

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 1, 1999
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR -

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:10 p.m. Mayor Golding adjourned the meeting at 5:31 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (ew)

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

ITEM-10: INVOCATION

Invocation was given by City Clerk Charles Abdelnour.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vargas.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comments by Judie Italiano thanking the Mayor and Council and those who participated with the Halloween Costume Party that was held in the Council Chambers last Friday. She personally wanted to thank City Clerk Charles Abdelnour who is the founding father of the City Employee Halloween Costume Contest. She also presented an award to City Clerk Charles Abdelnour recognizing his 25 years of public service to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A025-079.)

PUBLIC COMMENT-2:

Comments by Don Stillwell questioning why and who benefits from the sign that was suggested for the Auto Dealers on the north side of Route 8 between Route 15 and Route 805.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A080-099.)

PUBLIC COMMENT-3:

Comments by Steve McWilliams stating that on November 8th, the District Attorney, Officers of the San Diego Police Department, City Councils Offices, and the City Attorney's Office will be discussing and preparing new medical marijuana guidelines. He requested that he be part of those guidelines and how they are setup.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A100-127.)

PUBLIC COMMENT-4:

Comments by Oscar Orosco stating that on July 27, 1999, the City took the document he submitted that proves that De Anza Corporation broke and breached the long term rental contract in 1992, between him and De Anza Corporation; and that the City Council promised, and failed, to review and make a determination of the submitted document.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A128-155.)

PUBLIC COMMENT-5:

Comments by Ethel Murphy thanking the City Manager for mailing the residences of De Anza Community a list of the meetings to be held in the month of November. She stated that attached to the list is a letter from De Anza stating the purpose of these meetings are to discuss the design plan for the proposed hotel. She further stated, the agenda does not include issues relating to the determination of De Anza as a mobile home park. She questioned meeting to discuss a design plan for a hotel before settling the problem of the removal of the residences from their home. She also stated that it was interesting to note that the EIR has not yet been presented nor approved.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A156-171.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comments by City Clerk Abdelnour stating that it has been a great pleasure serving the City of San Diego, the outstanding employees, and the past and present Mayors and City Council Members. He stated that he is especially happy that he received this award from the Employees Group.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A040-046.)

COUNCIL COMMENT-2:

Comments by Council Member McCarty thanking City Clerk Abdelnour for modernizing the City Clerk's Office. She recognized the new City Net System which gives greater public access to what the City of San Diego does.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A047-057.)

COUNCIL COMMENT-3:

Comments by Council Member Vargas adding that he hopes Mr. Abdelnour will have another 25 years with the City of San Diego. He also stated that he has been impressed with City Clerk Abdelnour and the professionalism of the City Clerk's Office. Council Member Vargas stated that he is very proud to have Mr. Charles Abdelnour as the City Clerk.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A058-060.)

COUNCIL COMMENT-4:

Comments by Council Member Stevens stating that he does not wish 25 more years upon anyone here with the City. He commended Mr. Abdelnour and his staff for all the services that they do and stated that they are appreciated by Council Member Stevens and his staff.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A061-068.)

COUNCIL COMMENT-5:

Comments by Mayor Golding thanking MEA and Judie Italiano for presenting the award to Mr. Charles Abdelnour. She also thanked Mr. Abdelnour for his service.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A069-079.)

COUNCIL COMMENT-6:

Comment by Council Member Kehoe stating that she is anxious to hear how the Council is going to deal with the inequities in the sewer rate structure as a result of our Cost of Service Review.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A221-264.)

ITEM-30: Eleanor Herzman Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-490) ADOPTED AS RESOLUTION R-292376

Proclaiming November 1, 1999 to be "Eleanor Herzman Day" in San Diego, with deep appreciation for a remarkable life devoted to community service, civic leadership, and helping those less fortunate.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A265-389.)

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

ITEM-31: Gualter do Rego Moura Day.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-438) ADOPTED AS RESOLUTION R-292377

Commending Mr. Gualter do Rego Moura for his outstanding service, leadership

and commitment to the students of Mission Bay High School, the community of Pacific Beach, and the City of San Diego;

Proclaiming Monday, November 1, 1999 to be "Gualter do Rego Moura Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A390-418.)

MOTION BY STEVENS 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-50: Pedicab Regulations.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/27/99 and re-introduced on 10/18/99. (Council voted 8-0. Mayor Golding not present):

(O-2000-19 Rev.) ADOPTED AS ORDINANCE O-18701 (New Series)

Amending the San Diego Municipal Code by amending the title of Chapter VIII, Article 3 to read "Pedicabs, Pedestrians and Bicycles" and by amending Chapter VIII, Article 3 by adding new Division 1, titled "Pedicabs," and by adding new Sections 83.0101, 83.0102, 83.0103, 83.0104, 83.0105, 83.0106, 83.0107, 83.0108, 83.0109, 83.0110, 83.0115, 83.0116, 83.0117, 83.0118, 83.0119, 83.0120, 83.0121, 83.0122, 83.0123, 83.0124, 83.0125, 83.0126, 83.0127, 83.0128, 83.0129, 83.0130, 83.0131, 83.0132, 83.0133 and 83.0134; and by adding new Division 2, titled "Pedestrians and Bicycles," by renumbering Sections 83.01, 83.03, 83.04, 83.06, 83.07, 83.07.1 and 83.07.2 to 83.0201, 83.0202, 83.0203, 83.0204, 83.0205, 83.0206 and 83.0207 respectively, all relating to Pedestrians, Bicycles and Pedicabs.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-51: Raphael's Party Rentals.

Matter of rezoning 5.76 acres from the A-1-10 to M1-B zone.

(RZ-98-0283. District-5.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/19/99. (Council voted 7-0. Councilmember Warden and Mayor Golding not present):

(O-2000-45) ADOPTED AS ORDINANCE O-18702 (New Series)

Rezoning 5.76 acres, located at 8606 Miramar Road, in the Mira Mesa Community Plan Area, from the A-1-10 Zone to the M1-B Zone.

FILE LOCATION: PERM 98-0283 (65)

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-52: Rezoning a 12.06 acre portion of a site from R1-40000 and R1-20000 to the R1-8000 and OS-P zones for the Fairbrook Estates Project.

(RZ-98-1011. Scripps Miramar Ranch Community Plan area. District-5.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/19/99. (Council voted 7-0. Councilmember Warden and Mayor Golding not present):

(O-2000-53) ADOPTED AS ORDINANCE O-18703 (New Series)

Rezoning of a 12.06 acre site, located on the south side of Fairbrook Road east of Caminito Magnifica, from the R1-20000 and R1-40000 zones to the R1-8000 and OS-P zones.

FILE LOCATION: LAND - Scripps Miramar Ranch (10)

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-53: Amendments of the Coral Point Apartments Multifamily Mortgage Revenue Bond Documents.
(District-1.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/19/99. (Council voted 7-0. Councilmember Warden and Mayor Golding not present):

(O-2000-51) ADOPTED AS ORDINANCE O-18704 (New Series)

Authorizing the substitution of an alternate security and a transfer of a 368-unit multifamily rental housing project known as Coral Point to a new owner; approving and authorizing the execution of a Supplemental Indenture with respect to the project and approving and authorizing the execution of related documents, agreements and actions.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-100: Two actions related to Approving the Final Subdivision Map of Torrey Hills Unit No. 16.

(This is a 71-lot subdivision. Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-446) ADOPTED AS RESOLUTION R-292378

Authorizing a Subdivision Improvement Agreement with Standard Pacific Corporation, for the installation and completion of public improvements.

Subitem-B: (R-2000-440) ADOPTED AS RESOLUTION R-292379

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 19.514 acre site into 66 lots for residential development, plus lots "A" through "E". It is located west of East Ocean Air Drive in the Sorrento Hills Community Plan area. On March 17, 1997, the Council of the City of San Diego approved

Vesting Tentative Map VTM-95-0554 Torrey Hills by Resolution R-288438 for Torrey Hills Unit No. 16 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. 28881-1-D through 28881-9-D, filed in the Office of the City Clerk under Micro Number 140.12. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$1,096,542 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$12,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Sorrento Hills Community Area. This subdivision has a development agreement which provides for the payment of public facilities. Subdivider, by letter, has given assurance to the City of San Diego that they subscribe 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".

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/SH

FILE LOCATION: SUBITEMS A & B: SUBD - Torrey Hills Unit No. 16 (40)

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-101: Two actions related to Drainage Easements Set Aside - Palm Promenade.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-435) ADOPTED AS RESOLUTION R-292380

Approving the acceptance by the City Manager of a drainage easement set aside in portions of Lots "A" and "B" of Palm Promenade, Map-13071, as shown on Engineering Drawing No. 27756-D(1-3).

Subitem-B: (R-2000-436) ADOPTED AS RESOLUTION R-292381

Vacating the drainage easement located within the Otay Mesa Community Area, as shown on Engineering Drawing No. 27756-D(1-3).

CITY MANAGER SUPPORTING INFORMATION:

The requested actions are among the final steps needed to complete the Palm Promenade subdivision, located east of I-805 and south of Palm Avenue in the Otay Mesa community planning area. The approved development requires two new drainage easements, as shown on Engineering Drawing Number 27756-D, located within City owned open space. City Council approval is required to encumber city property. Staff also requests that Council vacate an existing drainage easement shown on Drawing No. 14042-B. This easement no longer serves the purpose for which it was acquired and hampers the new development. The proposed new easements and the easement to be vacated were acquired at no cost to the City. Staff recommends approval of these actions.

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/SH

FILE LOCATION: SUBITEMS A & B: DEED F-7613

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-102: Sewer and Drainage Easement Vacation - College Grove Center.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-437) ADOPTED AS RESOLUTION R-292382

Vacating the City's interest in unneeded drainage and sewer easements to unencumber this property and facilitate development of the site, located within the Mid-City Community Area, pursuant to Section 8330 et. seq. of the California Streets and Highways Code;

Authorizing the execution of two quitclaim deeds to Wal-Mart Stores, Inc., granting all the City's right, title and interest in the drainage and sewer easements.

CITY MANAGER SUPPORTING INFORMATION:

The College Grove Center Redevelopment project has redesigned the on-site sewer and drainage systems to accommodate the redevelopment of the site. The existing sewer and drainage easements are no longer needed and staff recommends their vacation as shown on Drawing 19012-B.

FISCAL IMPACT:

None. All costs have been paid for by the applicant.

Culbreth-Graft/Haase/Hennes

FILE LOCATION: DEED F-7614

COUNCIL ACTION: (Tape location: A419-658.)

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

ITEM-103: Recommending that Parole be Denied to Convicted Murderer Danny Saul Rosales.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-467) ADOPTED AS RESOLUTION R-292383

Recommending that parole be denied to convicted murderer Danny Saul Rosales (CDC-22367).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D629 - E284.)

Substitute motion by McCarty to note and file this request. Second by Stevens. Failed. Yeas: 4, 7. Nays: 1, 2, 3, 5, 6, 8, M.

MOTION BY WEAR TO RECOMMEND THAT PAROLE BE DENIED TO CONVICTED MURDERER DANNY ROSALES. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104: San Diego Foundation for Change Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-444) ADOPTED AS RESOLUTION R-292384

Commending the Board of Directors, volunteers and staff of San Diego Foundation for Change for their tireless leadership to support those groups and individuals who are working in the most underserved and disenfranchised communities in San Diego and Tijuana;

Proclaiming November 5, 1999 to be "San Diego Foundation for Change Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-105: La Raza Lawyers Association of San Diego Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-458) ADOPTED AS RESOLUTION R-292385

Commending the La Raza Lawyers Association of San Diego in celebration of their 20th year for their dedicated efforts and service to the City of San Diego;

Proclaiming October 23, 1999 to be "La Raza Lawyers Association of San Diego Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-106: Youth Opportunities Unlimited (Y.O.U.) Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-426) ADOPTED AS RESOLUTION R-292386

Proclaiming October 29, 1999 to be "Youth Opportunities Unlimited (Y.O.U.) Day" in San Diego, in recognition of the contributions of Y.O.U. and encouraging all residents to share and enjoy the significance of this day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-107: Excusing Mayor Golding from attending the regularly scheduled Council meetings of October 18 and 19, 1999.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-466) ADOPTED AS RESOLUTION R-292387

Excusing Mayor Susan Golding from attending the regularly scheduled Council meetings of October 18 and 19, 1999, due to her attendance to other City business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-108: Two actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-455) ADOPTED AS RESOLUTION R-292388

Mark Damele - Water Department - \$5,000.

Subitem-B: (R-2000-456) ADOPTED AS RESOLUTION R-292389

Robert W. Deveraux/Philip Reyes/Lloyd Keeling - Stadium - \$240.26
award divided equally (\$80.09 each)

Bill Shannon - Metropolitan Wastewater - \$103.28.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-109: Settlement of the Personal Injury Claims of Eileen Meyer and Russell Meyer.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-464) ADOPTED AS RESOLUTION R-292390

A Resolution approved by the City Council in Closed Session on Tuesday, September 14, 1999, by the following vote: Mathis-yea; Wear-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Mayor-yea; Kehoe-not present; Vargas-not present.

Authorizing the City Manager to pay the total sum of \$75,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal

injury to Eileen Meyer and Russell Meyer (Superior Court Case No. 725403, v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$75,000 made payable to Eileen Meyer and Russell Meyer and their attorney of record, James J. Filicia, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claims of Eileen Meyer and Russell Meyer against the City of San Diego, its agents and employees, as a result of an incident which occurred on October 26, 1997.

Herring/Oliva/JE

Aud. Cert. 2000395.

PUBLIC NOTICE CONSENT

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-110: Hazardous Materials Emergency Response Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-408) ADOPTED AS RESOLUTION R-292391

Authorizing the City Manager or designee to enter into an amendment to the agreement with the Unified San Diego County Emergency Services Organization, extending the term of the agreement to June 30, 2001, and adjusting the annual payment to the City to \$446,831 annually.

CITY MANAGER SUPPORTING INFORMATION:

The Hazardous Materials Incident Response Team (HIRT) was established by the Unified San Diego County Emergency Services Organization. San Diego Fire and Life Safety Services participates in this program by providing member agencies with services of its Hazardous Materials Team during incidents involving hazardous materials. An agreement between the City and the Unified San Diego County Emergency Services Organization was signed in June, 1993, amended in July, 1995, and again in September, 1997, Resolution No. R-289142. The proposed amendment extends the contract to June 30, 2001 and adjusts the annual payment to the City to \$446,831 annually.

FISCAL IMPACT:

The Unified San Diego County Emergency Services Organization will provide the City of San Diego with annual payments of \$446,831, to be invoiced in quarterly increments.

Uberuaga/Osby/FCW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A419-658.)

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

* ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2000-393) ADOPTED AS RESOLUTION R-292392

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A419-658.)

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

ITEM-150: Gasoline Pricing.

(See Intergovernmental Relations Department Reports IRD-99-10 and IRD-99-06; and Committee Consultant Analysis No. 1 dated 4/19/99.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2000-470) ADOPTED AS RESOLUTION R-292393

Declaring that as long as prices continue to remain high, this Council encourages the residents, businesses, government, and social service agencies in the City to conserve the supply of gasoline by driving less, car pooling more, and using public transportation.

That the City Attorney monitor the progress of the Federal Trade Commission and the California Attorney General as they investigate the alleged anti- competitive practices of oil companies operating in California. The City Attorney shall strongly advocate to the Federal Trade Commission and the California Attorney General, the continued, vigorous investigation of alleged anti- competitive practices, including violations of Federal Anti-Trust laws, violations of California Business and Professions Code Section 21200 (Price Discrimination), and possible collusion among oil companies operating in California to arbitrarily establish gasoline prices at the wholesale level.

That the City Attorney continue to support the case of *Aguilar et. al v. Atlantic Richfield* in which the City has filed an amicus brief.

That the City Manager return to Council with a recommendation of how the City Council may revise the approval process and fee structure for construction of new gasoline stations within the City so as to encourage new development and foster a competitive economic environment by increasing the number of gasoline stations within the City.

That the City Manager report to Council with a proposal for obtaining information as to the lowest gasoline prices within the City of San Diego and list those stations with the lowest gasoline prices on the City of San Diego Web Page and the City Access Channel.

NOTE: Due to changed circumstances since the Resolution was heard at the Rules Committee, a proposed new Resolution is before the City Council today.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

ITEM-1: On 4/19/99, RULES voted 5-0 to approve a revised Joint Resolution by Mayor Susan Golding and Councilmember George Stevens regarding the California Gasoline Supply Shortage, and Recommendations regarding the Conservation of Gasoline, Cooperation with State and Federal Agencies, and the Encouragement of new Retail Stations; to direct the City Manager to return to the Rules Committee with a more elaborate reporting system for gas stations and put this information on the City's access TV channel and website; to direct the City Attorney to incorporate into a revised Resolution language and modifications based on Rules Committee discussion including the addition of the words "without cutting City services."

ITEM-2: Rules Committee voted 5-0 to support AB 1315 (Strickland-R): Sales and Use Taxes: Exemptions: Fuel Taxes; and S.266 (Feinstein-D) H.R.11 (Bilbray-R): Amendment to the Clean Air Act to permit the exclusive application of California State Regulations regarding reformulated gas in certain areas within the state. (Councilmembers Mathis, Wear, Warden, Vargas and Mayor voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A659-B264.)

MOTION BY WEAR TO ADOPT THE RESOLUTION WITH THE TWO RECOMMENDATIONS WITH THE FOLLOWING UNDERSTANDING: THE ENCOURAGEMENT OF RECRUITING THE GAS STATIONS SHOULD NOT BYPASS THE COMMUNITY PLANNING PROCESS WHICH IS KEY TO THE NEIGHBORHOOD CHARACTER; AND BOTTOM LINE, STATE AND FEDERAL LEGISLATORS SHOULD BE HELPING US PREVENT THE GOUGING OF CONSUMERS WHETHER IT BE GAS, MILK, OR BANK ATM FEES. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-151: Seal Rock Marine Mammal Reserve.

(See City Manager Report CMR-99-156; Behavioral Ecology and Demography of Seals and Sea Lions at the Seal Rock Marine Mammal Reserve; Children's Pool Status, 8/4/99; Assembly Bill 993; Laura Seligsohn's 8/4/99 letter; Lee F. Olsen's 8/4/99 letter; Deane Oberste-Lehn's 8/3/99 letter; Carl B. Lind's 8/2/99 letter; R. Bartlett's 7/30/99 letter; Ed Greene's 7/30/99 letter; and John T. Nicholson's 4/22/99 letter. La Jolla Community Area. District-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2000-471 REV.1) ADOPTED AS AMENDED AS RESOLUTION R-292394

Directing the City Clerk to remove the title "Ecological Reserves" from Chapter VI, Article 3, Division 10, of the San Diego Municipal Code, which Division shall be reserved for future use;

Directing the City Clerk to remove Section 63.1001, including Appendix A, from Chapter VI, Article 3, Division 10, of the San Diego Municipal Code;

Directing the City Manager to continue to implement the following measures which have proven effective in reducing instances of people disturbing harbor seals in the Seal Rock-Children's Pool area:

1. Post educational signs.
2. Endorse a privately funded and managed harbor seal docent program.
3. Continue to separate people from seals on the Children's Pool beach.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 8/4/99, NR&C voted 4-0 to recommend that the City Council direct the City Manager to apply for permits from the California Fish and Game Commission and California Coastal Commission, and prepare an amendment to the San Diego Municipal Code to continue the Seal Rock Marine Mammal Reserve for an additional five-year term, to provide additional protection for the seals beyond the Federal Marine Mammal Protection Act, State Offshore Rocks and Pinnacles Reserve, and the San Diego Municipal Code. (Councilmembers Mathis, Kehoe, Warden and Stallings voted yea. Councilmember McCarty not present.)

CITY MANAGER SUPPORTING INFORMATION:

City Manager Report CMR-99-156 recommended letting the five-year Seal Rock Marine Mammal Reserve lapse on September 16, 1999. After a public hearing on August 4, 1999, the Natural Resources and Culture Committee voted 4-0 to recommend that the City Council direct the City Manager to apply for permits from the California Fish and Game Commission and California Coastal Commission, and prepare an amendment to the San Diego Municipal Code to continue the existing boundaries of the Seal Rock Marine Mammal Reserve for an additional five-year term, to provide additional protection for the harbor seals beyond the Federal Marine Mammal Protection Act, State Offshore and Pinnacles Reserve, and the San Diego Municipal Code.

The ordinance is written to expire five years from the effective date of the Coastal Development Permit. Staff will return to Committee prior to the end of that term with a recommendation about the future of the Seal Rock Marine Mammal Reserve. Other recommendations: On August 12, the La Jolla Town Council Trustees voted 14-4-0 to let the Reserve lapse.

On October 14, the La Jolla Town Council Trustees voted 11-3-1 to withdraw their 1993 support of the four new interpretive signs, described in City Manager Report CMR-99-156, Attachments 3a & 3b. The signs are being donated by two non-profit organizations (Zoological Society of San Diego and Hubbs-Sea World Research Institute); therefore, a small notation on the signs recognizing their contribution is consistent with the La Jolla Planned District Ordinance. As indicated in City Manager Report CMR-99-156, the scientific study at Seal Rock determined that educational signs were an important element in reducing disturbance of seals, so the Manager continues to recommend the added signs.

FISCAL IMPACT:

None with this action.

Culbreth-Graft/McLatchy/RDS

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: B265-D628.)

Substitute motion by Mathis to accept the City Manager's recommendation that we allow the lapse and let it stay lapsed. Include the signage and docent program and really impress upon folks through education. Second by Wear. Failed. Yeas: 1, 2, 7. Nays: 3, 4, 5, 6, 8, M.

MOTION BY VARGAS TO ADOPT THE RESOLUTION AS AMENDED FOR A PERMANENT RESERVE WITH A 5-YEAR REVIEW; FOR THE SIGNAGE AND THE DOCENT PROGRAM TO CONTINUE AND RETURN TO COUNCIL FOR REVIEW IN FIVE YEARS. Second by Stallings. Passed by the following vote: Mathis-nay, Wear-nay, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-200: Consultant Agreement - Energy Efficient Services.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-49) INTRODUCED, TO BE ADOPTED ON NOVEMBER 22, 1999
Introduction of an Ordinance authorizing a ten-year Master Energy Conservation Agreement with Onsite Energy Corporation for energy conservation services at

City-owned facilities and a first amendment to the Agreement;

Authorizing the expenditure of an amount not to exceed \$222,652 to provide funds required for the first fiscal year for the services and equipment which are the subject of Amendment No. 1 to the Master Agreement, expended as follows: \$90,016 from Fund No. 41508, Department 771; \$55,141 from Fund No. 100, Department 532; and \$77,495 from Fund No. 100, Department 310.

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

NOTE: The hearing for this item will remain open for the second reading due to noticing requirements.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with Onsite Energy Corporation will provide the professional services required for the design and implementation of energy efficiency measures in City owned facilities. In the first, pilot phase of the project, energy efficiency measures are contemplated at the 72 year old World Trade Center, the 46 year old Central Library, the 38 year old Crabtree Building and 36 year old Metro Pump Station #2.

In each selected facility, the consultant will thoroughly survey all energy consuming systems including HVAC, lighting, engines and pumps, examine the history of energy consumption and make recommendations for improvement. To the extent that actual energy savings as a result of energy efficiency measures implemented under this agreement exceed the guaranteed amount, there will be positive cash flow to the City during the payback period. At the same time, the City will realize the benefits of reduced maintenance and repair costs typically associated with new building systems and may have access to additional incentive funds available under the California Public Utility Commission's Standard Performance Contract Program. The proposed consultant was selected in accordance with Council Policy 300-7. A Request for Qualifications was advertised in the San Diego Daily Transcript on June 11, 1998 and six responses were received. The Evaluation Committee reviewed the statements of qualifications and four finalists were invited to respond to a Request for Proposals, three of whom elected to do so. After review of the written proposals by the Evaluation Committee and oral presentations by the three respondents, the Real Estate Assets Department/Facilities Maintenance Division forwarded its recommendations to the City Manager who selected Onsite Energy Corporation as the consultant for this project.

FISCAL IMPACT:

All expenses incurred by the consultant will be absorbed into the project costs and will be paid for out of guaranteed energy savings. Upon completion of the payback period, all energy savings will accrue to the City.

Culbreth-Graft/Griffith/DMS

Aud. Cert. 2000375.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A419-658.)

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

ITEM-201: Approving a Phase-Funded Agreement with Sverdrup Civil, Inc.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-) CONTINUED TO NOVEMBER 8, 1999

Approving a Phase-funded Agreement with Sverdrup Civil, Inc. for Design and Construction Management Services for redevelopment purposes pursuant to the Centre City Redevelopment Plan including the Ballpark Infrastructure Project and Centre City East Redevelopment Area Water/Sewer Enhancements; and related actions.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A419-658.)

CONSENT MOTION BY MATHIS TO CONTINUE TO NOVEMBER 8, 1999, AT THE CITY MANAGER'S REQUEST FOR ADDITIONAL TIME TO REVISE THE AGREEMENT. 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-202: Inviting Bids for the Construction of Sewer and Water Group 638.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-386) ADOPTED AS RESOLUTION R-292395

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 Sewer and Water Group 638;

Inviting bids for the construction of Sewer and Water Group 638 on Work Order No. 173431/183381;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,585,924 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$370,478 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for the purpose of providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K20023C)

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Group 638 is located in the Peninsula Community area. This project is a portion of the continuing Annual Capital Improvements Program to replace old concrete sewer and cast iron water mains within the City of San Diego. The proposed water and sewer mains to be replaced were installed in the early 1920s.

This project will replace approximately 9,400 linear feet of sewer main and 2,270 linear feet of water main. Also, the utilization of pipeline rehabilitation will be used for approximately 920 linear feet of additional sewer main. The following streets will be affected by the construction operations: Worden, Udall, Voltaire, Alcott, Zola, Chatsworth Blvd., Bernice Drive, La Cresta Drive, Catalina Blvd., Nimitz Blvd., Poinsettia Drive, Lucerne Drive, Palermo Drive, and Sefton Place. Residents will be notified by mail at least one (1) month prior to construction by the City and ten (10) days prior to construction by the contractor. The contractor will be required to provide and implement approved traffic control plans for this project.

FISCAL IMPACT:

The total estimated cost of this project is \$1,956,402 of which \$1,436,725 is for the construction contract, \$346,500 engineering design and inspection, \$51,866 Owner Controlled Insurance Program (OCIP), \$49,011 City forces work, and \$72,300 for contingencies. Funding of \$1,585,924 is available from Sewer Fund No. 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, and \$370,478 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement for this purpose.

Loveland/Belock/AO

WWF-00-410.

FILE LOCATION: CONT - DJF Construction, Inc.; W.O. 173431/183381

COUNCIL ACTION: (Tape location: A419-658.)

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

ITEM-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 through	120 to	Council adopts propositions for 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:31 p.m. in honor of the memories of:

David and Betty Van Buskirk as requested by Mayor Golding;
 Jerry and Barbara Freeman as requested by Mayor Golding;
 D. Kent Pedersen as requested by Mayor Golding;
 and Lionel James Van Deerlin as requested by Deputy Mayor Wear.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E285-324).