

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, NOVEMBER 2, 1999  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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#### CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:02 a.m. The meeting was recessed by Mayor Golding at 10:13 a.m. to convene the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 10:15 a.m. with all Council Members present. The meeting was recessed by Mayor Golding at 12:08 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Wear at 2:17 p.m. with Mayor Golding not present. Mayor Golding adjourned the meeting at 4:42 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 (lh/er)

FILE LOCATION:                      MINUTES

ITEM-300: 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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Mr. Stillwell commented on trolley tickets that are non-transferable. He stated that the tickets labeled "round tripper" cannot be used to transfer to the bus. He said there should be a sign to provide this information to the public so they are made aware of this before they purchase that particular ticket.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A007-035.)

PUBLIC COMMENT-2:

Mr. Robert Brill came before Council in an attempt to get help regarding a restraining order placed on him by his wife. He stated that although his wife let him move back into their house and was told that the restraining order would be nullified the next day, it was not. Mr. Brill also stated that his wife was told by Family Court that they would take away their child if she removed the restraining order.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A036-057.)

PUBLIC COMMENT-3:

Ms. Renee Anthony was here to talk about the De Anza Community. She said that after a 10-month search for affordable housing, she and her daughter moved to the De Anza Community. Since her daughter is a paraplegic, Campland on the Bay at De Anza Community provides a livable atmosphere for them. In this community, her daughter is able to visit friends and go to the store on her own.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A058-083.)

COUNCIL COMMENT:

None.

ITEM-310: Irving Residence.

Request by Carolyn S. Dingus, President of Friends of Sunset Cliffs, for a hearing of an appeal from the decision of the Planning Commission in approving the request for an application for a Coastal Development, Hillside Review, and Conditional Use Permit, including Variances. The project proposes to demolish an approximately 1,675 square-foot single family home and detached garage, and construct a new, approximately 8,010 square-foot residence on two lots, totaling 1.3 acres. The project also proposes to construct a detached garage with a guest quarters above, totaling approximately 800 square-feet, and to construct a driveway across a portion of the project site what would serve an adjacent property to the north, along Stafford Place (Lot 3 of Loma Mar Vista Map 3240). Variances are requested for the construction of said driveway serving Lot 3 of

Loma Mar Vista Map 3240, and for the construction of retaining walls that support the driveway, which exceed the maximum height within the front and side yard setbacks. The project site is located at 3900 Lomaland (Assessor's Parcel Numbers 532-034-04 and 532-510-05) in the Sunset Cliffs neighborhood of the Peninsula Community Planning Area.

(CDP/HRP/CUP-98-1074. Peninsula Community Planning area. District-2.)

**TODAY'S ACTION IS:**

A motion either granting or denying the request for a hearing of the appeal.

**NOTE:** Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, time has been reserved for the project to be heard on November 23, 1999 at 10:00 a.m.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6-0 to deny the appeal and approve the project with additional conditions (see Planning Commission minutes of September 30, 1999, Item-8); was opposition.

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

Not Present: Anderson

The Peninsula Community Planning Board, on November 18, 1998, voted 9-0-0 to recommend approval of the project, with no conditions.

On May 12, 1999, the Peninsula Community Planning Board again considered the subject project. By a vote of eight (8) yeas, two (2) nays, and two (2) abstentions, the Board voted "to not oppose the Irving Residence Project with the following conditions:

1. All mitigation obligation to be designated to Sunset Cliffs Natural Park;  
and
2. Additional landscape review required to assure maximum compatibility of landscape treatments with adjacent Sunset Cliffs Natural Park."

## **SUPPORTING INFORMATION:**

The Irving Residence Project proposes to demolish an approximately 1,675 square-foot single-family home and detached garage, and construct a new, approximately 8,010 square-foot residence on two lots, totaling 1.3 acres in the Sunset Cliffs neighborhood of the Peninsula Community Planning Area. The easternmost lot, hereinafter referred to as Parcel A, is 1.07 acres, and the westernmost lot, fronting on Stafford Place, and hereinafter referred to as Parcel B, is 0.23 acres in size. The project also proposes to construct a detached garage with a guest quarters above, totaling approximately 800 square feet; to construct a driveway across a portion of the project site that would serve an adjacent property to the north (Lot 3 of Loma Mar Vista Map 3240, hereinafter referred to as Lot 3); and to construct six retaining walls to support said driveway, the highest of which reaches a maximum height of 15 feet, 10 inches.

A World War II Base End Station, which has been designated as an Historic Site by the Historic Site Board, exists on Parcel B, and as a requirement of the Mitigation, Monitoring, and Reporting Program (MMRP), is to be protected by a recorded conservation easement. A total of 0.24 acres of the 0.41 acres of Diegan coastal sage scrub existing on site, will be impacted, and is also included in the MMRP.

Variances are requested for the construction of a driveway serving an adjacent property, and construction of retaining walls to support said driveway, which exceed the maximum height within the front, rear, and side yard setbacks.

The retaining wall Variances are described below and labeled on Exhibit "A." Subsequent to the Hearing Officer Hearing, Wall B no longer requires a Variance.

Wall A- to allow a maximum 12'-2" high retaining wall within the front yard on Parcel B, where a six foot high retaining wall is the maximum allowed without a horizontal separation equal to the height of the wall below, not to exceed a total height of nine feet.

Wall C- to allow a maximum 11'-5" high retaining wall within the rear yard on Parcel B and a maximum 11'-10" high retaining wall within the west interior side yard on Parcel A, where a six foot high retaining wall is the maximum allowed without a horizontal separation equal to the height of the wall below, not to exceed a total height of 12 feet.

Wall D- to allow a maximum 7'-10" high retaining wall within the rear yard on Lot 3 and a maximum 12'-6" high retaining wall within the west interior side yard on Parcel A, and a maximum 11'-10" high retaining wall within the rear yard on Parcel B, where a six foot high retaining wall is the maximum allowed without a horizontal separation equal to the height of the wall below, not to exceed a total height of 12 feet.

Wall E- to allow a maximum 12'-1" high retaining wall within the front yard on Lot 3, where a six foot high retaining wall is the maximum allowed without a horizontal separation equal to the height of the wall below, not to exceed a total height of nine feet.

Wall F- to allow a maximum 15'-10" high retaining wall within the north interior side yard on Parcel B, where a six foot high retaining wall is the maximum allowed without a horizontal separation equal to the height of the wall below, not to exceed a total height of 12 feet.

During review of the proposed project, it was determined that Parcel A was erroneously included in the Multiple Habitat Planning Area (MHPA) in the area identified as Sunset Cliffs Natural Park. Parcel A is surrounded by Sunset Cliffs Park on three sides yet does not appear as a distinct parcel within the park on a subdivision map. Furthermore, the on-site area originally mapped within the MHPA included the existing residence, driveway, detached garage, and lawn area but excluded the undeveloped area in the southern portion of the property. Although Parcel A is not associated with a subdivision map, it is a legally separate parcel and contains an 89 year-old residence continuously under private ownership. The modification to the MHPA in the project vicinity is considered a "correction" rather than an "adjustment" as it was never intended to be included in the MHPA and therefore should not require an exchange of equivalent MHPA area. The mapping error has been noted and disclosed in the draft environmental document.

Parcel A is currently accessed from the east, through Point Loma Nazarene University and through the Sunset Cliffs Natural Park, which surrounds the project site on three sides. The development proposes to continue using the legal access easement from the east to serve the new residence. The project site is within both the Hillside Review Overlay Zone and the Coastal Zone (Appealable to the State Coastal Commission), and is zoned R1-5000.

On July 21, 1999, the application was considered by the Hearing Officer of the City of San Diego. After listening to considerable public testimony, including opposition from representatives of the Sunset Cliffs Natural Park Recreation Council, the San Diego Audubon Society, and residents of Point Loma, the Hearing Officer approved the Coastal Development Permit, Conditional Use Permit, Hillside Review Permit, and Variance as proposed.

The Hearing Officer's decision was based on the project's conformance with the provisions of the Municipal Code and the Peninsula Community Plan, and the Findings of the Coastal Development Permit, Conditional Use Permit, Hillside Review Permit, and Variance. In response to testimony



from those opposing the project, the Hearing Officer noted that he was satisfied that the project had been well designed, given the site constraints; that maintaining site access from Lomaland Drive was justified, given the existence of the access prior to the establishment of Sunset Cliffs Natural Park; that there were no other reasonable options for access to Lot 3, given the existing conditions; and that the Multiple Species Conservation boundary correction was justified.

On August 4, 1999, the Hearing Officer's decision was appealed by four appellants (Carolyn S. Dingus, Debra Blum, Ann E. Swanson, and James E. Peugh) citing Conflicts With Other Matters, and Findings Not Supported (see Attachment 5 and the following Discussion section of the Report to the Planning Commission).

**FISCAL IMPACT:** None.

**LEGAL DESCRIPTION:**

The two parcel project site is more particularly described as that portion of Pueblo Lot 145 of Pueblo Lands of San Diego in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, a copy of which map was filed November 14, 1921, in the Office of the County Recorder of San Diego County and is known as Miscellaneous Map No. 16, described as follows:

Beginning at a point on the easterly prolongation of the southerly boundary line of Azure Vista, according to Map thereof No. 1981 distant therefrom 450.58 feet, south 77 degrees 13' 30" east, south 76 degrees, 41' 14" east Record of Survey No. 950 from the southeasterly corner of said Azure Vista, thence north 12 degrees 46' 30" east- North 13 degrees thence North 81 degrees 51' 10" east a distance of 171.29 feet to a point; thence south 12 degrees 46' 30" west, a distance of 272.25 feet to a point; thence south 81 degrees 51' 10" west a distance of 171.29 feet to the point of the beginning; and

Lot 4 of Loma Mar Vista, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3240, filed in the Office of the County Recorder of San Diego County, June 1, 1955.

FILE LOCATION: PERM - 98-1074 (65)

COUNCIL ACTION: (Tape location: A114-187.)

MOTION BY WEAR TO DENY THE REQUEST TO HEAR THE APPEAL. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-nay, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: 54th Place at Orange Avenue - Process 4 Appeal.

\_\_\_\_\_ Matter of an appeal to the decision of the Planning Commission in approving an application for a Tentative Map TM-99-0322 and a Mid-City Planned District Ordinance Permit within the Eastern Area of the Mid-City Community Plan area.

(TM/MCPDP-99-0322. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt Subitem A; and adopt Subitem B to grant the map and Subitem C to grant the permit:

Subitem-A: (R-2000-457) ADOPTED AS RESOLUTION R-292396

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-99-0322 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 said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000-549) GRANTED MAP, ADOPTED AS RESOLUTION R-292397

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

Subitem-C: (R-2000-550 Cor.copy) GRANTED PERMIT, ADOPTED AS RESOLUTION R-292398

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

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6-0 to approve the project; was opposition.

Ayes: Butler, Brown, Skorepa, Stryker, Steele, White  
Not Present: Anderson

The Eastern Area Planning Committee has been notified of this project and has not submitted a recommendation. Planning group failed to reach plurality on motions offered and therefore has no formal recommendation on this project.

**CITY MANAGER SUPPORTING INFORMATION:**

The project proposes to develop 51 multi-family residential units on a vacant 3.45-acre site is accomplished through the requested Mid-City PDO Permit and the Tentative Map permits the units to be sold as condominiums.

The subject property is a 3.45 acre site lying vacant on the south side of Orange Avenue between 54<sup>th</sup> Place and Colts Way in the MR-1000 zone within the Eastern Area Planning Area of the Mid-City Community Plan. The site is situated adjacent to a high school site to the east, single-family homes to the immediate north with a junior high school beyond, health care facilities to the south and 54<sup>th</sup> Street to the west with the Colina del Sol Community Park to the southwest. The project site is triangular in shape with a section extending south along Colts Way. The site is relatively flat with gentle slopes west to east. An existing cut slope, roughly 10-feet in height, lies along the interior lot lines.

**FISCAL IMPACT:**

None.

**LEGAL DESCRIPTION:**

The project site is located one-quarter mile north-northeast of the intersection of 54<sup>th</sup> Street and University Avenue and is more particularly described as Parcel 1 of Parcel Map 14983 within the El Cerrito Heights neighborhood of the Mid-City Community Planning area.

FILE LOCATION: Subitems A,B, & C: PERM - 99-0322 (65)

COUNCIL ACTION: (Tape location: A189-B327.)

Hearing began at 10:21 a.m. and halted at 11:14 a.m.

Testimony in opposition by Donald B. Weir, Laura Riebam, and Donald Spear.

Testimony in favor by William Stewart, John Norman, Sherm Harmer, Jim Omsberg, and Dan Powell.

Motion by McCarty to deny the appeal, grant the map, and grant the permit. Second by Stallings.

Motion by Stevens to deny the appeal, grant the map and grant the permit as amended with the stipulation that the developer of this property actually sell the properties and not rent the property once it is constructed. Second by Kehoe for purposes of discussion.

Motion withdrawn by Stevens.

MOTION BY McCARTY TO DENY THE APPEAL, ADOPT THE RESOLUTIONS GRANTING THE MAP AND GRANTING THE PERMIT WITH DIRECTION TO STAFF THAT THE MITIGATION FEE REMAIN IN THE COMMUNITY DUE TO THE NEED FOR ON-GOING BRUSH MANAGEMENT, AND THAT PARK FEES REMAIN IN THE COMMUNITY TO BE USED FOR MORE LIGHTS AT COLINA DEL SOL AND A DECK AROUND THE SWIMMING POOL AS RECOMMENDED BY STAFF. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: Southeastern San Diego Planned District Ordinance Amendment.

\_\_\_\_\_ Matter of an Amendment to the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Planned area.

(SESDPDO-99-0560. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt Subitem A; and introduce Subitem B:

Subitem-A: (R-2000-430 ) ADOPTED AS RESOLUTION R-292401

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR-99-0560 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 and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2000-57 ) CONTINUED TO NOVEMBER 9, 1999

Introduction of an Ordinance amending the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan area.

**OTHER RECOMMENDATIONS:**

This item has been double noticed to be heard by the Planning Commission on October 28, 1999, followed by City Council Hearing on November 2, 1999. The Planning Commission recommendation and any other pertinent information will be available by staff at the City Council Hearing.

The Southeastern San Diego Development Committee voted 13-0-0 to recommend opposition to the proposed project.

**CITY MANAGER SUPPORTING INFORMATION:**

The Southeastern San Diego Planned District Ordinance (SESD PDO) was adopted by the City Council on August 3, 1987, "to provide reasonable development criteria for the construction or alteration of quality residential, commercial and industrial development throughout the Southeastern San Diego community." The mechanisms for implementing the Southeastern San Diego Community Plan are the urban design standards contained in its regulations.

The proposed amendment would allow for the addition of wholesale distribution of fruits, vegetables and plant products as permitted uses within the I-1 zone of the Southeastern San Diego Planned District Ordinance (PDO).

Culbreth-Graft/Haase/LYM

**FISCAL IMPACT:**

None.

FILE LOCATION: Subitem A: LAND - Southeastern San Diego Planned District (10)  
Subitem B: NONE

COUNCIL ACTION: (Tape location: B336-C533; D005-E127.)

Hearing began at 11:15 a.m. and recessed at 12:08 p.m.

Testimony in opposition by Doris Anderson, Jan Jackson, George Gaines, Donald Short, Sheila Minick, Fulberto Rodriguez, Bill Lyons, Kathleen MacLeod, Audise Rawlins, Jim Hammett, Jennifer Vanica, Vernon Brinkley, Jewell D. Hooper, Shirley Jones, Julia Le Blanc, Ardelle Matthews, and Reynaldo Pisano.

Testimony in favor by Robert Robinson, Angela Harris, Kurt Chilcott, Matt Brown, Chip Owen, and James Smith.

Hearing resumed at 2:18 p.m. and halted at 3:10 p.m.

Mayor Golding arrived at 2:57 p.m.

MOTION BY STEVENS TO ADOPT THE RESOLUTION CERTIFYING THE INFORMATION CONTAINED IN LDR-99-0560, CONTINUE SUBITEM B AND INTRODUCE ON NOVEMBER 9, 1999, WITH THE FOLLOWING CHANGES: 1) ACCEPT THE PLANNING COMMISSION'S ACTION TO AMEND THE SOUTHEASTERN PDO TO PERMIT THE USE OF WHOLESALE DISTRIBUTION OF FRUITS, VEGETABLES, AND PLANT PRODUCTS IN THE I-1 INDUSTRIAL ZONE. ADD THE CONDITION TO REQUIRE A SPECIAL PERMIT FOR ALL PROJECTS IN THE I-1 ZONE THAT PROPOSE THIS USE. THE SPECIAL PERMIT WILL REQUIRE A SOUTHEASTERN SAN DIEGO PDO PERMIT AND THE APPROVAL PROCESS WILL BE ELEVATED FROM A PROCESS 3 TO A PROCESS 4. 2) AMEND THE PLANNING COMMISSION'S RECOMMENDATION TO DIRECT THE SOUTHEASTERN ECONOMIC DEVELOPMENT

CORPORATION (SEDC) TO STUDY THE MARKET STREET/EUCLID AVENUE CORRIDOR AND EVALUATE THE POSSIBILITY OF DESIGNATING THE AREA AS A CULTURAL, EDUCATIONAL, AND INDUSTRIAL DISTRICT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: State Route 56 - Black Mountain Road Project.

(See City Manager Report CMR-99-48. Peñasquitos East and Torrey Highlands Subarea IV Community Areas. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-460) ADOPTED AS RESOLUTION R-292399

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the acquisition of fee simple title and an easement to two parcels of property for the construction, improvement, operation and maintenance of the State Route 56 - Black Mountain Road Project, a public street or streets and incidents thereto; that the interests sought to be acquired are located at the south end of Trigger Street on the north side of the future State Route 56; that the interests to be acquired include fee simple title and an easement for temporary construction area purposes, together with the right of ingress and egress over, under, along, and across the parcels of land; that the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; that the property sought to be acquired is necessary for the project; that acquisition by eminent domain is authorized by law; and declaring that the offer to purchase the property required by Government Code Section 7267.2 has been made to the owner of record; declaring the intention of the City of San Diego to acquire the fee simple title and easement under eminent domain proceedings; and directing the City Attorney of the City of San Diego to commence an eminent domain action in the Superior Court, to condemn, acquire and obtain immediate possession of the property for the use of the City.

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**NOTE:** 6 votes required.

**CITY MANAGER SUPPORTING INFORMATION:**

The owner of these parcels has agreed to the purchase price of \$7,225 and has executed the required documents to open escrow. However, when the owner's lender demanded \$3,325 of the proceeds, the owner refused to agree to the lender's demand. After extensive negotiations with the property owner and the lender an impasse has occurred. In order for the City to obtain legal possession of these parcels, it is necessary that the condemnation action be filed.

**FISCAL IMPACT:**

None with this action. Funding is available in CIP-52-463.0, adopted March 23, 1999 by Resolution No. R-291379.

Culbreth-Graft/Griffith/RAG

FILE LOCATION: DEED F-7852, MEET

COUNCIL ACTION: (Tape location: A103-111.)

Hearing began at 10:15 a.m. and halted at 10:16 a.m.

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

ITEM-333: Charitable Donation by the Stephen and Mary Birch Foundation, Inc.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-428 COR. COPY) ADOPTED AS RESOLUTION R-292402



Accepting the generous donation of the property at 1007 5th Avenue, identified as Lots E and F of Block 35, Horton's Addition, from the Stephen & Mary Birch Foundation, Inc.;

Authorizing an agreement with the Redevelopment Agency of the City of San Diego for the conveyance of the real property to the Redevelopment Agency, which agreement shall provide that the Redevelopment Agency shall indemnify the City and hold the City harmless as to any liability that may arise as a result of the City's accepting the donation of the property, including liabilities associated with toxic remediation, demolition or the redevelopment disposition of the property;

Authorizing the execution of a quitclaim deed to the Redevelopment Agency, granting all the City's right, title and interest in Lots E & F of Block 35, Horton's Addition;

Authorizing the deposit of any net proceeds derived out of the final disposition of Lots E and F of Block 35, Horton's Addition to a fund to benefit the Library System.

**CITY MANAGER SUPPORTING INFORMATION:**

The Stephen and Mary Birch Foundation has offered to donate to the City of San Diego a 12 story office building located at the northeast corner of 5th Avenue and Broadway. The building is the former First National Bank building, which consists of 124,000 square feet of floor area on a 10,000 square foot parcel. The building would be transferred to the Centre City Development Corporation (CCDC) who will indemnify the City as to any liabilities that may arise as a result of the donation which may include the liabilities of toxic remediation, demolition, or ultimate redevelopment disposition. Any net proceeds that may be derived from the ultimate disposition of the building will be used to benefit the City's Library System.

**FISCAL IMPACT:**

None.

Culbreth-Graft/Griffith/RAG

**NOTE:** See the Redevelopment Agency Agenda of 11/2/99 for a companion item.

**FILE LOCATION:** DEED F-7615

COUNCIL ACTION: (Tape location: E129-219.)

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

ITEM-334: Beverage Vending Machine Program Proposal. (Referred from the Council Meeting of September 14, 1999)

(See City Manager Reports CMR-99-187 and CMR-99-172.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-265 Rev.2) ADOPTED AS AMENDED AS RESOLUTION R-292403

Approving the selection of The Pepsi Bottling Group as the exclusive cold drink beverage provider through cold drink vending machines at select and specified City facilities;

Authorizing the City Manager to enter into an agreement for beverage vending machines services with The Pepsi Bottling Group;

Authorizing the City Manager to develop and implement a program as permitted by law, by which departments associated with groups currently receiving revenue from existing beverage vending arrangements at City facilities, which revenue is currently being used to support employee morale and recognition, will continue to receive an equivalent amount of revenue from commissions generated by this Citywide Beverage Vending Machine Program upon expiration of existing agreements;

Authorizing the City Manager to include in this program provisions for a uniform revenue stream to provide funding from commissions generated by this Citywide Beverage Vending Machine Program, upon expiration of existing arrangements, for City programs sponsored by existing and new recreation councils which may be formed in the future;

Authorizing the City Manager to execute appropriate agreements;

Authorizing the City Auditor and Comptroller to establish a special fund for commissions generated by the Beverage Vending Machine Agreement and to make expenditures from the fund pursuant to the program developed and implemented by the City Manager for the purposes of supporting employee morale and recognition and other City programs;

Amending Council Policy 000-23, "Product Endorsement."

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

On 10/4/99, RULES voted 3-2 to approve the Manager's recommendation and send the matter of the Beverage Vending Machine Program Proposal back to Council for consideration with the Manager directed to include a provision for a uniform revenue stream from beverage vending machines to fund programs sponsored by future Recreation Councils consistent with that received currently by existing Recreation Councils. (Councilmembers Mathis, Warden, and Mayor Golding voted yea. Councilmembers Vargas and Wear voted nay.)

**CITY MANAGER SUPPORTING INFORMATION:**

On September 14, 1999, the Beverage Vending Machine Program Proposal, Manager's Report CMR-99-172, was presented to the City Council for review and approval. The report included the following four recommendations:

- 1) Select Pepsi Bottling Group as the exclusive cold drink beverage provider through cold drink vending machines;
- 2) Authorize the City Manager to enter into an agreement for beverage vending machine services with Pepsi Bottling Group;
- 3) Authorize the City Manager to develop and implement a program through which departments associated with groups currently receiving revenue from existing beverage vending arrangements at City facilities will continue to receive an equivalent amount of revenue from commissions generated by this Citywide Beverage Vending Machine Program, upon expiration of existing arrangements; and
- 4) Approve the resolution amending Council Policy 000-23, "Product Endorsement".

During discussion of the Beverage Vending Program Machine Proposal, several issues were raised and the Council took action to forward this item to the Rules Committee for further discussion. In response to the issues raised by the City Council, additional information was provided in City Manager Report CMR-99-187 and submitted to the Rules Committee. The Rules Committee approved forwarding the Manager's recommendation back to the City Council with direction to include a provision for a uniform revenue stream to fund programs sponsored by future recreation councils consistent with that received currently by existing recreation councils. This language has been incorporated into the resolution. With that direction, this item is now returning to the full Council for further deliberations.

**FISCAL IMPACT:**

No cost to this action. Estimated revenue to be generated over the life of this 12-year contract is between \$6,695,000 and \$23,599,000.

Herring/LKC

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E220-F450.)

Motion by McCarty to adopt City Manager's recommendation. Second by Mathis. Motion withdrawn.

Motion by Vargas to continue until we get all the information. Second by Stevens. Failed. Yeas-468; Nays-12357.

MOTION BY WEAR TO ADOPT THE RESOLUTION AND REQUIRE PEPSI BOTTLING COMPANY TO DEVELOP AND SUBMIT AN EQUAL EMPLOYMENT OPPORTUNITY PLAN WITHIN THIRTY DAYS. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-nay, McCarty-nay, Vargas-nay, Mayor Golding-yea.

ITEM-335: Adding Transitional Housing Project to the Fiscal Year 2000 CIP Budget.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-474 Cor.Copy) ADOPTED AS RESOLUTION R-292404

Amending the Fiscal Year 2000 Capital Improvements Program by adding CIP-39-231.0, Transitional Housing Project, to the Fiscal Year 2000 CIP Budget;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$800,000 from Community Development Block Grant Fund 18534, Department 4162, Organization No. 6240, to CIP-39-231.0, Transitional Housing Project;

Authorizing the expenditure of an amount not to exceed \$800,000, provided that the City Auditor and Comptroller first furnishes a certificate that funds are available;

Authorizing the City Manager to negotiate and execute an agreement to construct the Transitional Housing Project with the YMCA of San Diego or another non-profit organization, provided that the City Auditor and Comptroller first furnishes a certificate that funds are available;

Authorizing the City Auditor and Comptroller to defer and transfer unexpended money to the appropriate fund reserves at the end of Fiscal Year 2000.

**CITY MANAGER SUPPORTING INFORMATION:**

On March 29,1999, Council (Resolution R-291412) reprogrammed \$1,000,000 of Council District Five Community Development Block Grant (CDBG) Funds for Becky's House, a transitional housing project for victims of domestic violence. A City owned site has been identified and the YWCA of San Diego County, a non-profit social service provider, has agreed to build the facility with CDBG Funds. Donated labor and In-kind contributions from an architectural firm and various contractors are anticipated. The Housing Commission will provide operational funding of up to \$100,000 each year for the first 3 years. This may be supplemented with funds raised locally from private donors. The City will retain ownership of the property and enter into a lease agreement with the YWCA. Becky's House will provide ten transitional housing units for victims of domestic abuse.

**FISCAL IMPACT:**

Funds are available from the Community Development Block Grant Program.

Culbreth-Graft/Christiansen/EL

Aud. Cert. 2000394

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F535-G217.)

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

ITEM-336: Second Amendment to the Agreement with Pountney Associates, Inc. for As-Needed Engineering Services.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-449) ADOPTED AS RESOLUTION R-292400

Authorizing a second amendment to the agreement of October 21, 1997, with Pountney Associates, Inc. for as-needed engineering services in Water and Wastewater CIP Projects in Fund Nos. 41500, 41506, 41508, and 41509 in an additional amount not to exceed \$1,000,000;

Authorizing the expenditure of not to exceed \$1,000,000 from Fund No. 41509;

Authorizing the City Auditor and Comptroller, upon advice of the administering department, to reallocate appropriation and cost to those CIP Projects where costs are incurred.

## **CITY MANAGER SUPPORTING INFORMATION:**

The original Agreement between the City and Pountney Associates for As-Needed Engineering Services 1997 - 2000 was adopted October 21, 1997, via Resolution No. R-289302. The Agreement was issued for a \$500,000 not-to exceed amount for a 36-month duration. The City expended \$473,621, or 94% of the base funds in the first 12 months of the Agreement due to MWW program support requirements. Amendment No. I was adopted October 5, 1998 to increase the Not-to-Exceed Agreement value by \$500,000 to \$1,000,000. The City has expended 89% of the current \$1,000,000 total NTE.

It is anticipated that Amendment No. 2 will provide adequate funding for the balance of the Agreement. Amendment No. 2 is requested to increase the Not-to-Exceed Agreement value by \$1,000,000 to \$2,000,000 due to immediate and near term engineering services needs required by MWW such as the following:

Wastewater Collection Emergency Infrastructure Repairs  
South Metro Interceptor 84" Tunnel Repair  
Pump Station No. 77 Force Main Inspection  
Pump Station No. 1 and No. 2 Upgrades  
Metro Wastewater System Seismic Study

### **MBE/WBE Utilization:**

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, including minorities and women, Pountney Associates has retained the following subconsultants as members of their engineering consultant team in connection with this project:

#### **Certified Subconsultants**

MBE - Simon Wong Engineering  
MBE - Kanrad Engineering  
MBE - Kotz, Ikitsu & Associates  
MBE - Riesling Nakamura Architects  
WBE- Group Delta Architects

#### **Other Subconsultants**

MGD Technologies  
Post, Buckley, Schuh & Jernigan

Due to the nature of As-Needed projects, the percentage utilization of MBE/WBE subconsultants is dependent upon the tasks authorized by the City and the type of work required by those tasks.

**FISCAL IMPACT:**

The total authorized to expend is \$1,000,000 for the current fiscal year, for a combined total authorized to expend for FY 1997 - 2000 of \$2,000,000.

Loveland/Schlesinger/WBP

Aud. Cert. 2000399.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A103-111.)

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

ITEM-337: Election of the City Heights Redevelopment Project Area Committee.

(See City Manager Report CMR-99-201. City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2000-476) CONTINUED TO NOVEMBER 23, 1999

Approving a Representative Project Area Committee for the City Heights Redevelopment Project Area.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A084-093; A103-111.)



CONSENT MOTION BY WARDEN TO CONTINUE THIS ITEM TO NOVEMBER 23, 1999, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338: Six actions related to Redevelopment Plan Amendments Concerning Plan Time Limits in Accordance with the California Community Redevelopment Law.

(See City Manager Report CMR-99-202. Central Imperial, Centre City (Expansion Sub Area), College, Horton Plaza, Linda Vista, and Mount Hope Community Areas. Districts-3, 4, 6, 7 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinances:

Subitem-A: (O-2000-58 Cor.Copy 10/29/99) INTRODUCED, TO BE ADOPTED NOVEMBER 22, 1999

Introduction of an Ordinance amending the Time Limits in the Redevelopment Plan for the Expansion Sub Area of the Centre City Redevelopment Project.

Subitem-B: (O-2000-59 Cor.Copy 10/29/99) INTRODUCED, TO BE ADOPTED NOVEMBER 22, 1999

Introduction of an Ordinance amending the Time Limits in the Redevelopment Plan for the Central Imperial Redevelopment Project.

Subitem-C: (O-2000-60 Cor.Copy 10/29/99) INTRODUCED, TO BE ADOPTED NOVEMBER 22, 1999

Introduction of an Ordinance amending the Time Limits in the Redevelopment Plan for the College Community Redevelopment Project.

Subitem-D: (O-2000-61 Cor.Copy 10/29/99) INTRODUCED, TO BE ADOPTED NOVEMBER 22, 1999

Introduction of an Ordinance amending the Time Limits in the Redevelopment Plan for the Horton Plaza Redevelopment Project.

Subitem-E: (O-2000-62 Cor.Copy 10/29/99) INTRODUCED, TO BE ADOPTED  
NOVEMBER 22, 1999

Introduction of an Ordinance amending the Time Limits in the Redevelopment Plan for the Linda Vista Redevelopment Project.

Subitem-F: (O-2000-63 Cor.Copy 10/29/99) INTRODUCED, TO BE ADOPTED  
NOVEMBER 22, 1999

Introduction of an Ordinance amending the Time Limits in the Redevelopment Plan for the Mount Hope Redevelopment Project.

FILE LOCATION: Subitems A,B,C,D,E, & F: NONE

COUNCIL ACTION: (Tape location: A103-111.)

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

ITEM-339: Inviting Bids for Imperial Marketplace Public Improvements.

(See Southeastern Economic Development Corporation Report No. 99-023. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2000- ) CONTINUED TO NOVEMBER 9, 1999

Authorizing the Request for Proposal packet, as presented, for the construction of the Imperial Marketplace Public Improvements;

Granting authorization to receive bids for construction for the Imperial Marketplace public improvements in an amount not to exceed \$9,000,000 with a total project cost of \$10,230,000;

Granting authorization to award the contract to the best-qualified design-builder, provided that the bid is within the established budget and all other requirements are met;

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

Authorizing the City Manager to request advanced funding from SANDAG through the commercial paper program in an amount not to exceed \$3,542,082;

Authorizing the City Manager to execute any necessary documents relating to the receipt of the funds from SANDAG;

Indicating that the City of San Diego will be responsible for paying its proportionate share of the annual interest and administrative costs of the commercial paper program; based on the ratio of the amount of financing provided to the City of San Diego to the total commercial paper outstanding for each fiscal year;

Indicating that SANDAG will deduct the interest and administrative costs from the City of San Diego monthly TransNet sales tax allocations prior to remitting any remaining sales tax proceeds for the City of San Diego projects;

Indicating that the City of San Diego will repay to SANDAG the principal amount of \$3,542,082 to be repaid during Fiscal Year 2004;

Indicating that the first priority of the City of San Diego annual allocation of TransNet revenues shall be payment of the principal amount borrowed according to the schedule.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A084-093; A103-111.)

CONSENT MOTION BY WARDEN TO CONTINUE THIS ITEM TO NOVEMBER 9, 1999, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW.  
Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:42 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G217-218.)