

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 18, 2000
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 Deputy Mayor Mathis at 10:10 a.m. The meeting was recessed by Deputy Mayor Mathis at 11:10 a.m. to convene as the Redevelopment Agency.

The regular meeting was reconvened by Deputy Mayor Mathis at 11:15 a.m. with Mayor Golding not present. Deputy Mayor Mathis adjourned the meeting at 12:23 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-excused by R-292742 (City business)

(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 (er)

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

ITEM-10: INVOCATION

Invocation was given by Pastor Dwight Nave of Horizon Christian Fellowship.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Casey Gwinn announced that in closed session by unanimous vote with Mayor Golding not present, the City Council directed the City Attorney to intervene in the Public Utilities proceedings regarding the area codes split and began to educate the City Attorney's office on those issues, OIR No. 98-06-018. The Council also directed the City Attorney to prepare the documents to have a formal and comprehensive public discussion on the impact of the area code split in the City and County of San Diego in the next few weeks.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding a training plan for school principals and the funding problems for the program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A023-045.)

PUBLIC COMMENT-2:

Comment by Steve McWilliams regarding the use of marijuana for medical purposes and the problems incurred implementing the laws.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A046-069.)

PUBLIC COMMENT-3:

Comment by Rob Spellman regarding the demise of the De Anza Cove Community and raising of the rents.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A071-096.)

PUBLIC COMMENT-4: REFERRED TO THE CITY MANAGER

Comment by Dr. Paul Thomas regarding the injuries he and his family sustained during the Chargers/Raiders football game.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A098-162.)

PUBLIC COMMENT-5:

Comment by Daniel Beeman regarding civic greed.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A164-191.)

COUNCIL COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

12-13-99 Adjourned
12-20-99 Adjourned
12-21-99 Adjourned
12-27-99 Adjourned
12-28-99 Adjourned
01-03-2000 Adjourned
01-04-2000 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A210-214.)

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

ITEM-31: Herbert G. Klein Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-774) CONTINUED TO JANUARY 31, 2000

Commending Mr. Herbert G. Klein for his accomplishments and service to the City;

Proclaiming January 18, 2000 to be "Herbert G. Klein Day" in San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A215-218.)

CONSENT MOTION BY WEAR TO CONTINUE TO THE NEXT MEETING, AT THE REQUEST OF COUNCIL MEMBER STEVENS. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-32: Time Warner Cable Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-781) ADOPTED AS RESOLUTION R-292647

Commending and thanking Time Warner Cable and proclaiming January 18, 2000 to be "Time Warner Cable Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A219-304.)

MOTION BY McCARTY 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-not present.

ITEM-33: Garry Collins Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-807) ADOPTED AS RESOLUTION R-292648

Proclaiming January 18, 2000 to be "Garry Collins Day" in San Diego with deep and sincere appreciation for a job well done -- both for the officers of the San Diego Police Department, and the people of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A312-392.)

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

* ITEM-50: Ballpark and Redevelopment Project.

NOTE: If the proposed agreements and other documents set forth in Items 202 and 203 are not on file in the Office of the City Clerk and available for public review by the close of business on January 12, 2000, Items 50, 202, and 203 will not be considered at the Council meeting of January 18, 2000, but will either be returned to the City Manager for re-docketing at a later time or will be continued to a future Council meeting.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/14/99. (Council voted 6-3. Councilmembers Mathis, Wear, Stevens, Stallings, Vargas, and Mayor voted yea. Councilmembers Kehoe, Warden, and McCarty voted nay):

(O-2000-86 Cor.Copy)

RETURNED TO THE CITY MANAGER

Approving the form of and authorizing the execution and delivery of a Site Lease and a Ballpark Facility Lease and approving and authorizing the execution, delivery and performance of an Assignment Agreement and an indenture by the Public Facilities Financing Authority of the City of San Diego and approving and authorizing the issuance and sale of the Authority's Lease Revenue Bonds, Series 2000A and approving certain other documents.

This ordinance does not authorize the issuance of the bonds, but is only a necessary step approving a portion of the documents necessary for the issuance. The remaining documents necessary to issue the bonds will be presented to Council for approval at a later date.

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

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST BECAUSE DOCUMENTS WERE NOT COMPLETED IN TIME FOR REVIEW BY COUNCIL AND THE PUBLIC. Second

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

- * ITEM-100: Two actions related to Approving the Plans and Specifications and Inviting Bids for Sewer Group 657.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-506) ADOPTED AS RESOLUTION R-292649

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 Group 657;

Inviting bids for the construction of Sewer Group 657 on Work Order No. 173621;

Establishing contract funding phases, and executing a contract with the lowest responsible and reliable bidder, provided that the City Auditor first furnishes a certificate certifying that the funds necessary for the expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of not to exceed \$1,795,300 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the construction of Sewer Group 657, provided that the City Auditor first furnishes a certificate certifying 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-K20035C)

Subitem-B: (R-2000-507) ADOPTED AS RESOLUTION R-292650

Certifying that the information contained in Mitigated Negative Declaration LDR-99-0173, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the report 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 Council;

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Group 657 is part of the program established by the City of San Diego mandating the replacement of all concrete sewer mains currently in service. The sewer mains to be replaced in this project were constructed as early as 1927 and are approaching the end of their useful life. Replacement of these deteriorated sewer mains will continue to provide the community with a safe and reliable sewer infrastructure. This project is in the Peninsula community area and consists of replacing approximately 6,875 lineal feet of sewer mains. The following streets and alleys will be affected by the construction operations: The alley in between and parallel to Narragansett Avenue and Del Monte Avenue from Catalina Boulevard to approximately 870 feet west of Catalina Boulevard, the alley in between and parallel to Del Monte Avenue and Santa Cruz Avenue from approximately 150 feet west of Catalina Boulevard to Santa Barbara Street, the alley in between and parallel to Santa Cruz Avenue and Coronado Avenue from approximately 150 feet west of Catalina Boulevard to approximately 249 feet west of Santa Barbara Street, the alley in between and parallel to Catalina Boulevard and Venice Street connecting the last two alleys mentioned above, the alley in between and parallel to Coronado Avenue and Del Mar Avenue from approximately 150 feet west of Catalina Boulevard to approximately 238 feet west of Santa Barbara Street, the alley in between and parallel to Del Mar Avenue and Orchard Avenue from approximately 150 feet west of Catalina Boulevard to Santa Barbara Street, the alley in between and parallel to Catalina Boulevard and Venice Street connecting the last two alleys mentioned, Del Mar Ave. from Catalina Boulevard to approximately 150 feet west (to the first alley), Santa Cruz Avenue from Catalina Boulevard to approximately 150 feet west (to the first alley).

This project involves re-routing the mains under private properties to the alleys and streets and replumbing the sewer laterals. The addresses that will be affected by the replumbing are as follows: 1728, 1720, 1676, 1620, 1576, 1568, and 1668 Catalina Boulevard "Agreement Between the City and the Private Property Owner to Provide Construction of a Private Sewer Lateral" has been executed for all the above mentioned addresses. Traffic control plans will be

Approving the amended specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for Water and Sewer Group Job 473;

Inviting bids for Water and Sewer Group 473 on Work Order No. 173961/183761;

Authorizing a contract with the lowest responsible and reliable bidder and establishing contract funding phases for Water and Sewer Group Job 473;

Authorizing the additional expenditure of \$10,476.35 from CIP-73-083.0, Fund No. 41500, Annual Allocation Water Main Replacements, provided that the City Auditor first furnishes a certificate certifying that the funds are, or will be on deposit with the City Treasurer;

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

Stating for the record that the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project. (BID-K99097CA)

CITY MANAGER SUPPORTING INFORMATION:

This project is part of the City of San Diego's continuing annual Sewer and Water Main Replacement Program. Water & Sewer Replacement Group 473 proposes to replace approximately 8,675 linear feet of old and deteriorated, 6-inch concrete sewer mains and approximately 8,430 linear feet of deteriorated 6-inch cast iron water mains in the Golden Hill community area. This project will also replace approximately 2,050 linear feet of deteriorated, 6-inch cast iron water mains in the Old San Diego community area. The construction of this project was awarded to Pacific Alliance Construction, Inc., for \$1,754,756.06. Because of a disagreement as to the contract requirements, the Contractor asked for an upward adjustment of \$626,792 (about 35 percent of the total construction). The City and the Contractor later decided that it was not in either parties best interest to continue with this contract. Consequently, a mutual termination agreement at no cost was reached in accordance with Section 6-5, Termination of Contract, of the Standard Specifications for Public Works Construction (Green Book). This request includes an additional \$10,476.35 to cover the engineer's estimated

construction cost and will cover both OCIP (\$60,034) and the Safety Program (\$36,296); which are requirements.

FISCAL IMPACT:

The total estimated cost of this project is \$3,839,671.35. Funds are available from Sewer Fund 41506, CIP-44-001.0, Annual Allocation Sewer Main Replacement (\$1,559,986), and from Water Fund 41500, CIP-73-083.0, Annual Allocation for Water Main Replacement (\$2,279,685.35). Included in the above cost estimate is \$490,366 for City Forces work. It is cost effective to employ City Forces to make connections and perform operational checks for the project. It is anticipated this contract will be phase funded.

Loveland/Belock/HR

WWF-00-417.

FILE LOCATION: CONT - Arrieta Construction Inc.; W.O. 173961/183761

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallons-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-102: Excusing Deputy Mayor Mathis from attending the Closed Session of December 16, 1999.

DEPUTY MAYOR MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-767) ADOPTED AS RESOLUTION R-292652

Excusing Deputy Mayor Harry Mathis from attending the Closed Session of December 16, 1999, which had been adjourned from December 14, 1999, due to previously scheduled out of town travel.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-103: Maude Warring Kennedy Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-775) ADOPTED AS RESOLUTION R-292653

Proclaiming January 16, 2000 to be "Maude Warring Kennedy Day" in San Diego in honor of her 100th birthday.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-104: Charitable Donation by the First American Trust Company.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-789) ADOPTED AS RESOLUTION R-292654

Accepting and gratefully acknowledging the generous donation of the property adjacent to Montclair Park, identified as Lot 22, Block "Q" of Montclair, from First American Trust.

CITY MANAGER SUPPORTING INFORMATION:

The First American Trust Company, Successor Trustee of the Irmgard Warnes 1990 Trust, has offered to donate to the City of San Diego an 18,000 square foot parcel. The property is located west of Vancouver Avenue and south of and adjacent to the Montclair Park. The property will be used to help secure the open space nature of this neighborhood park.

FISCAL IMPACT:

None.

Culbreth-Graft/Griffith/BLM

FILE LOCATION: DEED F-7684

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-105: Charitable Donation from the Southwest Wetlands Interpretive Association.

(Otay Valley Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-790) ADOPTED AS RESOLUTION R-292655

Accepting and gracefully acknowledging the generous donation from the Southwest Wetlands Interpretive Association of 31 acres of land, located in the

Otay River Valley just west of Interstate 5 and north of Palm Avenue;

Authorizing a quitclaim deed, granting all the City's right, title and interest to a designated one-acre parcel, to the San Diego County Swiss Club.

CITY MANAGER SUPPORTING INFORMATION:

Using a grant from the California State Coastal Conservancy, the Southwest Wetland Interpretive Association (S.W.I.A) is purchasing over 120 acres of land, in the south bay area, from the Egger and Ghio Company. The property is located in the Otay River Valley just west of Interstate 5 and north of Palm Avenue. S.W.I.A. in turn will be conveying, at no cost, to the City of San Diego 31 acres to be used as active recreational area within the Otay Valley Regional Park. The remaining acres will be conveyed, at no cost, to the U.S. Fish and Wildlife Service for inclusion to the San Diego National Wildlife Refuge. As part of the original agreement between the Egger and Ghio Company and S.W.I.A, a one acre parcel is to be conveyed, at no cost, to the San Diego County Swiss Club. The City's participation in this conveyance is on a "pass-through" basis in order to help facilitate the total transaction.

FISCAL IMPACT:

None.

Culbreth-Graft/Griffith/BLM

FILE LOCATION: DEED F-7685

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-106: Local Law Enforcement Block Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-782) ADOPTED AS RESOLUTION R-292656

Authorizing the Chief of Police, on behalf of the City Manager, to apply for, accept and expend the block grant funds from the United States Department of Justice, Bureau of Justice Assistance (BJA) has made available funds from the Crime Control and Law Enforcement Act of 1994 in the form of local law enforcement block grants allocated based on the FBI crime index to be used for police automation, vehicle, safety, laboratory, training and miscellaneous equipment, maintenance and resources which will contribute to the efficiency and safety of law enforcement and crime prevention;

Authorizing the Chief of Police to execute all aspects of the program operation including any amendments, extensions, or renewals for a period of up to five years, provided funding is made available by the United States Department of Justice, and to certify that the City will comply with all applicable statutory or regulatory requirements related to the program;

Authorizing the Chief of Police to commit the required matching funds in compliance with the requirements of the Local Law Enforcement Block grant program;

Declaring that any resources received shall not be used to supplant expenditures controlled by Council and that personnel positions, if any, funded under this grant are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

This grant is from the U.S. Department of Justice. It is a block grant based on population and crime index. It does not require any application other than the electronic form. It also does not require any information on how the funds will be spent until later in the reporting process. The current plan is to spend the funds for equipment, equipment maintenance, and resources, as needs are identified, which will contribute to the efficiency and safety of law enforcement and crime prevention services. There is no evaluation, timeline or program associated with this grant.

FISCAL IMPACT:

The amount of the grant is \$2,894,002. The grant requires a match of 10 percent of the total (1/9th of the grant amount), or \$321,556, which has been identified from the Police Department budget.

Uberuaga/Bejarano/DJW

Aud. Cert. 2000558.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-107: School-Based Partnerships: Youth Sexual Assault Prevention Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-771) ADOPTED AS RESOLUTION R-292657

Authorizing the Chief of Police, on behalf of the City of San Diego, to apply for, accept, expend and administer funds from the United States Department of Justice, Office of Community Oriented Policing Services, for a School-Based Partnerships: Youth Sexual Assault Prevention Program;

Declaring that such authorization shall include all aspects of grant acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory or regulatory requirements related to this program;

Authorizing the Chief of Police, on behalf of the City Manager, to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the United State Department of Justice;

Declaring that grant funds and/or resources received shall not be used to supplant expenditures controlled by Council and that personnel positions funded hereunder are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

Proposals were solicited by the U.S. Department of Justice, Office of Community Oriented Policing Services. The San Diego Police Department's proposal is to fund a program to research, document, evaluate and analyze sexual assault among youth, particularly acquaintance assault, and to design cooperative strategies for reducing the problem. It will fund a project coordinator, probably a limited-term contractual employee, as well as supplies and equipment, stipends for school participants (students and teachers), and mandatory travel/training for grant purposes. The proposal includes an agreement with the Institute for Public Health, administered by the Graduate School of Public Health of San Diego State University, to design and conduct the research and evaluation. SDPD staff will assist the researchers and coordinate with school officials in obtaining data and designing prevention strategies. Project partners are the San Diego City Schools, and Project YO! of the YWCA as student representatives, as required by the solicitation. All direct prevention activities and expenses were eliminated from the final approved grant, as this is intended to be strictly research and evaluation.

FISCAL IMPACT:

The final approved amount of the grant is \$129,720 for a 12 month period. This will fund all program expenses and activities. There is no requirement for matching funds.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-108: Troops to COPS Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-772) ADOPTED AS RESOLUTION R-292658

Authorizing the Chief of Police, on behalf of the City of San Diego, to apply for, accept, expend and administer funds from the United States Department of Justice, Office of Community Oriented Policing Services, for Troops to COPS;

Declaring that such authorization shall include all aspects of grant acceptance, operation, contracts, expenditure, and certifications that the City will comply with all applicable statutory or regulatory requirements related to the program;

Authorizing the Chief of Police, on behalf of the City Manager, to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the United States Department of Justice;

Declaring that grant funds and/or resources received hereunder shall not be used to supplant expenditures controlled by Council and the personnel positions funded hereunder are not subject to local freezes.

CITY MANAGER SUPPORTING INFORMATION:

This grant is from the U.S. Department of Justice, Office of Community Oriented Policing Services. It will reimburse selected expenses associated with the Police Recruit hiring and training of eligible military veterans. These are veterans who have previously been hired, not additional positions. The amount requested was \$20,059 each for seven veterans. There is no evaluation, equipment, matching requirement, timeline or program associated with this grant.

FISCAL IMPACT:

The final approved amount of the grant is \$120,354. There are no expenses or activities associated with this grant. There is no requirement for matching funds.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

- * ITEM-109: Accepting Grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

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

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-792) ADOPTED AS RESOLUTION R-292659

Authorizing the City Attorney to apply for, accept and expend a grant of \$225,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to conduct community prosecution projects in the Mid-City area.

SUPPORTING INFORMATION:

The Department of Justice awarded the San Diego City Attorney's Office one of six grants in the entire country to establish a Community Court in the Mid-City area of San Diego. This is one of the most exciting grant applications we have ever pursued because it brings together the courts, prosecutors, public defenders, social services, law enforcement, and the neighborhood groups to deal with misdemeanor quality-of-life crimes in the neighborhoods where they have the most impact. It will allow us to bring together the concept of neighborhood policing with the concept of neighborhood prosecution in the areas of Code Enforcement, drugs, gangs, graffiti, theft, and a variety of other criminal offenses that impact our inner city neighborhoods.

The grant for \$225,000 for 18 months will allow us to plan and develop a community court with the cooperation of many agencies. When implemented, the Community Court will function as an arraignment court for offenders who commit misdemeanor violations in the Mid-City community. The Community Court will unite various social service agencies and treatment providers with the traditional criminal justice representatives (judge, prosecuting attorney, defense attorney, probation officer, bailiff, and court staff) in a joint effort to provide offenders with rehabilitation as well as sanctioning them with appropriate punishment and restitution.

The objectives for the Community Court operation will include providing speedier justice, making justice restorative and more visible in the community where the crime takes place, and providing early intervention to crimes occurring at the misdemeanor level. Other goals include combining punishment with rehabilitation by identifying the reasons that high numbers of quality-of-life offenses are being committed and addressing those reasons. We also want punishment with help so the problem can be fixed. This requires a social service component and assessment of the problem. The Community Court will work to modify the behavior of offenders to lead more law-abiding lives, while empowering the community by encouraging local residents, organizations and businesses to collaborate on developing community and social service projects. We want sanctions that make sense because the victim is the community, the community needs to be compensated through community work service.

Devaney/Swett/MS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-110: Sustainable Building Grant to the California Integrated Waste Management Board (CIWMB).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-753) ADOPTED AS RESOLUTION R-292660

Authorizing the City Manager to apply for, accept, and expend a Sustainable Building Grant to the California Integrated Waste Management Board (CIWMB), to provide funding to study the costs and benefits of connecting photovoltaic electricity generation and an electric-vehicle carport to the Ridgehaven Green Building;

Authorizing the City Manager to execute all necessary applications, contracts, payment requests, agreements, and amendments for securing grant funds and to implement and carry out the purposes specified in the grant application.

CITY MANAGER SUPPORTING INFORMATION:

This action is requested to submit a Resolution for Sustainable Building Grant to accompany a \$26,500 grant application to the California Integrated Waste Management Board. The grant would provide funding to study the costs and benefits of connecting photovoltaic electricity generation and an electric-vehicle carport to the Ridgehaven Green Building. Photovoltaic products would be connected to the utility grid and would offset a portion of the building electric demand, providing revenue to the City. The photovoltaic system might also be capable of providing emergency power for essential building functions. Funding for a display kiosk is also requested in the grant application. The kiosk would feature Green Building case studies including the Ridgehaven Building. The grant would provide consultation and graphic design services as well as construction materials and labor.

FISCAL IMPACT:

The grant would provide \$26,500; \$11,500 for a public information display and the remainder for services. The City would provide \$11,500 in previously budgeted Public Information staff time.

Loveland/Hays/LW

Aud. Cert. 2000593.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-111: Palm Avenue Median Improvements - Phase IV.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-768) ADOPTED AS RESOLUTION R-292661

Authorizing the increased appropriation to the FY 2000 Capital Improvements Program up to an additional \$40,000 in CIP-52-662.0, Palm Avenue Median Improvements - Phase IV, from TransNet/Barrio Logan Livable Neighborhood/Economic Need Fund (Fund 30304).

Authorizing the expenditure of an amount not to exceed \$40,000 from the Barrio Logan Livable Neighborhood/Economic Need Fund (Fund 30304) in CIP-52-662.0, Palm Avenue Median Improvements - Phase IV for use in completing median improvements on Palm Avenue between Churrituck Drive and Norstad Street.

CITY MANAGER SUPPORTING INFORMATION:

CIP-52-662.0 will provide median improvements along Palm Avenue between Churrituck Drive and Norstad Street in the Otay Mesa-Nestor Community. Improvements include the replacement of the existing asphalt medians with decorative stamped, colored concrete. \$50,000 was previously allocated for this project which is now estimated to cost a total of \$90,000. Council District 8 has directed that the remaining \$40,000 be transferred from the TransNet/Barrio Logan Livable Neighborhood/Economic Need Fund. Council action is needed to increase the FY2000 CIP budget and authorize the expenditure of \$40,000 for Phase IV of the Palm Avenue Median Improvement Project.

FISCAL IMPACT:

Appropriating \$40,000 from the TransNet/Barrio Logan Livable Neighborhood/Economic Need Fund (30304/101/4279) to CIP-52-662.0.

Culbreth-Graft/Goldberg/MPW

Aud. Cert. 2000578.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-112: Amending the FY 2000 Capital Improvements Program Budget.

(Southeast San Diego, Navajo, San Ysidro, Skyline/Paradise Hills, Pacific Beach Community Areas. Districts-1, 4, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-791) ADOPTED AS RESOLUTION R-292662

Authorizing the City Manager or designated representative to apply to the State for funds;

Authorizing the City Manager or designated representative to take all necessary actions to secure and accept the funds for the projects;

Amending the FY 2000 Capital Improvement Program Budget by adding CIP-29-445.0, Emerald Hills Park-Picnic Shelter; CIP-29-447.0, Lake Murray Community Park-Comfort Station; CIP-29-450.0, Larsen Field Multipurpose Field-Improvements; CIP-29-452.0, Marie Widman Neighborhood Park-Comfort Station; and CIP-29-459.0, Kate Sessions Neighborhood Park-Tot Lot Upgrade;

Authorizing the City Auditor and Comptroller to establish special interest-bearing funds for the funds;

Authorizing the City Auditor and Comptroller, if the funds are secured, to appropriate and expend amounts for the project not to exceed the following: \$49,250 from Fund No. 38089 for CIP-29-445.0; \$197,000 from Fund No. 38090

for CIP-29-447.0; \$98,500 from Fund No. 38091 for CIP-29-450.0; \$246,250 from Fund No. 38092 for CIP-29-452.0; and \$147,750 from Fund No. 38093 for CIP-29-459.0.

CITY MANAGER SUPPORTING INFORMATION:

The FY 2000 State Budget (Resolution R-291240) has provided grant funding for several projects with varying scopes of work throughout four Council Districts, as follows: Emerald Hills Park will receive a new group picnic shelter; Lake Murray Community Park and Marie Widman Neighborhood Park will both receive a new comfort station; Larsen Field will receive multi-purpose field improvements; and Kate Sessions Neighborhood Park will receive tot lot upgrading.

Maintenance Impact: The overall Park and Recreation Department will be affected primarily by the addition of two new comfort stations, estimated at an annual cost of \$7,906.

FISCAL IMPACT:

Total grant funding in the amount of \$738,750 is available from State Park Trailer Bill funding for this purpose as follows: \$49,250 from Fund No. 38089, Emerald Hills Park-Picnic Shelter; \$197,000 from Fund No.38090, Lake Murray Community Park-Comfort Station; \$98,500 from Fund No. 38091, Larsen Field Multipurpose Field - Improvements; \$246,250 from Fund No. 38092, Marie Widman Neighborhood Park-Comfort Station; and \$147,750 from Fund No. 38093, Kate Sessions Neighborhood Park - Tot Lot Upgrade.

Culbreth-Graft/McLatchy/TM

Aud. Cert. 2000610.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT THE RESOLUTION AS AMENDED BY COUNCIL MEMBER McCARTY, THAT THE NEW MONIES THAT WE HAVE GOTTEN FOR OUR PARK AND RECREATION DEPARTMENT, SPECIFICALLY

THE NEW COMFORT STATION AT LAKE MURRAY, THAT THE PROJECT WILL BE BUILT BY THE MTRP FOUNDATION AND THAT EVENTUALLY THAT MONEY WILL HAVE TO GO INTO THEIR ACCOUNT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-113: Amending the FY 2000 Capital Improvement Program Budget - Martin Luther King, Jr. Community Park - Lighting.

(District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-769) ADOPTED AS RESOLUTION R-292663

Authorizing the City Manager or designated representative to apply to the California Department of Parks and Recreation (CDPR) for the funds;

Authorizing the City Manager or designated representative to take all necessary actions to secure and accept the funds for the project;

Authorizing the City Auditor and Comptroller to establish special interest-bearing fund No. 38094 for the funds;

Amending the FY 2000 Capital Improvement Program Budget by adding CIP-29-465.0, Martin Luther King, Jr. Community Park - Lighting;

Authorizing the City Auditor and Comptroller, if the funds are secured, to appropriate and expend an amount not to exceed \$19,700 from Fund No. 38094, for CIP-29-465.0.

CITY MANAGER SUPPORTING INFORMATION:

On July 19, 1999, the Park and Recreation Department's Resource Development Office was officially notified by the California Department of Parks and Recreation that funding was

allocated in the amount of \$19,700 from the FY 2000 State budget for tennis courts lighting improvements at Martin Luther King, Jr. Community Park. The total amount allocated has been reduced by 1.5 percent for State administration costs. This action will allow the City Manager to enter into an agreement with the State and proceed with the project.

FISCAL IMPACT:

Grant funding in the amount of \$19,700 will be received by the City and available from CIP-29-465.0, Martin Luther King, Jr. Community Park - Lighting, State Park Trailer Bill Fund, Fund No. 38094.

Culbreth-Graft/McLatchy/TM

Aud. Cert. 2000611.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-114: Agreement for Provision of Forensic Toxicology Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-773) ADOPTED AS RESOLUTION R-292664

Authorizing the City Manager to negotiate a contract with Bio-Tox Laboratories for the analysis of forensic alcohol and blood and urine toxicology service for a one-year period from September 1, 1999 to August 31, 2000, with options to renew for six additional one-year periods, to expend approximately \$280,000 annually, subject to appropriations.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department uses the services of an independent outside laboratory for the testing of blood and urine samples (victim/suspect) for alcohol and drugs. The previous provider was unable to meet the terms of the contract and the contract was terminated. The Police Department has conducted a search for a responsible provider based on three factors: ability of the vendor to handle the large caseload generated by the Department with a turnaround time of ten days; credibility in court based upon Title 17 compliance; and proximity of operations (within 100 miles of San Diego; proximity is important due to the need for expert witness testimony in court). There are currently 42 licensed laboratories in the State of California, of which 30 are operated by law enforcement agencies. Of the twelve independent licensed laboratories, eight are located in Northern California. The four laboratories in Southern California provide the required services and credentials, but only Bio-Tox Laboratories in Riverside has the capability of handling the required volume of testing. The contract between the City of San Diego and Bio-Tox Laboratories is to provide forensic toxicology services for a one-year term with the option to renew for six additional one-year periods.

FISCAL IMPACT:

A net cost of approximately \$280,000 for each year of the contract, budgeted in the Police General Fund Budget for Fiscal Year 2000.

Uberuaga/Bejarano/JF

Aud. Cert. 2000604.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-115: Ocean View Hills Neighborhood Park No. 1 - Park Development Agreement.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-352 Cor. Copy) ADOPTED AS RESOLUTION R-292665

Authorizing a Park Development Agreement with Pardee Construction Company for the acquisition, design and construction of the proposed Ocean View Hills Neighborhood Park No. 1;

Authorizing the City Auditor and Comptroller to make payment to Pardee Construction Company from Otay Mesa West Fund No. 39067, as and for reimbursement of costs, consistent with the terms of the Agreement;

Declaring that payment to Pardee may be made in the form of cash or FBA credits not to exceed a total of \$1,820,000.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Ocean View Hills Neighborhood Park No. 1 (also known as California Terraces Neighborhood Park No. 1) is 5.0 acres in size and located in the California Terraces Precise Plan area north of State Highway 905. The park is scheduled in the Otay Mesa Public Facilities Financing Plan for implementation between FY 1999 and 2001. The park design and construction is proposed as a turn-key project in order to expedite its implementation.

FISCAL IMPACT:

All costs associated with the construction of this project are funded through the Otay Mesa West FBA contingent upon availability of funds.

Culbreth-Graft/McLatchy/TM

Aud. Cert. 2000613.

FILE LOCATION: DEV'L Ocean View Hills Neighborhood Park No. 1 (07)

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

- * ITEM-116: First Amendment to the Consultant Agreement - Serra Mesa/Kearny Mesa Branch Library.

(Serra Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-763) ADOPTED AS RESOLUTION R-292666

Authorizing a First Amendment to the consultant agreement with Coombs Architecture and Planning, Inc., for professional services required for design and construction of the Serra Mesa/Kearny Mesa Branch Library;

Authorizing the expenditure of an amount not to exceed \$265,225 from CIP-35-089.0, Serra Mesa/Kearny Mesa Branch Library, DIF Fund No. 79530;

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:

The proposed 15,000 square foot Serra Mesa/Kearny Mesa Branch Library will be located on the 8900 block of Aero Drive in Serra Mesa Community Park. The original Consultant Agreement with Coombs Architecture and Planning, Inc. provided professional services required for schematic design and design development for the branch library. This proposed Amendment to the Consultant Agreement will provide for the remainder of the Design Contract to provide for the preparation of the construction documents, bidding documents, construction support services, and finalizing as-built drawings for the Serra Mesa/Kearny Mesa Branch Library.

FISCAL IMPACT:

The consultant's base fee for these services is \$225,225, with an additional services fee of \$40,000. The amended total fee for this Design Agreement is \$383,058. Funds for this action \$265,225 are available in CIP-35-089.0, DIF Fund No. 79530. \$117,833 were previously authorized by C-09225, dated February 16, 1999, for schematic design and design development of the library.

Loveland/Belock/AO

Aud. Cert. 2000555.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-117: Agreement with Lawrence N. Blum, Ph.D., for Continuation of the Psychological Testing and Screening of Police Applicants.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-783) ADOPTED AS RESOLUTION R-292667

Authorizing an agreement with Lawrence N. Blum, Ph.D., for continuation of the psychological testing and screening of police applicants;

Authorizing the expenditure of an amount estimated to be \$133,000 from Fund 100, Department 110, Organization 7000, Object Account 4151 and Job Order 007020.

CITY MANAGER SUPPORTING INFORMATION:

Since 1980, the City has contracted with licensed psychologists to provide psychological screening of police applicants. State Law establishes minimum standards for the employment of peace officers. Among these standards is the requirement that peace officer applicants shall be judged free from job-related psychopathology, including personality disorders, as diagnosed by a qualified professional. On June 30, 1998, the contract for this service from Russell S. Gold, Ph.D. and Ira Grossman, Ph.D. ended and the City requested bid proposals to continue this required service. After compliance with all Administrative Regulations regarding bids and evaluations, and an extensive review by a selection committee, a contract with Lawrence N. Blum, Ph.D., is recommended. The Police Department estimates the number of evaluations to be 500 and estimates an annual cost of \$133,000.

FISCAL IMPACT:

Cost of this service is approximately \$133,000 for Fiscal Year 2000. Funding for this service is budgeted in the Police Department's FY 2000 Budget.

Uberuaga/Bejarano/JF

Aud. Cert. 2000625.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-118: Sale - City's Leased Fee Interest, Lot 9, Eastgate Technology Park.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-787) RETURNED TO THE CITY MANAGER

Authorizing the sale by negotiation of Lot 9, Parcel Map PM-11498, Eastgate Technology Park for the sum of \$3.2 million to Village Builders 98, L.P.;

Authorizing the execution of a quitclaim deed, granting to Village Builders 98, L.P. all the City's right, title and interest in that portion of Lot 9, Parcel Map PM-11498, Eastgate Technology Park;

Declaring that a broker's commission may be paid by the City to CB Richard Ellis on the negotiated sale.

CITY MANAGER SUPPORTING INFORMATION:

On June 8, 1999, the Mayor and Council authorized the City Manager to market the City's interest in Lot 9, Eastgate Technology Park to the general public. On December 7, 1999, in Closed Session, Council approved the sale of the City's leasehold interest to Village Builders 98 at \$3.2 million. The City's interest in Lot 9 consists of the ground leasehold of 3.91 acres. Kilroy Realty owns a 45,200 square foot building on the site which is occupied by SAIC. The City obtained an outside appraisal in February 1999 which indicated a range of value from \$3.3-3.6 million. The City's broker distributed a marketing brochure listing the property at \$3.4 million. Kilroy Realty made an offer at \$2.5 million. The City received two additional offers at \$2.8 million and \$3.2 million. Staff consulted with an independent appraiser and confirmed that \$3.2 million represents the full market value for the City's interest. Lot 9 is currently encumbered by a lease which causes the property to have a very low rate of return for the next 5-7 years. This means it will attract a limited number of potential investors and a limited window to maximize price. The low rate of return causes a decrease in value as interest rates rise. Due to the rise in interest rates since the appraisal was completed 9 months ago, \$3.2 million represents the current market value (which may further erode as interest rates continue to rise). Given these facts, the City's broker, appraiser and staff concur that the current \$3.2 million offer represents the best opportunity to maximize the City's return. The City Manager recommends accepting the most recent offer made by Village Builders 98 at \$3.2 million, and payment of 3 ½ percent broker's commission to CB Richard Ellis.

FISCAL IMPACT:

\$3.2 million will be deposited into the Police Decentralization Fund No. 30248, less a 3½ percent recommended broker's commission.

Culbreth-Graft/Griffith/LMG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

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

* ITEM-119: 2000 Legislative Program.

(See Intergovernmental Relations Department Report No. 99-11.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2000-804) ADOPTED AS AMENDED AS RESOLUTION R-292668,
WITH DIRECTIONS

Approving the 2000 Legislative Program, as set forth in Intergovernmental
Relations Department Report No. 99-11, dated November 29, 1999.

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

On 11/29/99, RULES voted 4-0 to approve the City of San Diego's 2000 Legislative Program.
(Councilmembers Mathis, Wear, Warden, and Vargas voted yea. Mayor Golding not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO ADOPT WITH DIRECTION THAT AN ITEM NO. 6 BE ADDED TO LEGISLATIVE REPORT 99-11 ON PAGE THREE, STATING THAT ANIMAL SHELTERS SEEK LEGISLATION TO CLARIFY EXISTING LAW WHICH REQUIRES ANIMAL SHELTERS TO EXTEND THE NUMBER OF DAYS PETS MUST BE HOUSED BEFORE BEING EUTHANIZED. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-150: Use of Train Whistles in Centre City.

(See City Manager Report CMR-99-211; Deputy Mayor Wear's Media Advisory; and citizens' letters. Centre City, Encanto and Emerald Hills Community Areas. Districts 2, 4 and 8.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2000-93) INTRODUCED, TO BE ADOPTED JANUARY 31, 2000

Introduction of an Ordinance amending Chapter VIII, Article 5, Division 17, of the San Diego Municipal Code by adding Section 85.28 Titled "Train Whistle Use-Prohibited."

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/3/99, LU&H voted 5-0 to accept the recommendation of the City Manager to create an ordinance to prohibit the use of train whistles at controlled railroad crossings. The City Manager should include all protected grade crossings between the freight yard at 10th Avenue and the Santa Fe Train Station, between 69th Street and Euclid Avenue, and those crossings in Little Italy, in the ordinance. The City Manager should survey all crossings within the City to determine whether the ordinance can be applied to all crossings around San Diego. The Citywide survey should not delay the forwarding of the Land Use and Housing Committee's action on the above mentioned locations to the full City Council. Staff was also directed to review a 24-hour whistle ban. (Councilmembers Mathis, Wear, Stevens, McCarty and Vargas voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

A rail yard for the storage and assembly of freight trains has been in existence for a number of years in the area adjacent to the Tenth Avenue Marine Terminal. In recent years there has been increasing hotel and residential development in the Harbor Drive corridor used by the trains, and the use of loud whistles late at night by slow-moving freight trains has created significant quality-of-life issues. The primary purpose of train whistles is to warn unsuspecting motorists and pedestrians of imminent danger from approaching trains. However, the trains in question are moving at extremely slow speeds through at-grade intersections which are fully-equipped with gates, bells, and lights. Furthermore, State PUC regulations indicate that the use of a bell is an acceptable alternative to the use of a whistle. The City Manager has therefore recommended that Council approve an ordinance which would prohibit the use of whistles by trains between the hours of 11:00 p.m. and 6:00 a.m. in the Harbor Drive corridor between Eighth Avenue and Front Street, except in case of emergency. At its October 27, 1999, meeting, the Land Use & Housing Committee approved the Manager's recommendation, with the following additions to the area affected: 1) including all intersections south of Broadway; 2) including Little Italy (Santa Fe Depot to Hawthorn Street); and 3) including all intersections between 69th Street and Euclid Avenue in the Encanto and Emerald Hills neighborhoods.

FISCAL IMPACT:

None with this action.

Loveland/Gonzalez/AH

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B080-174.)

MOTION BY WEAR TO INTRODUCE. 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-200: Nomination to the San Diego Convention Center Corporation Board.

(Continued from the meeting of December 14, 1999, Item 109, at Mayor Golding's request, for further review.)

(See memorandum from Mayor Golding dated 11/24/99 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-705) RETURNED TO THE MAYOR

Nominating the following persons to serve as members of the San Diego
Convention Center Corporation Board of Directors:

NOMINEE

Patrick Shea
Gail Stoorza-Gill

NOMINATED BY

Mayor Susan Golding
Mayor Susan Golding

Re-electing Patrick Shea and Gail Stoorza-Gill to the Board of Directors of the
San Diego Convention Center Corporation, for three-year terms to expire on
December 1, 2002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO RETURN THIS ITEM TO THE MAYOR AT
HER REQUEST. Second by McCarty. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea,
Mayor Golding-not present.

ITEM-201: Marketing Partnership Program.

(See City Manager Report CMR-99-234.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-681 Rev. 1) TRAILED TO MONDAY, JANUARY 31, 2000

Approving the City Council Policy No. 000-40, titled "Marketing Partnership Policy" and that existing Council Policy titled "Product Endorsement" is renumbered from No. 000-23 to 000-41;

Authorizing the City Manager to enter into an Agreement with the Pathfinder Group to provide consulting services for the implementation of the Municipal Marketing Partnership Program;

Authorizing the City Auditor and Comptroller to expend \$83,000 from Fund 100 for the Agreement in Fiscal Year 2000 to implement the Municipal Marketing Partnership Program.

Aud. Cert. 2000527.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B244-C092.)

Motion by Stevens to send the item back to committee for discussion regarding the dollar amount Council will approve before accepting a contract between a vendor and the City and to review guidelines. Second by Vargas. Failed. Yeas-4,7,8. Nays-1, 2, 3, 6. Not present-5, M.

Motion by Wear to adopt the City Manager's recommendation. Second by Kehoe. Failed. Yeas-1, 2, 3, 6. Nays-4, 7, 8. Not present-5, M.

ITEM TRAILED TO JANUARY 31, 2000, DUE TO LACK OF FIVE VOTES.

ITEM-202: Ballpark and Redevelopment Project.

(Centre City East Community Area. District-2.)

NOTE: If the proposed agreements and other documents set forth in Items 202 and 203 are not on file in the Office of the City Clerk and available for public review by the close of business on January 12, 2000, Items 50, 202, and

203 will not be considered at the Council meeting of January 18, 2000, but will either be returned to the City Manager for re-docketing at a later time or will be continued to a future Council meeting.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-757) RETURNED TO THE CITY MANAGER

Approving the form and authorizing the execution and delivery of a Purchase Contract relating to the Public Facilities Financing Authority of the City of San Diego Lease Revenue Bonds, Series 2000A; authorizing an agreement with Merrill Lynch, Pierce, Fenner & Smith for interim financing services related to the Ballpark financing; authorizing the City Auditor and Treasurer to expend an amount not to exceed \$50,000 from Fund No. 102214, Dept. 102214, Org. 200, J.O. 000212 for interim services relating to Ballpark financing incurred by the underwriters prior to the issuance of the 2000A Bonds; and approving other actions in connection therewith and determining that there are significant public benefits to the City of San Diego from the issuance of the bonds.

This resolution does not authorize the issuance of the bonds, but is only a necessary step approving a portion of the documents necessary for the issuance. the remaining documents necessary to issue the bonds will be presented to Council for approval at a later date.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego retained the underwriting services of Merrill Lynch & Company in December 1998 for the Ballpark & Redevelopment Project. The proposed Contract of Purchase (Bond Purchase Agreement) is an agreement between the Public Facilities Financing Authority, the City of San Diego, and Merrill Lynch & Company for the initial purchase and the subsequent public offering of lease revenue bonds. Also, an agreement is being proposed between the City of San Diego and Merrill Lynch & Company. This agreement provides for interim funding not to exceed \$50,000 for advisory services pertaining to the financing of the Ballpark & Redevelopment Project.

Frazier/Vattimo/ELK

Aud. Cert. 2000596.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST BECAUSE DOCUMENTS WERE NOT COMPLETED IN TIME FOR REVIEW BY COUNCIL AND THE PUBLIC. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-203: Six actions related to Issuance of Ballpark and Redevelopment Project Permanent Financing.

(See City Manager Report CMR-99-237. Centre City Redevelopment Project. District-2.)

NOTE: If the proposed agreements and other documents set forth in Items 202 and 203 are not on file in the Office of the City Clerk and available for public review by the close of business on January 12, 2000, Items 50, 202, and 203 will not be considered at the Council meeting of January 18, 2000, but will either be returned to the City Manager for re-docketing at a later time or will be continued to a future Council meeting.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-754) RETURNED TO THE CITY MANAGER

Authorizing the execution of the Memorandum of Agreement for the Extension of the Partial Use and Occupancy Agreement for Qualcomm Stadium between the City and the Padres, L.P.

Subitem-B: (R-2000-759) RETURNED TO THE CITY MANAGER

Authorizing the execution of a Use, Occupancy and Management Agreement between the City and the Padres, L.P. for the use, occupancy and management of the proposed new ballpark.

Subitem-C: (R-2000-758) RETURNED TO THE CITY MANAGER

Authorizing the execution of a Design-Build Procurement Consultant Agreement between the City, Padres, L.P. and Padres Construction, L.P. for the design and construction of the proposed new ballpark.

Subitem-D: (R-2000-755) RETURNED TO THE CITY MANAGER

Accepting the Guaranty Agreement Concerning the Ballpark Design-Build Procurement Consultant Agreement from Padres, L.P. to the City regarding the design and construction of the proposed new ballpark.

Subitem-E: (R-2000-764) RETURNED TO THE CITY MANAGER

Approving the form of Parking Management Agreement for a proposed Ballpark Project Parking Facility.

Subitem-F: (R-2000-756) RETURNED TO THE CITY MANAGER

Authorizing the execution of a Declaration of Covenants, Conditions and Restrictions of Ballpark Owners Association and Establishment of Reciprocal Easements regarding the ownership interests at the proposed new ballpark and the proposed Park at the Park.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: A402-B060.)

CONSENT MOTION BY WEAR TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST BECAUSE DOCUMENTS WERE NOT COMPLETED IN TIME FOR REVIEW BY COUNCIL AND THE PUBLIC. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-204: HEARING HELD, REFERRED TO CLOSED SESSION AT THE DESIGNATED DATE AND NOTICED TIME

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium.

Agency Negotiator: City Manager and City Negotiation Team
(Resolution No. R-289758).

Negotiating Parties: City of San Diego and San Diego Padres.

Under Negotiation: Price and terms of use and occupancy agreement extension.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Adjourn into Closed Session at the designated and noticed time.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: C109-294.)

Deputy Mayor Mathis closed the hearing.

ITEM-205: HEARING HELD, REFERRED TO CLOSED SESSION AT THE DESIGNATED DATE AND NOTICED TIME

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: East Village Area of Downtown San Diego bounded by J Street, Seventh Avenue, Harbor Drive and Tenth Avenue (new ballpark).

Agency Negotiator: City Manager and City Negotiation Team (Resolution No. R-289758).

Negotiating Parties: City of San Diego and San Diego Padres.

Under Negotiation: Terms of use and occupancy agreement.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Adjourn into Closed Session at the designated and noticed time.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: C109-294.)

Deputy Mayor Mathis closed the hearing.

ITEM-206: HEARING HELD, REFERRED TO CLOSED SESSION AT THE DESIGNATED DATE AND NOTICED TIME

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: East Village Area of Downtown San Diego bounded by Twelfth Avenue, Imperial Avenue, Fourteenth Street and K Street.

Agency Negotiator: City Manager and City Negotiation Team (Resolution R-289758).

Negotiating Parties: City of San Diego and San Diego Unified Port District.

Under Negotiation: Price and terms of sale to Port District.

Prior to Council discussion in Closed Session and in compliance with the Brown Act (California Government Code Section 54956.8), this issues is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Adjourn into Closed Session at the designated and noticed time.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: C109-294.)

Deputy Mayor Mathis closed the hearing.

ITEM-330: Ruffin Road (Mission Village Drive to Success Avenue) Underground Utility District.

(Kearny Mesa Community Area. District-6.)

Hearing began at 10:58 a.m. and halted at 11:09 a.m.

MOTION BY WEAR 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-not present.

ITEM-331: Skyline Drive (Sychar Road to Gribble Street) Underground Utility District.

(Skyline - Paradise Hills Community Areas. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-588) ADOPTED AS RESOLUTION R-292670

Establishing the Skyline Drive (Sychar Road to Gribble Street) Underground
Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Skyline Drive between (Sychar Road to Gribble Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500.

A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$400,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209).

Loveland/Belock/PKB

FILE LOCATION: STRT-K-267 (38)

COUNCIL ACTION: (Tape location: C430-600.)

Hearing began at 12:10 p.m. and halted at 12:15 p.m.

Testimony in opposition by Sarah Jean Buncom.

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

ITEM-332: Draper Avenue Condominiums.

(Continued from the meeting of December 7, 1999, Item 331, at the request of Councilmembers Wear and Warden, to allow staff to come back to Council with a specific legal answer regarding in lieu fees.)

Matter of the appeal of Ami Kawa from the decision of the Planning Commission in denying the request for an application for a Tentative Map, Coastal Development Permit, and La Jolla Planned District Permit. The project proposes the relocation of an existing single-family home, the demolition of 13 multi-family units in six existing buildings, and the construction of 12 townhouse condominiums, in two, three-story buildings, with a subterranean parking garage on 0.4 acres. The project site is within the La Jolla Planned District Zone 5, and located at 7518 through 7534 Draper Avenue, within the La Jolla Community Planning Area. TPM-98-0835 (Draper Avenue Condominiums)

(98-0835 Coastal Development Permit/Tentative Map/La Jolla Planned District Permit. La Jolla Community Plan area. District-1.)

NOTE: The public testimony portion of the hearing is open. Public testimony taken on 12/7/1999.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitem A; adopt the resolution in Subitem B to grant the permits; and adopt the resolution in Subitem C to grant the map.

Subitem-A: (R-2000-) CONTINUED TO FEBRUARY 1, 2000

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration-LDR No. 98-0835 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said MND has been reviewed and considered by the Council and reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered by the Council prior to approving the project; and adopting the Mitigation, Monitoring, and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000-) CONTINUED TO FEBRUARY 1, 2000

Adoption of a Resolution granting or denying Coastal Development Permit and La Jolla Planned District Permit No. 98-0835.

Subitem-C: (R-2000-) CONTINUED TO FEBRUARY 1, 2000

Adoption of a Resolution granting or denying Tentative Map No. 98-0835, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-2 to deny staff's recommendation based on the fact that finding "A" in the La Jolla Planned District Permit Findings cannot be made and would not fulfill a community need; no opposition.

Ayes: Anderson, Skorepa, Stryker, White, Steele.

Nays: Butler, Brown.

On August 5, 1999, the La Jolla Community Planning Association voted 13-0 with no abstentions to recommend approval of the proposed project.

SUPPORTING INFORMATION:

The Draper Avenue Condominium Project proposes the demolition of 13 multi-family units in six existing buildings, the relocation of a single-family home at 7520 Draper Avenue, and the construction of 12 townhouse condominiums in two, three-story buildings, with a subterranean parking garage. As proposed, the development requires a Tentative Map, Coastal Development Permit, and a La Jolla Planned District Permit.

The project site is located at 7518-7534 Draper Avenue, in a block with mixed-use development, consisting of one story, single-family residential, two to five story multi-family residential, with some retail, cultural (library), and commercial office space. The project site is within Zone 5 of the La Jolla Planned district, and is in the La Jolla Community Planning Area and the Coastal Zone (Non-Appealable Area 2). The La Jolla Community Plan designates the site for medium density (14-34 dwelling units per acre) residential use.

The Planning Commission also noted that the project site was an ideal location for affordable housing, due to its proximity to public transportation, grocery stores, drug stores, and various other services that are looked for when trying to locate low income housing.

FISCAL IMPACT:

None.

A deposit has been collected from the applicant to cover all costs associated with processing the proposed project.

Culbreth-Graft/Haase/DES

LEGAL DESCRIPTION:

The project site is located at 7518-7534 Draper Avenue, between Silver Street and Pearl Street, in the La Jolla community and is more particularly described as Lots 26, 27, 28, 29, & 30, Block 12, La Jolla Park, Map No. 352, City and County of San Diego.

FILE LOCATION: PERM-98-0835 (65)

COUNCIL ACTION: (Tape location: C300-429, C602-643.)

MOTION BY KEHOE TO CONTINUE THIS ITEM TO FEBRUARY 1, 2000, AT THE REQUEST OF THE APPLICANT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-not present, McCarty-yea, Vargas-nay, Mayor Golding-not present.

ITEM-333: Street Vacation - Portion of Arroyo Sorrento Road.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-793) ADOPTED AS RESOLUTION R-292671

Vacating a portion of Arroyo Sorrento Road, located within the Carmel Valley Community area in connection with Torrey Pines Estates Subdivision (VTM-96-7573);

Declaring that the resolution shall not become effective unless and until the City Engineer approves the proposed Parcel Map, Work Order No. 991235, which prevents landlocked parcels. In the event the above map is not filed within one year following the adoption of this resolution, this resolution shall become void and be of no further force or effect;

Declaring that this resolution shall not become effective unless and until the applicant relocates any water services and appurtenances located within that portion of Arroyo Sorrento Road proposed to be vacated into remaining Arroyo Sorrento right-of-way, satisfactory to the City Engineer;

Declaring that this resolution shall not become effective unless and until the applicant relocates the Pacific Bell aerial facilities underground within the proposed area to be vacated;

Declaring that in the event the above conditions are not completed within one year following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

Directing that the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Arroyo Sorrento Road, which is located in the Carmel Valley Community area within Council District 1. This vacation is a necessary part for the development of a 53.86 acre site into the Torrey Pines Estates Subdivision (VTM- 96-7573) with 89 residential lots. The street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation pending the following conditions. The recordation of Parcel Map W.O.#991235. Relocate the Pacific Bell aerial facilities underground within the proposed area to be vacated. The applicant shall abandon all existing public water facilities located within the vacated right-of-way in a manner satisfactory to the Water Department Director. The applicant shall relocate any water services and appurtenances into the remaining Arroyo Sorrento Road right-of-way satisfactory to the Water Department Manager.

FISCAL IMPACT:

None. All costs paid for by the applicant.

Culbreth-Graft/Haase/SH

FILE LOCATION: STRT-J-2906 (39)

COUNCIL ACTION: (Tape location: B080-089, B170-174.)

Hearing began at 10:58 a.m. and halted at 11:09 a.m.

MOTION BY WEAR 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-not present.

ITEM-334: Easement Acquisition Agreement for Ocean View Homeowner Angela Robinson-Spencer.

(See Report from SEDC No. 00-001 dated 12/8/99. District-4.)

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

Adopt the following resolution:

(R-2000-743) ADOPTED AS RESOLUTION R-292672

Approving the use of housing set-aside funds from the Gateway Center West Redevelopment Project Area for off-site improvements in the Central Imperial Redevelopment Project Area and making findings that such use is necessary to eliminate a specific condition that jeopardizes the health or safety of existing low- or moderate-income residents and that the use will be a benefit to the project area.

NOTE: See the Redevelopment Agency Agenda of 1/18/2000 for a companion item.

Aud. Cert. 2000609.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B080-089, B170-174.)

MOTION BY WEAR 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-not present.

ITEM-335: Proposed Amendments of the La Jolla Pointe Apartments Multi-Family Mortgage Revenue Bond Documents.

(Carmel Del Mar and La Jolla Community Areas. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/7/99. (Council voted 9-0):

(O-2000-81) ADOPTED AS ORDINANCE O-18743 (New Series)

Authorizing the amendment and restatement of the Indenture relating to the City of San Diego Variable Rate Multifamily Mortgage Revenue Demand Bonds, 1984 Issue D;

Authorizing the execution and delivery of a Financing Agreement, Regulatory Agreement and certain other documents relating to the bonds;

Authorizing the execution and delivery of a Supplemental Indenture providing for the purchase in lieu of redemption of the bonds;

Determining and prescribing certain matters related thereto, and authorizing and approving the execution and delivery of related documents and agreements and related actions.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B080-089, B170-174.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-350: Notice of Completion and Acceptance.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Mesa Del Sol, Unit No. 2
Tierrasanta Norte II, Unit No. 3
Carmel Mountain Ranch, Unit No. 18

AREA

Mira Mesa Community
Tierrasanta Community
Carmel Mountain Ranch Community

The certification shall be made 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the City Manager or to the Subdivision Engineer, Engineering Department, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

ITEM-351: Amendment to the Settlement Agreement with the San Dieguito Partnership.

(R-2000-797) Adopted as Resolution R-292616.

A Resolution approved by the City Council in Closed Session on Tuesday, December 7, 1999, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-nay; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to execute an Amendment to the Settlement Agreement with the San Dieguito Partnership (San Dieguito Partnership v. City of San Diego, Superior Court Case Nos. 707254, 711525, and 718166);

Authorizing the City Manager to accept a deed for approximately nine acres of real property referred to in the Amendment to the Settlement Agreement as Headquarter's Point.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not required any further Council action.

NON-DOCKET ITEMS:

NONE.

CLOSED SESSION ACTION:

ITEM-CS-1: (R-2000-822) ADOPTED AS RESOLUTION R-292673

A resolution adopted by the City Council in Closed Session on January 18, 2000:

Authorizing the City Manager to pay the sum of \$600,000 in the settlement of each and every claim against the City of San Diego, its agents and employees in Superior Court Case No. 725656, James Cronin v. City of San Diego, resulting from personal injury/property damage to James Cronin; authorizing the City Auditor and Comptroller to issue one check in the amount of \$600,000 made payable to James Cronin and Robert S. Kilborne, IV, Esq. and Milberg and De Phillips, in full settlement of all claims.

Aud. Cert 2000630

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Mathis at 12:23 p.m. in honor of the memory of:

Florence Curran and William Bradford Moeser as requested by Council Member Wear.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C647-D038).