Dresser and McKee Inc. for Water Resources Consulting Services.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-359) RETURNED TO THE CITY MANAGER

Authorizing an agreement with Camp Dresser and McKee, Inc. for the purposes of providing water resources planning;

Authorizing the transfer of not to exceed \$560,715 from CIP-73-333.0, Air Valve Adjustments and Relocations, to the Water Policy, CIP Finance, and Planning Division operating budget (Program Element 76861, Organization No. 861, Object Account 4222);



Authorizing the expenditure of an amount not to exceed \$560,715 from Water Fund 41500, Water Policy, CIP Finance, and Planning Division (Program Element 76861, Organization No. 861, Object Account No. 4222.

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

**CITY MANAGER SUPPORTING INFORMATION:**

Under the terms of this agreement Camp Dresser & McKee Inc. (CDM) will provide consulting services to further define the Water Department's long term strategic planning for water supply. CDM will update the Water Department's Strategic Plan for Water Supply. As part of this task, current water demand and supply forecasts will be updated for a planning horizon to the year 2030. The Water Department's Capital Improvements Program for projects between the years 2007 through 2015 will be defined.

For each project that is identified for this phase of the Water Department's Capital Improvements Program, an associated cost estimate will be prepared along with an implementation plan for planning, design, and construction. At the completion of this task, the Water Department's Strategic Plan for Water Supply will be updated for the years 2007 through 2015. CDM will also evaluate the Water Department's long term and short term plans for securing future water supplies. Each water supply alternative will be evaluated based upon a comparative analysis of acceptability. Water supply alternatives include, but are not limited to, imported water; water conservation; reclaimed water; seawater desalination; groundwater; gray water; wheeling; and water transfers. As part of the evaluation process, CDM will develop an interactive dynamic systems model on graphic-based software of the City's water supply system for use as a tool in comparing water supply alternatives.

**FISCAL IMPACT:**

Funding in the amount of \$560,715 is available from Fund 41500, CIP-73-333.0, Air Valve Adjustments and Relocations.

Loveland/ Gardner/ LLW

Aud. Cert. 2000363.

\_\_\_\_\_ FILE LOCATION:                      MEET

\_\_\_\_\_ COUNCIL ACTION:                      (Tape location: A233-406.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-207: Two actions related to the Consultant Agreement for the construction of the Environmental Services Operations Yard Project.

(Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-441) ADOPTED AS RESOLUTION R-292345

Authorizing a consultant agreement with Conwell Shonkwiler and Associates, for professional services required for design and construction of the Environmental Services Operations Yard Project;

Authorizing the expenditure of an amount not to exceed \$415,000 from CIP-37-356.0, Environmental Services Operations yard;

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

Subitem-B: (R-2000-442) ADOPTED AS RESOLUTION R-292346

Addendum to a Negative Declaration LDR-98-0380, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgement of the City as Lead Agency and that the information contained, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with approval of the design and construction of the Environmental Services Operation Yard Project.

Declaring that the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Addendum to a Negative Declaration is approved.

**CITY MANAGER SUPPORTING INFORMATION:**

The Environmental Services Department is responsible for residential refuse collection, curbside commodities recycling collection, curbside greenery recycling collection, street litter collection, refuse disposal services, hazardous waste management, litter control, and code enforcement. The Department has acquired an existing operations station at 8353 Miramar Place and desires to make improvements to accommodate the department's collection activities which involve approximately 250 truck drivers and other staff members; provide for the maintenance, fueling, and storage of the heavy duty vehicle fleet; and house the supervision and administration for dispatch and oversight of the collection functions. Moreover, the Department is committed to a Clean Air project involving conversion of its heavy duty collection fleet from diesel power to dual fuel liquid natural gas. On May 6, 1999, a Consultant Agreement with Conwell Shonkwiler and Associates was approved to provide a detailed program development for site improvements, facility requirements specifications, and optimize space utilization. This proposed Consultant Agreement will provide for a Design Contract to provide for the Construction Documents, Bidding documents, the Architect's participation throughout construction and finalizing As-Built drawings for the Environmental Services Operations Yard. As the programming consultant, Conwell Shonkwiler and Associates is deemed best capable of expediting the subsequent design effort to help open the facility in a timely manner and ensure the City's receipt of pending grants for the Clean Air project.

**FISCAL IMPACT:**

The consultant's base fee for these services is \$389,448, with an additional services fee of \$25,552. Funds for this action \$415,000 are available in CIP-37-356.0, Environmental Services Operations Yard. \$249,000 was previously authorized by C-09335, dated May 6, 1999, for programming and design development of the operations yard.

Loveland/Belock/HHR

Aud. Cert. 2000373.

FILE LOCATION: Subitems A & B: MEET

COUNCIL ACTION: (Tape location: A233-406.)

CONSENT MOTION BY MATHIS 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-not present.

ITEM-208: Two actions related to North Ocean Beach Entryway Project.

(Ocean Beach Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-418) ADOPTED AS RESOLUTION R-292347

Authorizing an agreement with Ocean Beach Community Development Corporation, a nonprofit 501-C corporation, that would make available \$371,000 in CDBG Funds for a down payment for the purchase of property for the North Ocean Beach Entryway;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$371,000 from CDBG Fund Nos. 18532, 18533, 18534 and 18535 to the Ocean Beach Community Development Corporation for acquisition of property rights only.

Subitem-B: (R-2000-419) ADOPTED AS RESOLUTION R-292348

Certifying that the information in the final Finding of No Significant Impact/Mitigated Negative Declaration LDR File 99-0551, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgement

of the City as Lead Agency and that the information contained, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with approval of the purchase of property for the North Ocean Beach Entryway project;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving Finding of No Significant Impact/Mitigated Negative Declaration;

Adopting Mitigation Monitoring and Reporting Program.

**CITY MANAGER SUPPORTING INFORMATION:**

The City Council has allocated \$371,000 in CDBG Funds to the Ocean Beach Community Development Corporation to assist in the purchase of this property, located at 2304 Sunset Cliffs Boulevard, for a pedestrian plaza and entryway to the community and Robb Field Park. The purchase of the property necessitates the expenditure of \$371,000 in CDBG Funds for a down payment on the \$514,000 purchase price of the property. The \$371,000 down payment will be secured by a 2nd Note and Deed of Trust. A loan secured by a 1st Deed of Trust, by the Community, from Scripps Bank will cover the balance of the purchase price.

**FISCAL IMPACT:**

\$371,000 is available in the following CDBG Funds - Fund No. 18532 - \$22,000, Fund No. 18533 - \$111,000, Fund No. 18534 - \$63,000 and Fund No. 18535 - \$175,000.

Culbreth-Graft/Griffith/RAG

Aud. Cert. 2000354.

\_\_\_\_\_ FILE LOCATION:                      Subitems A & B: MEET

\_\_\_\_\_ COUNCIL ACTION:                      (Tape location: A233-406.)

CONSENT MOTION BY MATHIS 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-not present.

ITEM-209: Agreement with John Powell & Associates, Inc. for Water Resources Planning Services.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-427) ADOPTED AS RESOLUTION R-292349

Authorizing an agreement with John Powell and Associates, Inc., for consulting services on an as-needed basis;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$569,000 from Water Fund 41500, for the purpose of providing funds for the agreement;

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

**CITY MANAGER SUPPORTING INFORMATION:**

A request for proposals for Water Resources Planning services was prepared and released to the consultant community on April 9, 1999. An advertisement was placed in the San Diego Daily Transcript on that date with the same information. Five firms responded to the advertisement. Interviews were held on June 14, 1999. John Powell & Associates, Inc. was selected to perform the technical engineering consultant work associated with Water Resources Planning activities. The work will include, but not be limited to, developing options for the beneficial reuse of reclaimed water from the North City, San Pasqual and South Bay reclamation plants, Otay Water Treatment Plant studies, ozone treatment studies, alternative water supply studies, Water for Industry studies, and preparing a basic template for all 10 percent planning document submittals. The largest scope item relates to developing beneficial reuse options for the three San Diego reclamation plants. The activities in the North City service area focus on alternatives to the water repurification project, as directed by Council in R-291621, May 18, 1999. Alternatives will be developed in order to meet the North City EPA grant mandated goals of 25 percent beneficial reuse by 2003 and 50 percent by 2010, and include identifying new customers within

the existing service area, and, customers in newly developing areas proximate to the distribution system. Work will also examine new classes of customers such as ultra-pure industrial demands in the area. System hydraulic models will be developed and upgraded to determine the most cost effective system configurations. Cost estimates and a proposed CIP plan will be deliverables from this task item. Similar work will be performed focusing on the San Pasqual and South Bay plants, in order to maximize the cost effective beneficial reuse of reclaimed water produced at those facilities.

Regional reclamation planning efforts will be coordinated with efforts underway by the CWA and the Federal Bureau of Reclamation. Technical assistance will be provided to support a city-wide cost of service study to develop a revised reclaimed water rate structure.

Work shall also be performed related to the expansion of the Otay Water Treatment Plant. The applicability of using ozone treatment technology to help the water plants meet the new water quality regulations, and, to analyze alternative water supply options and how these new options fit into the existing system.

**FISCAL IMPACT:**

Funding is available from the Water Fund 41500 in the amount of \$569,000.

Loveland/Gardner/PG

Aud. Cert. 2000362.

\_\_\_\_\_ FILE LOCATION:                    MEET

\_\_\_\_\_ COUNCIL ACTION:                (Tape location: A233-406.)

CONSENT 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-not present.

ITEM-S400: Pacific Beach Recreation Center Trust Fund.

(Continued from the meeting of October 18, 1999, Item 101, at the City Manager's request, to give the Recreation Center time to work through some of their funding issues.)

(Pacific Beach Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-416) RETURNED TO THE CITY MANAGER

Authorizing the City Auditor and Comptroller to establish Pacific Beach Recreation Fund 10512 for the purpose of disbursing Pacific Beach Recreation Center [Center] income for the benefit of Pacific Beach park and recreation;

Appropriating that all funds received, including interest earnings, from the Center for the purpose of benefitting park and recreation in Pacific Beach, and that the funds may be expended at the direction of the City Manager or his designee.

**CITY MANAGER SUPPORTING INFORMATION:**

The purpose of today's action is to create a City Trust Fund (#10512) for the management of Pacific Beach Recreation Center income which is normally allocated to the Recreation Council to manage and disburse. The Pacific Beach Recreation Council is one of 47 Recreation Councils in the City that operates under a Special Use Permit from the Park and Recreation Director under the authority of the City Council. The Pacific Beach Recreation Council's Special Use Permit was canceled by the Park and Recreation Department effective October 15, 1999, so provision needs to be made for the management and disbursal of these funds by the City until a new Recreation Council is formed. The Trust Fund will retain interest earnings and be used exclusively to benefit park and recreation in Pacific Beach.



**FISCAL IMPACT:**

Revenues will be deposited into and disbursed from this account. When a new Pacific Beach Recreation Council is formed, the monies will be transferred to an account managed by that Recreation Council.

Culbreth-Graft/McLatchy/TW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A233-406.)

CONSENT MOTION BY MATHIS TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Wear at 3:40 p.m. in honor of the memory of Payne Stewart as requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C097-103).