

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 1, 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 10:14 a.m. The meeting was recessed by Mayor Golding at 10:43 a.m. to convene as the Redevelopment Agency, thereafter to convene the Special Joint Council Meeting with the Redevelopment Agency. Mayor Golding recessed the meeting at 11:15 a.m. for a short break.

The regular meeting was reconvened by Deputy Mayor Mathis at 11:28 a.m. with Mayor Golding not present. The meeting was recessed at 11:57 a.m. by Deputy Mayor Mathis to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:14 p.m. with Council Member Vargas not present. Mayor Golding recessed the regular meeting at 5:04 p.m. to convene the Special Joint Meeting with the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 5:45 p.m. with Council Member Vargas not present. Mayor Golding adjourned the meeting at 5:50 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-Fishkin (er/ew)

FILE LOCATION: MINUTES

ITEM-300: 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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: REFERRED TO THE CITY MANAGER

Comment by Al Strohlein regarding emptying of recycling bins and trash containers at the Pacific Beach Recreation Center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A013-036.)

PUBLIC COMMENT-2:

Comment by Ron Boshun regarding the behavior of the Council on the ballpark issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-057.)

PUBLIC COMMENT-3: REFERRED TO THE CITY MANAGER AND THE PS&NS
COMMITTEE

Comment by Barbara MacKenzie concerning the implementation of the medical
marijuana law.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A059-100.)

PUBLIC COMMENT-4:

Comment by Steve McWilliams regarding the medical marijuana claim against the
City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A109-136.)

COUNCIL COMMENT:

COUNCIL COMMENT-1: REFERRED TO THE CITY ATTORNEY

Comment by Council Member Stevens regarding comments by a non-agenda
speaker which he considered abusive.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A138-162.)

ITEM-202: 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, 203, and 204 are not on file in the Office of the City Clerk and available for public review by the close of business on January 26, 2000, Items 200, 201, 202, 203, and 204 will not be considered at the Council meeting of January 31, 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 Rev.1) ADOPTED ON JANUARY 31, 2000

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 Rev.1) ADOPTED AS RESOLUTION R-292706

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 Rev.1) ADOPTED AS RESOLUTION R-292707

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 Rev.1) ADOPTED ON JANUARY 31, 2000

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 Rev.1) RETURNED TO THE CITY MANAGER ON JANUARY 31, 2000

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

Subitem-F: (R-2000-756 Rev.1) ADOPTED ON JANUARY 31, 2000

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: Subitems B & C: LEAS - San Diego Padres, L.P. (64)

COUNCIL ACTION: (Tape location: A394-B211.)

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

ITEM-206: Actions related to the Proposed Downtown Property and Business Improvement District.

(Continued from the meeting of December 6, 1999, Item 218, at the City Manager's request, for further review.)

(Centre City Community Area. Districts-2, 3 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-653) ADOPTED AS RESOLUTION R-292715

Adoption of a resolution submitting property owner petitions requesting that proceedings be initiated to establish a Property and Business Improvement District in downtown San Diego in accord with provisions of the Property and Business Improvement District Law of 1994.

Subitem-B: (R-2000-654) ADOPTED AS RESOLUTION R-292716

Adoption of a resolution that an Advisory Board for the downtown PBID is hereby appointed, the members of which shall be set forth on Exhibit "A", to serve a term of five years or for so long as the PBID is in place.

Subitem-C: (R-2000-655) ADOPTED AS RESOLUTION R-292717

Adoption of a resolution preliminarily approving a detailed engineer's report supporting the proposed PBID that has been prepared by Terrance E. Lowell, a registered professional engineer certified by the State of California.

Subitem-D: (R-2000-656) ADOPTED AS AMENDED AS RESOLUTION
R-292718

Resolution of Intention to levy and collect assessments for Fiscal Year 2001 Annual Assessments on the Downtown Property and Business Improvement District and setting Tuesday, February 22, 2000 at 10:00 a.m. in the Council Chambers of the City Administration Building, Community Concourse, 202 C Street, in the City of San Diego, California as the place for the public hearing.

Contingent upon sufficient property owner support by ballot and a decision by the City Council to establish the proposed PBID at the conclusion of the public hearing, the following resolutions would automatically be presented for City Council consideration:

Subitem-E: (R-2000-657) TO BE HEARD ON TUESDAY, FEBRUARY 22,
2000 AT 10:00 A.M.

Adoption of a Resolution considering the protests, approving the map, confirming the assessments, and ordering the proposed activities.

Subitem-F: (R-2000-658) TO BE HEARD ON TUESDAY, FEBRUARY 22,
2000 AT 10:00 A.M.

Authorizing the City Auditor and Comptroller to establish the Downtown Property
and Business Improvement District Fund.

Subitem-G: (R-2000-659) TO BE HEARD ON TUESDAY, FEBRUARY 22,
2000 AT 10:00 A.M.

Authorizing and directing the City Manager to execute, for and behalf of the City,
an agreement with the Downtown San Diego Partnership, for the administration of
contracts for goods and services for the Downtown Property and Business
Improvement District, for a period of five years.

CITY MANAGER'S SUPPORTING INFORMATION:

Adopt the resolutions.

ENVIRONMENTAL IMPACT:

This action is Categorically Exempt from CEQA pursuant to the CEQA Guidelines Section
15301, Existing Facilities.

FILE LOCATION: Subitems A, B, C, D: STRT-L-21 (32)
Subitems E, F, G: NONE

COUNCIL ACTION: (Tape location: D328-G157.)

Substitute motion by Kehoe to bring this item back in three weeks or less and to have staff
come up with a resolution that the City of San Diego can be proud of for the new
downtown. Second by Warden. Motion withdrawn.

MOTION BY WEAR TO ADOPT SUBITEMS A, B, C, AND D SETTING TUESDAY,
FEBRUARY 22, 2000 AT 10:00 A.M. FOR THE PUBLIC HEARING WITH
DIRECTION TO THE CITY MANAGER TO DO THE FOLLOWING: 1) WORK
TOGETHER WITH THE EMPLOYEES, THE LABOR UNIONS, AND THE PEOPLE
IN CHARGE OF THE PBID AND ENSURE THAT THE EMPLOYEES ARE BEING
TREATED FAIRLY AND EQUITABLY; 2) WORK BETWEEN NOW AND
FEBRUARY 22ND WITH EACH EMPLOYEE ON FINDING A SATISFACTORY

POSITION AND GIVE ASSURANCE TO THE CITY COUNCIL THAT THERE ARE POSITIONS FOR ALL OF THE EMPLOYEES THAT ARE COMPARABLE TO THEIR POSITIONS NOW; AND INCLUDE COUNCIL MEMBER WEAR'S SUPPORT OF THE BOUNDARIES ISSUE IN LITTLE ITALY.

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

ITEM-207: Marketing Partnership Program.

(Trailed from the meeting of January 18, 2000, Item 201, as unfinished business, for full Council.)

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-681 Rev. 1) ADOPTED AS RESOLUTION R-292719

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.

NOTE: On 1/18/2000 the motion to adopt the City Manager's recommendation failed; and the motion to continue failed.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H518-564.)

MOTION BY STEVENS TO ADOPT THE RESOLUTION WITH DIRECTION TO THE CITY MANAGER TO DO THE FOLLOWING: 1) CHANGE THE MARKETING PARTNERSHIP POLICY THRESHOLD FOR CITY COUNCIL APPROVAL TO START FROM \$50,000 AND ABOVE FOR ONE YEAR; AND 2) PROVIDE THE CITY COUNCIL WITH QUARTERLY REPORTS. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-not present, Mayor Golding-yea.

ITEM-330: Draper Avenue Condominiums.

(Continued from the meetings of December 7, 1999, Item 331, and January 18, 2000, Item 332; last continued at the request of the applicant, for full Council.)

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: Hearing open. No testimony taken on 1/18/2000.
Hearing open. 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-) NOTED AND FILED

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-) DENIED PERMITS, ADOPTED AS RESOLUTION R-292721

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

Subitem-C: (R-2000-) DENIED MAP, ADOPTED AS RESOLUTION R-292722

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: Subitems A, B & C: PERM 98-0835 (65)

COUNCIL ACTION: (Tape location: B222-C073; D013-327)

Hearing began at 11:28 a.m. and recessed at 11:57 a.m.

Testimony in opposition by Andy Melendez, Joanne Pearson, Mary Cutchin, and Courtney Coil.

Testimony in favor by Rebecca Michael and John Turner.

Hearing reconvened at 2:15 p.m. and halted at 2:41 p.m.

Mayor Golding announced because the appeal is from the Planning Commission, this does not trail and the Planning Commission's decisions stands.

MOTION BY MATHIS TO APPROVE THE APPEAL AND PROJECT. Second by Wear. Failed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-nay, Warden-nay, Stallings-nay, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-331: Hodges Golf Improvement Center.

Matter of recommending approval, conditional approval, modification, or denial of a proposal to grade portions of a 17.5-acre site as necessary to construct and operate a golf improvement center. The project features a golf driving range, practice tees, a clubhouse structure, maintenance and mechanical equipment buildings, a miniature golf course, parking spaces and corresponding site improvements. The project site is located on the south side of Sunset Drive, between Interstate 15 and Via Rancho Parkway, within the A-1-10 zone of the San Pasqual Valley Community Plan area. The subject property, which is owned by the City of San Diego, would be leased to the applicant as specified by a corresponding Lease Agreement. Project approval will also require City Council adoption of corresponding amendments to the San Pasqual Valley Community Plan and the City's Progress Guide and General Plan as necessary to allow a commercial-recreation land use on the subject property, via approval of a Conditional Use Permit.

(CPA/RPO/CUP/PG&GP AMENDMENT/LEASE AGREEMENT 98-0466. San Pasqual Valley Community Plan Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the Resolutions in Subitems A, C, D, and E; and adopt the Resolution in Subitem B to grant the permit:

Subitem-A: (R-2000-) CONTINUED TO FEBRUARY 7, 2000

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration (MND)-LDR-98-0466 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said MND reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered prior to approving the project; and adopting the Mitigation Monitoring and Reporting Program (MMRP) prepared for the project.

Subitem-B: (R-2000-) CONTINUED TO FEBRUARY 7, 2000

Adoption of a Resolution granting or denying Conditional Use (CUP) and Resource Protection Ordinance (RPO) Permit No. 98-0466, with appropriate findings to support Council action.

Subitem-C: (R-2000-) CONTINUED TO FEBRUARY 7, 2000

Adoption of a Resolution amending the San Pasqual Valley Community Plan to allow a commercial-recreation land use on the subject property, via discretionary approval of a Conditional Use Permit.

Subitem-D: (R-2000-) CONTINUED TO FEBRUARY 7, 2000

Adoption of a Resolution amending the San Diego Progress Guide and General Plan to allow a commercial-recreation land use on the subject property, via discretionary approval of a Conditional Use Permit.

Subitem-E: (R-2000-) CONTINUED TO FEBRUARY 7, 2000

Adoption of a Resolution approving the corresponding Lease Agreement between the Leaseholder (City of San Diego) and the Lessee (Hodges Golf Improvement Center, L.L.C.).

OTHER RECOMMENDATIONS:

Planning Commission voted 5-2 to approve Conditional Use and Resource Protection Ordinance Permit No. 98-0466 subject to implementation by the Permittee of the recommendations of the Rancho Bernardo Community Planning Board (correspondence dated October 22, 1999) and the San Dieguito River Park Joint Powers Authority (correspondence dated October 19, 1999) for this project. No action was taken on the environmental document; was opposition.

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

On December 10, 1998, the San Pasqual Valley-Lake Hodges Community Planning Group recommended approval of the project.

On October 21, 1999, the adjacent Community Planning Group, Rancho Bernardo, voted unanimously to conditionally support the project (see correspondence dated October 22, 1999).

On October 15, 1999, the San Dieguito River Park Joint Powers Authority (JPA) Board of Directors determined (by a vote of 5-0-2) that the proposed development would be inconsistent with the River Park goals to retain existing agricultural uses and preserve the existing flood plain, as outlined in Attachment No. 9 (Report to the Planning Commission).

SUPPORTING INFORMATION:

The project proposes to finish grade portions of a vacant, previously disturbed 17.5 acre site as necessary to accommodate the construction and operation of a (public) golf improvement center. The project site is located on the south side of Sunset Drive within the San Pasqual Valley Community Plan Area Focused Planning Area. The project features a golf driving range, clubhouse building, a miniature golf course, chipping and putting greens, and landscaping.

On November 18, 1999, the Planning Commission voted (5-2-0) to recommend approval of the proposed project, subject to conditions of approval contained within Resource Protection Ordinance/Conditional Use Permit No. 98-0466. The Planning Commission further conditioned their recommendation upon project compliance with specific recommendations of the Rancho

Bernardo Community Planning Board and the San Dieguito River Park Joint Powers Authority (JPA) (submitted in writing as public testimony during the Planning Commission hearing). The project will comply with a majority of these recommendations, with the exception of the following:

1. Recommendation: The wetland buffer setback issue between the City and the Resource Agencies (i.e. California Department of Fish and Game, and US Fish and Wildlife Service) must be resolved prior to the issuance of any grading permits for the project.
Applicant Response: The City and the Resource Agencies are continuing negotiations to determine a collateral interpretation of the appropriate wetlands setback for this project. However, as concluded in the project's final environmental document (MND 98-0466), staff remains confident that the project's proposed wetland buffer is consistent with the MSCP's Sub-Area Plan and will afford an adequate physical separation between the proposed driving range and adjacent wetland habitat in this portion of the valley.
2. Recommendation: Applicant shall construct finished improvements for the portion of the JPA's planned "Coast-to-Crest" equestrian/hiking trail proposed along the east and south perimeters of the project site, including compacted decomposed granite (d.g.) surfacing and fencing between the trail and the adjacent wetland areas.
Applicant Response: The applicant is resistant to accommodating this recommendation primarily because the facilitation of such finished trail improvements (by the applicant of this project) presupposes the trail's "final" alignment along this portion of the San Pasqual Valley, which has not yet been approved by the JPA, the City, and the Resource Agencies.

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/KS

LEGAL DESCRIPTION:

The project site is located on the south side of Sunset Drive, between Interstate 15 and Via Rancho Parkway, north of Hodges Reservoir, within the A-1-10 zone of the San Pasqual Valley Community Plan area, and is legally described as all that portion of Rancho San Bernardo in the City of San Diego, County of San Diego, according to patent map thereof (recorded book 2, Page 462 of patents).

FILE LOCATION: LAND - San Pasqual Valley (10)

COUNCIL ACTION: (Tape location: A169-358.)

CONSENT MOTION BY WEAR TO CONTINUE TO FEBRUARY 7, 2000 AT THE REQUEST OF THE CITY MANAGER TO ALLOW MORE TIME FOR 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-332: Thirty-one actions related to Dedicating City-Owned Land as Public Parks.
(Districts-1, 2, 3, 4, 5, 7, and 8)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2000-95) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Adams Avenue Park" in the City of San Diego, California, for a public park.

Subitem-B: (O-2000-96) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Adobe Bluffs Park" in the City of San Diego, California, for a public park.

Subitem-C: (O-2000-97) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Carmel Creek Park" in the City of San Diego, California, for a public park.

Subitem-D: (O-2000-125) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Carmel Del Mar Park" in the City of San Diego, California, for a public park.

Subitem-E: (O-2000-98) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Carmel Mountain Ranch Community Park" in the City of San Diego, California, for a public park.

Subitem-F: (O-2000-99) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Carmel Mountain Ranch/Sabre Springs Swimming Pool" in the City of San Diego, California, for a public park.

Subitem-G: (O-2000-124) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Carmel Valley Town Center Community Park" in the City of San Diego, California, for a public park.

Subitem-H: (O-2000-100) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Chollas Lake Community Park" in the City of San Diego, California, for a public park.

Subitem-I: (O-2000-101) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "City Heights Community Park" in the City of San Diego, California, for a public park.

Subitem-J: (O-2000-102) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Highland Ranch Park" in the City of San Diego, California, for a public park.

Subitem-K: (O-2000-103) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Hollywood Park" in the City of San Diego, California, for a public park.

Subitem-L: (O-2000-104) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Kenmore Terrace Park" in the City of San Diego, California, for a public park.

Subitem-M: (O-2000-105) NOTED AND FILED

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Lake Murray Community Park" in the City of San Diego, California, for a public park.

Subitem-N: (O-2000-106) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Laureate Park/Mata Park" in the City of San Diego, California, for a public park.

Subitem-O: (O-2000-107) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Lomita Park" in the City of San Diego, California, for a public park.

Subitem-P: (O-2000-108) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Lopez Ridge Park" in the City of San Diego, California, for a public park.

Subitem-Q: (O-2000-109) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Mid-City Athletic Area" in the City of San Diego, California, for a public park.

Subitem-R: (O-2000-110) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Mission Hills Park/Calvary Pioneer Park" in the City of San Diego, California, for a public park.

Subitem-S: (O-2000-111) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Mountain View Park" in the City of San Diego, California, for a public park.

Subitem-T: (O-2000-112) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Palisades Park North" in the City of San Diego, California, for a public park.

Subitem-U: (O-2000-113) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Pantoja Park" in the City of San Diego, California, for a public park.

Subitem-V: (O-2000-114) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Ridgewood Park" in the City of San Diego, California, for a public park.

Subitem-W: (O-2000-115) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Sabre Springs Park" in the City of San Diego, California, for a public park.

Subitem-X: (O-2000-116) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Ellen Browning Scripps Park" in the City of San Diego, California, for a public park.

Subitem-Y: (O-2000-117) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Skyview Park" in the City of San Diego, California, for a public park.

Subitem-Z: (O-2000-118) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "South Creek Park" in the City of San Diego, California, for a public park.

Subitem-AA: (O-2000-119) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Southwest Park" in the City of San Diego, California, for a public park.

Subitem-BB: (O-2000-120) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Spring Canyon Park" in the City of San Diego, California, for a public park.

Subitem-CC: (O-2000-121) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Sunset Cliffs Park" in the City of San Diego, California, for a public park.

Subitem-DD: (O-2000-122) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "West Mountain View Park" in the City of San Diego, California, for a public park.

Subitem-EE: (O-2000-123) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 22, 2000

Introduction of an Ordinance setting aside and dedicating City-owned land, known as "Westview Park" in the City of San Diego, California, for a public park.

CITY MANAGER SUPPORTING INFORMATION:

This action is part of an on-going effort to dedicate various City parks. In accordance with Charter Section 55 and Council Policy 700-17, the Park and Recreation Board has reviewed the City's inventory of park lands to determine which parks meet the requirements for dedication.

The subject thirty-one (31) parks meet these requirements and have been recommended by the Park and Recreation Board for dedication. Included are parks never before dedicated, as well as additions to existing dedicated parks.

This action does not name the parks to permit flexibility in naming and changing the names in the future. However, the suggested names are included in parentheses on the lists contained in Exhibit A.

FISCAL IMPACT:

None. This action is concerned only with dedicating City park land.

Culbreth-Graft/McLatchy/TM

FILE LOCATION: Subitems A-L & N-EE: NONE
Subitem M: MEET

COUNCIL ACTION: (Tape location: G158-170.)

MOTION BY McCARTY TO INTRODUCE THE ORDINANCES BUT ELIMINATE THE LAKE MURRAY ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-333: Award of Contract - Purchase of Police Patrol Vehicles.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-837 Cor.Copy) ADOPTED AS RESOLUTION R-292708

Accepting the low bid and awarding a contract to Villa Ford (Orange, CA), for furnishing Police Patrol Vehicles, as may be required for a period of one year beginning February 1, 2000 through January 31, 2001, for a total estimated cost of \$2,779,172.99, with options to renew the contract for four additional one year periods, with price escalations not to exceed 5 percent of prices in effect at the end of each prior contract year;

Authorizing the expenditure of not to exceed \$2,779,172.99 from Fund Nos. 100, 10117, and 18759, Department Nos. 110, 010117, and 18759, Organization Nos. 4001, Object Account No. 6013, and Job Order Nos. 004001, 010117, and 018759;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-A3044/00)

CITY MANAGER SUPPORTING INFORMATION:

The proposed contract is for the purchase of Police Patrol Vehicles, which will be utilized by the Police Department throughout the City of San Diego and will be used to replace vehicles that have exceeded their economic operation life. The initial purchase will be one hundred and twelve (112) vehicles. Eighteen (18) potential bidders were contacted, five (5) bids were received on January 19, 2000. The recommendation is to award the contract to Villa Ford (Orange, CA), the low bidder including terms, meeting all specifications. The last contract for furnishing Police Patrol Vehicles was awarded to Vince Dixon Ford, Inc. (Carlsbad, CA). This contract represents a 16 percent increase per vehicle, however, taking into account payment terms, the net increase per vehicle is 4.6 percent. City staff attempted to increase local participation by eliminating trade-in requirements. Out of the eighteen (18) potential bidders contacted, five were in the San Diego City limits but did not respond. Staff telephoned the five potential local bidders prior to the bid opening to encourage their participation. Three of the potential bidders indicated they would not be submitting bids for the following reasons: Bob Baker Ford no longer has Fleet Services; Kearny Mesa Ford cited insufficient staff to handle a bid of this size; and Miramar Ford only sells trucks. The two remaining local vendors are Pearson Ford and Mossy Ford. Pearson Ford initially indicated interest but did not submit a bid. Mossy Ford was notified in writing of the proposal but chose not to submit a bid.

FISCAL IMPACT:

For Fiscal Year 2000, the estimated cost is \$2,779,172.99 including tax.

Uberuaga/Baldwin/JR/PK

Aud. Cert. 2000687.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: A169-358.)

CONSENT MOTION BY WEAR TO ADOPT WITH DIRECTION TO THE CITY MANAGER TO MAKE PERSONAL CONTACT WITH THE LOCAL CAR DEALERS NEXT TIME THE CONTRACT IS AWARDED AND SOLICIT LEGITIMATE BIDS FROM THEM . 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-334: Approving the Plans and Specifications and Inviting Bids for the Construction of the Point Loma Wastewater Treatment Plant - Digesters - C1 and C2 Upgrade, Package 3.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-808) ADOPTED AS RESOLUTION R-292709

Approving the plans and specifications for furnishing of all labor, material, tools, equipment, transportation, and other expense necessary or incidental for construction of the Point Loma Wastewater Treatment Plant - Digesters - C1 and C2 Upgrades, Package 3;

Inviting bids for the construction of the Point Loma Wastewater Treatment Plant - Digesters - C1 and C2 Upgrades, Package 3 on Work Order No. 192684;

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

Authorizing the expenditure of an amount not to exceed \$10,285,774 as follows: \$9,861,374 from Sewer Fund No. 41509, CIP-46-170.0, Point Loma - Digester Facility Upgrade & Expansion, to provide funds for project construction and related costs; and \$424,400 from Fund No. 41509, CIP-46-502.0, Annual Allocation - Metropolitan Sewer Pooled Contingencies, to provide funds for project contingency, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department. (BID-K00101)

CITY MANAGER SUPPORTING INFORMATION:

This project is the third of four (4) construction packages for the Point Loma Digester Upgrade and Expansion Project. This package will upgrade and rehabilitate two existing digesters (C1 & C2) which will convert them from back-up to primary digesters and will add heating and mixing systems to the digester tanks. The project will also convert the existing floating digester roofs to fixed roofs and add a new sludge overflow withdrawal system. The completion of this project will allow the Point Loma Wastewater Treatment Plant to have four recently upgraded digesters (N1, N2, C1 and C2) and two newly constructed digesters (Digesters 7 and 8). The completion of this project will allow the Treatment Plant to more effectively treat the sludge and more easily meet the federally mandated sludge treatment requirements. The fourth construction package of the Digester Upgrade and Expansion Project is rehabilitation of Digesters S1 and S2. This package is yet to be advertised for construction.

FISCAL IMPACT:

The total cost of this action is \$10,285,774 of which \$9,861,374 is available from CIP-46-170.0, Point Loma Digester Facility Upgrade and Expansion for construction and related costs and \$424,000 is available in CIP-46-502.0, Annual Allocation - Metropolitan Sewer Pooled Contingencies for contingency. Phase I funding is currently available in CIP-46-170.0 which is anticipated to begin in FY2000. This contract will be phase funded over three fiscal years.

Loveland/Schlesinger/JAW

FILE LOCATION: CONT - Archer Western Contractors, LTD; W.O. 192684

COUNCIL ACTION: (Tape location: A169-358.)

CONSENT MOTION BY WEAR 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-335: Two actions related to Burn Ash Site Remediation.

(See City Manager Report CMR-00-14. City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A and return Subitem B to the City Manager:

Subitem-A: (R-2000-823 Cor.Copy) ADOPTED AS RESOLUTION R-292710

Adoption of a Resolution authorizing the completion of the assessment and identification of remediation alternatives for the 38th and Redwood Burn Ash Site;

Authorizing the application to the California Integrated Waste Management Board for funds to complete assessment and remediation of the 38th and Redwood Burn Ash Site;

Authorizing the City Manager to execute an agreement with the Department of Toxic Substances Control (DTSC), to act as the regulatory agency for the remediation of the 38th and Redwood Burn Ash Site under DTSC's Voluntary Cleanup Program.

Subitem-B: (O-2000-127) RETURNED TO THE CITY MANAGER

Introduction of an Ordinance regarding the 38th and Redwood Street Burn Ash Site Remediation in City Heights as follows:

(1) Imposing a solid waste site remediation fee on each ton of waste collected in the City of San Diego or disposed of at Miramar Landfill between April 1, 2000 and March 31, 2001 (at which time city-wide burn site remediation requirements will be evaluated) to be deposited in a fund with a restricted use for solid waste site assessment, remediation and for costs associated with resolving burn ash site issues only; (2) resolve that the solid waste site remediation fee be established at \$1 per ton for the period of April 1, 2000 through March 31, 2001 and that the fee be subject to annual re-evaluation by the City Council which would determine whether to continue the fee and at what rate dependent on the status of City-wide burn ash site remediation.

Aud. Cert. 2000684.

FILE LOCATION: Subitem A: MEET
Subitem B: MEET

COUNCIL ACTION: (Tape location: A169-358.)

CONSENT MOTION BY WEAR TO RETURN THE ORDINANCE TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW AND ADOPT THE RESOLUTION. 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-336: Consenting to a Joint Public Hearing on a proposed Marina Mixed-Use Amendment to the Centre City Redevelopment Project.

(See memorandum from CCDC dated 1/5/2000. Marina Sub Area - Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-834) ADOPTED AS AMENDED AS RESOLUTION R-292723

Consenting to a Joint Public Hearing on a proposed Marina Mixed Use Amendment to the Redevelopment Plan for the Centre City Redevelopment Project; authorizing the establishment of a date, time and place, and authorizing publication and mailing of notice of such joint public hearing.

NOTE: See the Redevelopment Agency Agenda of 2/1/2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G171-552.)

MOTION BY WEAR TO ADOPT THE RESOLUTION WITH DIRECTION TO CCDC TO LOOK AT REVISING THE PARKING ORDINANCES AND BRING BACK TO THE CITY COUNCIL. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-337: Findings for Construction of Improvements on East Side of 6th Avenue from Broadway to C Street.

(See memorandum from Centre City Development Corporation (CCDC) dated 12/15/99. Core Redevelopment District of the Expansion Sub Area of Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-833) ADOPTED AS RESOLUTION R-292711

Making certain findings with respect to the payments for the construction of surface improvements for the east side of Sixth Avenue from Broadway to "C" Street in the Core Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of February 1, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A169-358.)

CONSENT MOTION BY WEAR 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-338: Purchase and Sale Agreement for Ocean View Boulevard Property Owner Fortune Fund.

(See memorandum from Southeastern Economic Development Corporation (SEDC) dated 12/21/99. District-4.)

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

Adopt the following resolution:

(R-2000-818) ADOPTED AS RESOLUTION R-292712

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 February 1, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A169-358.)

CONSENT MOTION BY WEAR 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-339: Easement Acquisition for Ocean View Boulevard Property Owner Fortune Fund.

(See memorandum from Southeastern Economic Development Corporation (SEDC) dated 12/21/99. District-4.)

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

Adopt the following resolution:

(R-2000-796) ADOPTED AS RESOLUTION R-292713

Approving the use of housing set-aside funds from the Mount Hope Redevelopment Project Area for off-site improvements in the Central Imperial Redevelopment Project Area and making findings that the 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.

Aud. Cert. 2000628.

NOTE: See the Redevelopment Agency Agenda of February 1, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A169-358.)

CONSENT MOTION BY WEAR 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.

NON-DOCKET ITEMS:

NONE.

CLOSED SESSION ITEM:

ITEM-CS-1: (R-2000-882) ADOPTED AS RESOLUTION R-292714

A Resolution adopted by the City Council in Closed Session on February 1, 2000:

Authorizing the City Manager to pay the sum of \$58,500 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from personal injury to Ruth Nadel which occurred on April 7, 1998.

FILE LOCATION: (MEET)

Aud. Cert. 2000705

ITEM-CS-2: (R-2000-00) ADOPTED AS RESOLUTION R-292676

A Resolution adopted by the City Council in Closed Session on February 1, 2000:

Authorizing the City Manager to pay the sum of \$500,000 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from wrongful death of decedent Aleszondra Afflalo and the personal injury of her brother, Adam Afflalo, both minors.

FILE LOCATION: (MEET)

Aud. Cert. 2000700

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:50 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H565).