

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 22, 2000
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	5
ATTENDANCE DURING THE MEETING	5
ITEM-1: ROLL CALL	6
ITEM-10: INVOCATION	6
ITEM-20: PLEDGE OF ALLEGIANCE	6
NON-AGENDA COMMENT	6
COUNCIL COMMENT	9
ITEM-30: John Walter Day.	10
ITEM-31: Herbert G. Klein Day	11
ITEM-32: Cowles Mountain Trail Day	11
ITEM-33: Arroyo Sorrento Road Improvements	12
* ITEM-50: Amending the San Diego Municipal Code relating to the San Diego City Employees' Retirement System	15
ITEM-51: Amending the San Diego Municipal Code relating to Adult Entertainment Businesses	15
ITEM-52: Item 52 has been withdrawn from today's docket	16
ITEM-53: Two-Hour Metered Parking on Third Avenue at University Avenue	16
* ITEM-54: Thirty actions related to Dedicating City-Owned Land as Public Parks	17

ITEM-55:	State Water Resources Control Board - Low Interest Loan Program Authorization	21
* ITEM-100:	Grant of Electrical Easement to San Diego Gas and Electric Company	22
* ITEM-101:	Easement Grant - Padre Dam Municipal Water District - Mission Gorge	23
* ITEM-102:	<u>Two</u> actions related to Sale of City Property - State of California - Highway 15.	24
ITEM-103:	Time Limit Parking on Fairmount Avenue	26
* ITEM-104:	Heart Month	27
* ITEM-105:	Couples San Diego Day	27
* ITEM-106:	Jack Mayo Day	28
* ITEM-107:	Larry Villa Day	28
* ITEM-108:	Father Louis Levesque Day	29
* ITEM-109:	Total 'K' Day	30
* ITEM-110:	Excusing Councilmember Kehoe from the Land Use and Housing Committee Meeting of 1/19/2000.	30
* ITEM-111:	Option to Purchase Leased Electrical Power Generators.	31
* ITEM-112:	Lease Approval - Ocean Beach Pier Concession Stand	32
* ITEM-113:	Amendment No. 1 to the Agreement with ASL Consultant Engineers, for Water and Sewer Group Jobs 530 and 530A	33
* ITEM-114:	Amendment to Consultant Agreement - South Miramar Landfill Stabilization	35
* ITEM-115:	Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage	36

ITEM-116:	Spousal Abuser Prosecution Program Grant	37
*ITEM-117:	Expenditure of Funds for Outside Counsel	38
* ITEM-118:	COMNET: Pump Stations 1 and 2.	39
* ITEM-119:	Owner Controlled Insurance Program Deductibles	40
* ITEM-120:	South Bay Pump Station and Conveyance System Site (CIP-40-911.1).	42
ITEM-121:	<u>Two</u> actions related to Resolution for Public Benefit Conveyance Application for MWWD Laboratory	42
ITEM-122:	<u>Two</u> actions related to Golden Hill Community Center.	44
ITEM-200:	Diesel Fuel - Ratify Award of Contract and Authorizing Expenditure	46
ITEM-201:	Point Loma Outfall Gate Modification - Change Order No. 1	48
ITEM-202:	COMNET: Westinghouse Electric Corporation Amendment No. 19.	49
ITEM-203:	Amendment No. 1 to the Agreement with Earth Tech Inc. - Sewer System Canyon Access Project - Phase I	52
ITEM-204:	Sale - San Diego Jewish Academy	53
ITEM-250:	Settlement of the Personal Injury Claim of Aleszondra Afflalo and Adam Afflalo	55
ITEM-251:	Settlement of the Personal Injury Claim of Ruth Nadel	55
ITEM-252:	Notice of Completion and Acceptance	56
ITEM-330:	Street Vacation - Eastgate Mall and Electrical Easement Abandonment	57
ITEM-331:	<u>Two</u> actions related to the Street Vacation and Street Dedication - Mykonos Lane.(Carmel Valley Community Area. District-1.)	58

ITEM-332:	Issuance of Multifamily Housing Revenue Bonds for the Acquisition and Rehabilitation of the Regency Center Apartments	59
ITEM-333:	City-Council Reinvestment Task Force Annual Progress Report on Lender Agreements (Citywide)	60
ITEM-334:	<u>Two</u> actions related to Amendments to Centre City Community Plan and Planned District Ordinance - Delete Street Level Uses Along Cedar Street.	60
ITEM-335:	Repayment to the City for Demonstration Transitional Housing Program for the Mentally Ill Homeless to Augment 1999-2000 Winter Shelter Program	61
ITEM-336:	Alternate Actions related to Ballot for City Property Located Within the Proposed Property and Business Improvement District (PBID) in Downtown San Diego	62
ITEM-337:	<u>Three</u> actions related to the Proposed Downtown Property and Business Improvement District	65
ITEM-338:	Resolution opposing Proposition 22 on the March 2000 Ballot	67
ITEM-S400:	<u>Two</u> actions related to Amending the Permanent Rules of Council	67
	NON-DOCKET ITEMS	68
	ADJOURNMENT	68

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Mathis at 10:08 a.m. Mayor Golding recessed the regular meeting at 11:00 a.m. to convene the Special Workshop. Mayor Golding recessed the Special Workshop at 12:08 p.m. to reconvene at 2:00 p.m.

Mayor Golding reconvened the Special Workshop at 2:10 p.m with all Council Members present. The regular meeting was reconvened by Mayor Golding at 5:13 p.m. with all Council Members present. Mayor Golding recessed the regular meeting at 8:17 p.m. to convene the Special Joint Council Meeting with the Redevelopment Agency and the Redevelopment Agency simultaneously. Mayor Golding reconvened the regular meeting at 8:23 p.m. with all Council Members present.

Mayor Golding recessed the regular meeting at 8:49 p.m. to convene the Housing Authority, and thereafter reconvened the Redevelopment Agency. Mayor Golding reconvened the regular meeting at 9:09 p.m. with all Council Members present.

The meeting was adjourned by Mayor Golding at 9:12 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 (rl/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 Jerry Hanoum of San Diego International Christian Center.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Kehoe.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Rev. Sky regarding public access and Cox Cable's questionable agenda.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A324-358.)

PUBLIC COMMENT-2:

Comment by Mr. Don Stillwell regarding income taxes and taxing wages.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A359-392.)

PUBLIC COMMENT-3: **REFERRED TO CITY MANAGER**

Comment by Mr. J.D. Tharpe, Jr. regarding the need for the City to internally investigate the San Diego Community Housing and Housing Commission concerning millions of taxpayer dollars allocated for the development of the Town and Country Village Apartments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A393-435.)

PUBLIC COMMENT-4:

Comment by Mr. William Claycomb regarding gasoline prices, electricity shortage and fuel cells.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A436-476.)

PUBLIC COMMENT-5: REFERRED TO CITY MANAGER

Comment by Mr. Jim Baross regarding bicycle riders who use Sorrento Valley Road and concerns of prematurely opening the road without adequate accommodations for bicycle safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A477-503.)

PUBLIC COMMENT-6:

Comment by Mr. Philip Zoebisch regarding the proposed Ballpark, his right to petition, and free speech.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A504-546.)

PUBLIC COMMENT-7:

Comment by Mr. Dan Beeman regarding the City's Budget and changes made to it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A547-589.)

PUBLIC COMMENT-8:

Comment by Mr. Eric Bowlby regarding opening Sorrento Valley Road and concerns that this road infringes on a wildlife link and environmental issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A590-B019.)

PUBLIC COMMENT-9: REFERRED TO CITY MANAGER

Comment by Ms. Shannon Davis regarding initial study for proposed reopening of Sorrento Valley Road.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B020-039.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Mayor Golding commented and addressed the City's legal right to stop initiatives or illegal petitions.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B040-061.)

COUNCIL COMMENT-2:

Councilmember Vargas commented regarding a public-made comment during special orders of business and its inappropriateness.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B062-069.)

COUNCIL COMMENT-3:

Councilmember Kehoe commented introducing Leonard Scherban who is a sophomore at San Diego High School and job-shadowing with her today.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B070-074.)

COUNCIL COMMENT-4:

Councilmember Wear commented, thanking the Mayor and Council for their support and funding of the skateboard facility at Robb Field which opened on Saturday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B075-087.)

COUNCIL COMMENT-5:

Councilmember Stevens commented, thanking the Mayor and Council for their support of Imperial Market Place and Home Depot opening.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B088-092.)

ITEM-30: John Walter Day.

DEPUTY MAYOR MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-922) ADOPTED AS RESOLUTION R-292756

Proclaiming February 29, 2000 to be "John Walter Day" in San Diego, with deep and sincere appreciation for a career dedicated to service to the citizens of San Diego, while extending our heartfelt best wishes upon his well deserved retirement from City service.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A104-185; A245-251.)

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

ITEM-31: Herbert G. Klein Day.

(Continued from the meetings of January 18, 2000, Item 31, and January 31, 2000, Item 32; last continued at Councilmember Stevens's request, due to Mr. Klein being unable to attend the meeting.)

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-774 Cor. Copy) ADOPTED AS RESOLUTION R-292757

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

Proclaiming February 22, 2000 to be "Herbert G. Klein Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-102; A245-251.)

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

ITEM-32: Cowles Mountain Trail Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-927) ADOPTED AS RESOLUTION R-292758

Commending and expressing our gratitude to Mission Trails Regional Park's staff and volunteers, and to the participating National Civilian Community Corps and the California Conservation Corps volunteers, for the restoration of Cowles Mountain Trail at Mission Trails Regional Park for future generations to enjoy;

Proclaiming February 22, 2000 to be "Cowles Mountain Trail Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A187-251.)

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

ITEM-33: Arroyo Sorrento Road Improvements.

Request by Kent and Jill McCarty and Cecelia Kemper and John Dean, for a hearing of an appeal from the decision of the Planning Commission in denying the appeal of the Hearing Officer's decision and approving Resource Protection Ordinance Permit No. 99-1091 for the grading, paving improvements, installation of a water main, sewer main, storm drain, and underground utilities (gas, electric, telephone, and cable) in Arroyo Sorrento Road and construction of 20 foot wide pavement from the east end of Arroyo Sorrento Road to connect with existing pavement at the west end of the road for a length of approximately 2,600 linear feet. Arroyo Sorrento Road is located east of El Camino Real and south of State Route 56 within the Carmel Valley Community Planning area.

(RPO-99-1091. Carmel Valley Community Planning Area. District-1.)

TODAY'S ACTION IS: DENIED

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

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

CITY MANAGER’S RECOMMENDATION:

Uphold Planning Commission decision and deny the requests for appeal.

OTHER RECOMMENDATIONS:

Planning Commission voted 6 - 0 to deny the appeal and uphold the Hearing Officer’s approval of the project; was opposition.

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

Not present: Anderson

The Carmel Valley Community Planning Board has recommended, by a vote of 9-0, modified drainage for the project (see letter dated September 14, 1999).

SUPPORTING INFORMATION:

The project proposes the installation of underground utility lines and above ground pavement and street lights within the Arroyo Sorrento Road right-of-way (Report to the Planning Commission). The improvements are an off-site construction requirement of the Torrey Pines Estates residential subdivision, approved last fall by the City Council. Torrey Pines Estates proposes the development of 89 detached single family homes at the east end of Arroyo Sorrento Road (Report to the Planning Commission). The subdivision will take all of its vehicular access by way of Arroyo Sorrento Road.

Arroyo Sorrento Road is a 4,000 foot long cul-de-sac street. The west 800 feet of the street, within the Sorrento Hills community, is fully improved, serving office and commercial development and two undeveloped single family residential lots around its intersection with El Camino Real. The remaining portion of Arroyo Sorrento Road, extending east from Sorrento Hills, is dirt surfaced and currently serves approximately 40 homes in the Carmel Valley Neighborhood 8B area. Property owners in this neighborhood have chosen to retain their existing agriculture zoning and rural residential character. As such, this rural neighborhood is not expected to exceed 75 homes at full build out. Three additional dirt streets in the area, perpendicular to Arroyo Sorrento Road, also serve this rural neighborhood. Improvements are not required for these streets by the Torrey Pines Estates developer since they will not be providing access to that subdivision.

The project involves a Resource Protection Ordinance (RPO) Permit by the Torrey Pines Estates developer to grade and pave Arroyo Sorrento Road and install underground utilities. These facilities are intended to serve both the Torrey Pines Estates subdivision and the Arroyo Sorrento neighborhood. The proposed pavement width is 20 feet, as directed by the City Council to serve the new subdivision as well as preserve the rural character of the intervening neighborhood. Driveway aprons to selected lots along the street may also be included if mutually agreed upon by the applicant and the abutting property owners.

A Resource Protection Ordinance Permit was recently granted by the Hearing Officer to the City of San Diego to construct a water line and fire hydrants along Arroyo Sorrento Road. The Torrey Pines Estates developer and the City are considering a consolidated construction program to install all of the roadway and utility improvements at one time.

The area affected by the installation of the proposed road improvements is slightly larger than the previously approved water line construction corridor. The road improvements will result in a 0.33 acre increase in biological impacts (Diegan Coastal Sage Scrub). The increase is not considered to be substantial and would be mitigated in a manner and at the same ratios as the water line impacts. In addition, the project will to the extent feasible avoid mature eucalyptus trees along the roadway. These trees are considered to be a neighborhood resource that add to the rural environment. Additional eucalyptus tree plantings are proposed where tree removal cannot be avoided. Landscaping is also proposed for other areas that may be disturbed by project construction.

FISCAL IMPACT:

None.

Processing charges and construction costs for this project are borne by the applicant.

LEGAL DESCRIPTION:

The proposed improvements are located within the existing public right-of-way of Arroyo Sorrento Road, approximately one half mile south-southeast of the Interstate 5/State Route 56 interchange and is more particularly described as a portion of Section 30, Township 14 South, Range 3 West, San Bernardino Base Meridian.

NOTE: Mitigated Negative Declaration No.99-0180 was previously prepared for a City of San Diego water line project in Arroyo Sorrento Road and was certified by the Hearing Officer with

approval of the water line project. Addendum (LDR No. 99-1091) to Mitigated Negative Declaration No. 99-0180 was prepared for this project pursuant to the provisions of CEQA.

FILE LOCATION: PERM-99-1091 [65]

COUNCIL ACTION: (Tape location: A252-317.)

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

* ITEM-50: Amending the San Diego Municipal Code relating to the San Diego City Employees' Retirement System.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/31/00. (Council voted 9-0):

(O-2000-128) ADOPTED AS ORDINANCE O-18748 (New Series)

Adoption of an Ordinance amending Chapter II, Article 4, of the San Diego Municipal Code, by amending Section 24.1201, relating to the San Diego City Employees' Retirement System, to provide continued health benefits to the same spouses and dependent children of deceased Safety Members who would receive death benefits under the Public Safety Officers Death Benefits Act.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-51: Amending the San Diego Municipal Code relating to Adult Entertainment Businesses.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/31/00. (Council voted 9-0):

(O-2000-92 Cor. Copy) ADOPTED AS ORDINANCE O-18749 (New Series)

Adoption of an Ordinance amending Chapter 14, Article 1, Division 6, of the San Diego Municipal Code by amending Section 141.0601 relating to Commercial Services Use Category - Separately Regulated Uses, Adult Entertainment Businesses.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: L400-673.)

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-yea.

ITEM-52: Item 52 has been withdrawn from today's docket.

ITEM-53: Two-Hour Metered Parking on Third Avenue at University Avenue.

(Hillcrest Community Area. Districts-2 and 3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/7/00. (Council voted 9-0):

(O-2000-76) ADOPTED AS ORDINANCE O-18750 (New Series)

Adoption of an Ordinance establishing a two-hour parking meter zone on Third Avenue at University Avenue.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: M080-089; M123-135.)

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

* ITEM-54: Thirty actions related to Dedicating City-Owned Land as Public Parks.

(Districts-1, 2, 3, 4, 5, and 8)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 2/1/00. (Council voted 8-0. Councilmember Vargas not present):

Subitem-A: (O-2000-95) ADOPTED AS ORDINANCE O-18751 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18752 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18753 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18754 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18755 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18756 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18757 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18758 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18759 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18760 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18761 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18762 (New Series)

Adoption 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-N: (O-2000-106) ADOPTED AS ORDINANCE O-18763 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18764 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18765 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18766 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18767 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18768 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18769 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18770 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18771 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18772 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18773 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18774 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18775 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18776 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18777 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18778 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18779 (New Series)

Adoption 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) ADOPTED AS ORDINANCE O-18780 (New Series)

Adoption 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.

FILE LOCATION: Subitems A-EE: DEED F-7703

COUNCIL ACTION: (Tape location: M106-135.)

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

ITEM-55: State Water Resources Control Board - Low Interest Loan Program Authorization.

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/7/00. (Council voted 9-0):

(O-2000-94) ADOPTED AS ORDINANCE O-18781 (New Series)

Adoption of an Ordinance authorizing and accepting State Revolving Fund Loan Program contract pursuant to Section 99 of the City Charter.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: M109-135.)

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

* ITEM-100: Grant of Electrical Easement to San Diego Gas and Electric Company.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-885) ADOPTED AS RESOLUTION R-292802

Authorizing the City Manager or designee to execute a deed conveying to San Diego Gas and Electric Company, an easement for underground electrical facilities and appurtenances affecting a portion of City-owned Pueblo Lots 1330, 1331, and 1333 in connection with the Lodge at Torrey Pines.

CITY MANAGER SUPPORTING INFORMATION:

This easement request from SDG&E is for underground electrical service to the Lodge at Torrey Pines, which is the hotel property leased to Evans Hotels adjacent to Torrey Pines Golf Course. This easement came about to reroute electrical service to the Lodge, due to the upcoming Council-approved expansion of the hotel and the undergrounding of the overhead power lines along North Torrey Pines Road. The proposed easement will be located within the Lodge leasehold and the public parking lot for the golf course. The Lodge is paying for the installation. The Park and Recreation Department has approved the easement alignment. SDG&E will quitclaim back to the City two unneeded easements affecting the property upon being granted this new easement.

FISCAL IMPACT:

None.

Culbreth-Graft/Griffith/PTC

FILE LOCATION: DEED F-7704

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-101: Easement Grant - Padre Dam Municipal Water District - Mission Gorge.

(Santee Community Area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-871) ADOPTED AS RESOLUTION R-292759

Authorizing the City Manager or designee to execute an Easement Deed, granting to Padre Dam Municipal Water District all the City's right, title and interest in the easement for the purpose of installation and maintenance of a fire hydrant.

CITY MANAGER SUPPORTING INFORMATION:

The City's Metropolitan Wastewater Department (MWWD) requested the Padre Dam Municipal Water District to install a fire hydrant at the entrance to the Mission Gorge Sewer Pump Station. The fire hydrant services exclusively the pump station. MWWD staff has reviewed and approved this easement request. The easement is approximately 183.5 feet long and 26 feet wide. According to San Diego Municipal Code Section 22.0907, this easement request may be authorized by City Council Resolution. There is no charge for this easement because it benefits the City.

FISCAL IMPACT:

None.

Culbreth-Graft/Griffith/CPA

FILE LOCATION: DEED F-7705

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-102: Two actions related to Sale of City Property - State of California - Highway 15.

(Mid City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-894) ADOPTED AS RESOLUTION R-292760

Authorizing the sale of .193 acre on the east side of Highway 15 described as a portion of Track "K" of Normal Heights according to Map-985, together with that

portion of Lot 16 in the Resubdivision of Block 10 of Kensington Park according to Map-1503, to the State of California for \$3,500.

Authorizing the City Manager to execute a Right of Way Contract and a grant deed, granting to the State of California all that portion of Track "K" of Normal Heights.

Subitem-B: (R-2000-896) ADOPTED AS RESOLUTION R-292761

Stating for the record that the Environmental Analysis, File No. 11-SD-15, PM R3.8/R6.0, EA 0486H1, prepared by the Department of Transportation, including any comments received during the public review process, has been reviewed and considered by Council in connection with the sale of land to the State of California for the construction of a sound berm along Highway 15.

CITY MANAGER SUPPORTING INFORMATION:

The State of California, Department of Transportation (CalTrans) has requested to purchase .193 acre on the east side of Highway 15 North of Adams Avenue. CalTrans is presently improving the highway through City Heights and this purchase would allow CalTrans to construct a sound berm. The land is dedicated open space. Park and Recreation staff has reviewed and approved this purchase request. According to San Diego Municipal Code Section 22.0907, the request may be authorized by resolution from the City Council. City staff has approved the \$3,500 value of the land.

FISCAL IMPACT:

The amount of \$3,500 will be deposited into Capital Outlay Fund 320453.

Culbreth-Graft/Griffith/CPA

FILE LOCATION: Subitems A & B: DEED F-7706

COUNCIL ACTION: (Tape location: H139-H244.)

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

ITEM-103: Time Limit Parking on Fairmount Avenue.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-880) ADOPTED AS RESOLUTION R-292762

Approving the removal of the two-hour unmetered time limit parking zone on the east side of Fairmount Avenue between Orange Avenue and El Cajon Boulevard pursuant to Council Policy 200-4;

Authorizing the removal of the necessary signs and marking.

CITY MANAGER SUPPORTING INFORMATION:

This action removes a two-hour unmetered time limit parking zone on the east side of Fairmount Avenue between Orange Avenue and El Cajon Boulevard. Council approval is required, according to San Diego Municipal Code, Section 86.04. A petition from three of five affected properties, representing 85 percent of the adjacent frontage, was submitted in support of this action. The City Heights Area Planning Committee supports this action.

FISCAL IMPACT:

None.

Loveland/Gonzalez/AH

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: M112-135.)

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

* ITEM-104: Heart Month.

DEPUTY MAYOR MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-901) ADOPTED AS RESOLUTION R-292763

Recognizing and congratulating HealthScan of La Jolla as an early pioneer in bringing Electron Beam Computed Tomography (EBCT) technology to San Diego for early detection of heart disease;

Proclaiming February 2000 to be "Heart Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-105: Couples San Diego Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-899 Cor.Copy) ADOPTED AS RESOLUTION R-292764

Recognizing Couples San Diego and their contributions to empower and enrich the lives of gay and lesbian couples in San Diego;

Proclaiming February 12, 2000 to be "Couples San Diego Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-106: Jack Mayo Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-923) ADOPTED AS RESOLUTION R-292765

Commending and thanking Jack Mayo for his outstanding commitment to community service both in Rancho Bernardo and throughout the world;

Proclaiming February 24, 2000 to be "Jack Mayo Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-107: Larry Villa Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-877) ADOPTED AS RESOLUTION R-292766

Proclaiming February 10, 2000 to be "Larry Villa Day" in San Diego in honor of the tremendous contributions he made to the City, the Mayor and City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-108: Father Louis Levesque Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-891) ADOPTED AS RESOLUTION R-292767

Recognizing the tremendous contributions Father Louis Levesque has made to society and has distinguished himself as a fine role model for citizens throughout the City of San Diego, and proclaiming February 19, 2000 as "Father Louis Levesque Day".

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-109: Total 'K' Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-920) ADOPTED AS RESOLUTION R-292768

Commending and thanking participating Kiwanis members for their outstanding community services;

Proclaiming February 26, 2000 to be "Total 'K' Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-110: Excusing Councilmember Kehoe from the Land Use and Housing Committee Meeting of 1/19/2000.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-872) ADOPTED AS RESOLUTION R-292769

Excusing Councilmember Christine Kehoe from attending the Land Use and Housing Committee Meeting of January 19, 2000.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-111: Option to Purchase Leased Electrical Power Generators.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-917) ADOPTED AS RESOLUTION R-292770

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$697,782.45 from the Water Fund Unallocated Reserve (Fund 41500, Org. 226, Object Account 4903) to the Water Operations Division for providing funds to exercise the purchase option of Lease/Purchase Agreement for Electrical Power Generators;

Authorizing the expenditure of an amount not to exceed \$697,782.45 from Fund 41500 for providing funds for the project.

CITY MANAGER SUPPORTING INFORMATION:

The Water Department has entered into an agreement to lease, with an option to purchase, nine generators that are currently used to ensure that critical Water Department facilities will remain in service during emergency periods of power outages. The generators are leased from two vendors for a period of three months that began in December 1999. The total cost to lease all generators from both vendors is \$971,096. The purchase price for the generators is \$1,668,878.45. The Water Department is recommending exercising the option to purchase the generators. One hundred percent of the lease costs will be applied towards the purchase price. The purchase of this equipment will ensure critical Water Department facilities will remain in service during emergency periods of power outages.

FISCAL IMPACT:

The total impact to the Fiscal Year 2000 budget is \$1,668,878.45. \$971,096 has been allocated for the lease cost. The additional funding necessary to purchase the equipment (\$697,782.45) is

available from the Water Fund Unallocated Reserve (Fund 41500, Org. 226, Object Account 4903).

Loveland/Gardner/SAM

Aud. Cert. 2000748.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-112: Lease Approval - Ocean Beach Pier Concession Stand.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-916) ADOPTED AS RESOLUTION R-292771

Authorizing the City Manager to execute a percentage lease agreement with Charles E. Fisher III and Shannon M. Fisher, husband and wife as sole proprietors, for the operation of the Ocean Beach Pier Concession Stand, at an initial annual rent of the greater of \$28,000 or 10 percent of gross income.

CITY MANAGER SUPPORTING INFORMATION:

Since 1993, Charles and Shannon Fisher have leased the Ocean Beach Pier Concession Stand, which is a café and tackle shop on the pier. The lease expired in 1999 and is now on holdover. The Land Use and Housing Committee authorized issuing a Request for Proposals for a new lease and then later approved the selection of the Fishers from a field of two proposers. A new lease has been negotiated with the Fishers and is recommended for approval. The term is five years with one option for an additional five years. The annual minimum rent will increase

from \$21,469 to \$28,000 versus 10 percent of gross income, whichever is greater. Yearly rent under the existing lease currently averages \$26,800. The new lease includes a development plan requiring the Fishers to do a variety of improvements to the building and operation over the course of the lease, totaling about \$67,500. Improvements include new doors, lighting, signage, flooring, and roof.

FISCAL IMPACT:

Rent of \$28,000 or more per year will be deposited into the Ocean Beach Pier Concession Fund (10575).

Culbreth-Graft/Griffith/PTC

FILE LOCATION: LEASE - Charles E. Fisher III and Shannon M. Fisher

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-113: Amendment No. 1 to the Agreement with ASL Consultant Engineers, for Water and Sewer Group Jobs 530 and 530A.

(Peninsula and Old San Diego Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-850) ADOPTED AS RESOLUTION R-292772

Authorizing the execution of a first amendment to the agreement with ASL Consulting Engineers, for additional engineering consulting services for Water and Sewer Group Jobs 530 and 530A, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the project;

Authorizing the additional expenditure of an amount not to exceed \$25,315 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement and \$12,700 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

Authorizing the City Auditor to first furnish a certificate certifying that the funds are, or will be, on deposit in the City Treasurer;

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

Declaring that the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project.

CITY MANAGER SUPPORTING INFORMATION:

On June 6, 1994, the City Council authorized the City to enter into an agreement with ASL Consulting Engineers to provide engineering services for the replacement of the existing Water and Sewer Group Jobs 529 and 530 for a total cost of \$420,172 Document No. RR-284029. Group Job 529 is at the final phase of construction and is not involved in this request for additional fund. In the initial design phase it was decided that these two projects should be broken down into three components, now identified as Group Jobs 529, 530 and 530A. During the final phase of design for Group Job 530 and the start of construction for Group Job 530A, it was determined that an additional \$38,015 was needed to perform additional engineering services and extra utility check.

FISCAL IMPACT:

The total project estimated cost for Group Job 529, 530 and 530A is \$8,644,544, the compensation for engineering services previously authorized was \$420,172. The first amendment will authorize an additional compensation of \$38,015. Funding of \$25,315 is available from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement and funding of \$12,700 is available from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this purpose.

Loveland/Belock/HR

Aud. Cert. 2000673.

WWF-00-425.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-114: Amendment to Consultant Agreement - South Miramar Landfill Stabilization.

(Miramar, Marine Corps Air Station Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-881) ADOPTED AS RESOLUTION R-292773

Authorizing the City Manager to approve an amendment to the agreement with Berryman and Henigar for additional professional services necessary for the design of the South Miramar Landfill stabilization Project;

Authorizing the expenditure of an amount not to exceed \$105,697 from CIP-32-019.0, South Miramar Landfill Improvements, Environmental Services Enterprise Fund, Fund No. 41201.

CITY MANAGER SUPPORTING INFORMATION:

The South Miramar Landfill is located on Marine Corps Air Station (MCAS) Miramar adjacent to the current West Miramar Phase II land filling operations. It operated from December 7, 1959 to May 5, 1973, and was closed in accordance with the terms and conditions of a lease with the United States Navy. The Regional Water Quality Control Board issued a notice to the City to correct side slope erosion noted during an inspection. Drainage from a tributary canyon discharging into San Clemente Canyon has exposed trash and impacted slope stability of the landfill. The consulting firm of Berryman & Henigar was selected in accordance with Council

Policy 300-7 on March 9, 1999 (Document Number C-O 9258) and directed to prepare remediation alternatives to stabilize landfill slopes and improve drainage. This amendment to the agreement with Berryman & Henigar will provide professional services necessary for the design, of the "South Miramar Landfill Stabilization Project", herein referred to as the project. The Consultants' scope of work has been expanded to prepare construction documents and provide construction oversight of the selected alternative.

FISCAL IMPACT:

This Amendment to the Agreement increases the fee for professional services from \$83,768 to \$189,465. The \$105,697 increase is broken into two components: \$95,697 for the consultant's base fee and an additional \$10,000 for reimbursable expenses and additional work requested by the City. The funds for this purpose (\$105,697) are available in CIP-32-019.0 South Miramar Landfill improvements, Environmental Service Enterprise Fund, Fund No. 41201.

Loveland/Hays/RJH

Aud. Cert. 2000725.

_____ FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-115: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2000-858) ADOPTED AS RESOLUTION R-292774

Declaring a continued state of emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana Mexico

COUNCIL ACTION: (Tape location: H139-H244.)

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

ITEM-116: Spousal Abuser Prosecution Program Grant.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-928) ADOPTED AS RESOLUTION R-292775

Authorizing the City Attorney to apply for, accept and expend a \$60,000 Spousal Abuser Prosecution Program (SAPP) Grant from the State of California Department of Justice, under the terms and conditions outlined in the letter dated August 9, 1999 to the City Attorney from Attorney General Bill Lockyer;

Declaring that the City agrees to hold the Department of Justice and the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages and certifies that the City will not use the grant to supplant local expenditures.

SUPPORTING INFORMATION:

On November 13, 1994, the City Attorney's Child Abuse/Domestic Violence Unit received notification that they had been awarded a \$60,000 grant from the California Department of Justice for the prosecution of domestic violence cases. The money has been used to enhance the

advocacy and investigative efforts of the Unit. On March 15, 1996 we were notified that a second year of funding had been approved. On June 28, 1996 we were notified that a third year of funding had been approved. On September 9, 1997 we were notified that a fourth year of funding had been approved. On September 15, 1998 we were notified that a fifth year of funding has been approved. On August 9, 1999 we were notified that a sixth year of funding had been approved. The grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of Justice from any civil suits which might arise from the City Attorney's use of the funds and certifies that the City will not use the grant to supplant local expenditures.

Swett

_____ FILE LOCATION: MEET

_____ COUNCIL ACTION: (Tape location: M123-135.)

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

*ITEM-117: Expenditure of Funds for Outside Counsel.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-924) ADOPTED AS RESOLUTION R-292776

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-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to expend a sum not to exceed an additional \$75,000 for fees and costs of attorneys representing the City in the case of Corbett, et al, v. City Employees Retirement System, San Diego Superior Court Case No. 722449.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-118: COMNET: Pump Stations 1 and 2.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-913) ADOPTED AS RESOLUTION R-292777

Authorizing the expenditure of an amount not to exceed \$497,595 from Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET) to provide funds for as-needed engineering services by Pountney and Associates under its agreement in connection with COMNET upgrades at Pump Stations 1 and 2.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Stations 1 and 2 pump a majority of the sewage generated in the Metropolitan Sewerage service area to the Point Loma Wastewater Treatment Plant for treatment and disposal. They are critical components of the Metropolitan Sewerage System. The COMNET instrumentation system design upgrade at Pump Stations 1 and 2 will allow Pump Station 1 to be remotely controlled and operated from Pump Station 2. With the COMNET upgrade, Pump Stations 1 and 2 can also be fully monitored from the Central Operations Control Room (COMC) at the Metropolitan Operations Center (MOC) Facility in Kearny Mesa. The design for the COMNET instrumentation implementation for Pump Stations

1 and 2 will be provided by Pountney and Associates, Incorporated under an existing As-Needed-Engineering Services Agreement. The cost of the design for Pump Station 1 is \$247,595, and the estimated cost of the design for Pump Station 2 is \$250,000. This action is to approve the expenditure of funds from the COMNET CIP to fund this design upgrade.

FISCAL IMPACT:

The total cost of this action is \$497,595. Funds are available in CIP-45-920.0, Wastewater Operations Management Network (COMNET).

Loveland/Schlesinger/ALR

Aud. Cert. 2000758.

_____ FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-119: Owner Controlled Insurance Program Deductibles.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-813) ADOPTED AS RESOLUTION R-292778

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$692,300 Fund No. 41509, CIP-46-184.0, Owner Controlled Insurance Program, as follows: \$400,000 to Fund No. 41509, CIP-42-910.1, North City Water Reclamation Plant; and \$292,300 to Fund No. 41506, CIP-46-120.0, Peñasquitos Trunk Sewer Relief;

Authorizing the expenditure of an amount not to exceed \$692,300, as follows: \$400,000 from Fund No. 41509, CIP-42-910.1, North City Water Reclamation Plant, and \$292,300 from Fund No. 41506, CIP-46-120.0, Peñasquitos Trunk Sewer Relief, to provide funds for additional project related costs.

City MANAGER SUPPORTING INFORMATION:

On June 21, 1994 the City Council adopted Resolution R-284112 approving the City of San Diego (City) to enter into a contract with Marsh USA (formerly Sedgwick James of California) for administrative services for a Metropolitan Wastewater Department (MWWD) Owner Controlled Insurance Program (OCIP). This program packages insurance coverages for both the City and all its construction contractors and subconsultants working on MWWD OCIP projects. The City Manager approved the execution of contracts for OCIP on Workers Compensation General, General Liability, Builders Risk and Liability Insurance. As part of the OCIP program structure, two of the insurance coverages, Builder's Risk and General Liability, have deductibles which are paid by the City. When settlement is reached on behalf of the City and the contractor, the City's deductible portion is paid to either the insurer (for General Liability) or the contractor (for Builder's Risk). This insurance program has resulted in the City paying reduced yearly premiums, with attributed savings of approximately \$7,000,000. A Capital Improvement Program CIP-46-184.0 was established to pay OCIP related expenditures. To date, the CIP has approved funding totaling \$2,100,000 with expenditures of \$900,000 leaving a current balance of \$1,200,000. The purpose of this action is to authorize the transfer and subsequent expenditure of \$692,300 from CIP-46-184.0 to the following CIPs for pertinent projects: \$400,000 for CIP- 42-910.1 (North City Water Reclamation Plant); and \$292,300 for CIP-46-120.0 (Peñasquitos Trunk Sewer Relief) in order to pay deductibles.

FISCAL IMPACT:

The total cost of this action is \$692,300. Funding is available in Fund 41509, CIP-46-184.0, Owner Controlled Insurance Program.

Loveland/Schlesinger/TAJ

Aud. Cert. 2000677.

_____ FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

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

* ITEM-120: South Bay Pump Station and Conveyance System Site (CIP-40-911.1).

(See City Manager Report CMR-00-31.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-910) ADOPTED AS RESOLUTION R-292779

Declaring that the pump station site referred to as Site No. 1 in the City of Chula Vista is designated as the proposed location for the South Bay Pump Station in connection with documentation under the California Environmental Quality Act of 1970 (CEQA);

Approving the Memorandum of Understanding with the City of Chula Vista and authorizing the City Manager to execute, the Memorandum of Understanding with the City of Chula Vista concerning the location and construction of the new South Bay Pump Station necessary to the metropolitan sewerage system.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

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

ITEM-121: Two actions related to Resolution for Public Benefit Conveyance Application for MWWLD Laboratory.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-856) ADOPTED AS RESOLUTION R-292780

Authorizing the City Manager or his designee to make application to the secretary of Health and Human Services for the United States of America to acquire certain real property at the Naval Training Center pursuant to the provisions of Section 203(K)(1) of the Federal Property and Administrative Services Act of 1949.

Subitem-B: (R-2000-857) ADOPTED AS RESOLUTION R-292781

Stating for the record that the information contained in the final environmental document, including comments received during the public review process, has been reviewed and considered by the Council, and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of a proposed environmental monitoring laboratory under the NTC Base Reuse Plan.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department is currently seeking a Public Benefit Conveyance for approximately 8 acres on the Camp Nimitz site of the former Naval Training Center for a proposed environmental monitoring laboratory, as well as a small parcel adjacent to the existing Pump Station No. 2. The 8 acre parcel and Pump Station No. 2 expansion areas were identified in the Base Reuse Plan, which was adopted by City Council on October 20, 1998. A joint EIR/EIS was prepared for the Base Reuse Plan, and was certified by City Council on October 20, 1998. MWWD has submitted an application for conveyance of an approximately 8 acre parcel for their proposed laboratory, which would also be the site for a proposed San Diego State University marine sciences laboratory. MWWD and SDSU will share the property for their facilities and parking. Also included is a request for the parcel adjacent to Pump Station No. 2. This application was submitted to the Secretary of Health and Human Services (H&HS) who oversees the transfer of Federal systems. As part of the PBC application package, and eventual approval, a Council Resolution is required prior to the conveyance of the property. This action is to adopt the resolution with the specific language required by H&HS, and will complete our application submittal.

FISCAL IMPACT:

None. The property will be conveyed through a Public Benefit Conveyance at no cost to the City.

Loveland/Schlesinger/CME

FILE LOCATION: Subitems A & B: MEET (67)

COUNCIL ACTION: (Tape location: M123-135.)

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

ITEM-122: Two actions related to Golden Hill Community Center.

(Golden Hill Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-344) ADOPTED AS RESOLUTION R-292782

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$175,000 from Community Development Block Grant Fund No. 18533, and to expend an amount not to exceed \$200,000 from Community Development Block Grant Fund No. 18534 for the acquisition, appraisal, relocation, title, escrow, and miscellaneous costs of the acquisition of property rights, identified as Lots 7, 8 and 9, Block 4 of the Bartlett Estate Company's Subdivision of Blocks 25 and 26 of Breed and Chase's Addition, according to Map-942, required for the future Golden Hill Community Center.

Subitem-B: (R-2000-893) ADOPTED AS RESOLUTION R-292783

Certifying that the information contained in Negative Declaration LDR-99-0958 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the Declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the acquisition of property for a Golden Hill Community Center.

CITY MANAGER SUPPORTING INFORMATION:

The Greater Golden Hill Community Development Corporation (GGHCDC) has as its mission the increase of economic development activities and programs to meet the continuing needs of the residents of Golden Hill. To this end the GGHCDC proposes the acquisition of the property located at 811 - 25th Street to allow for the future design and construction of the Golden Hill Community Center. The proposed community center would serve three distinct purposes and community needs in compliance with the mission of the GGHCDC: a) to provide a youth-oriented community center; b) to provide office space and training space for workforce development; c) to provide space for a restaurant, which in turn will supply jobs and job training, while serving a need in the community for a family-oriented restaurant. Acquisition of the subject property would furnish the site necessary to allow for the future design and construction of the Golden Hill Community Center. This action will authorize expenditures for the purchase of the property rights (including title and escrow), the payment of staff labor hours property appraisal payment, and the relocation costs associated with the future displacement of the tenants now leasing the property.

FISCAL IMPACT:

Funds totaling \$375,000 are available from Community Development Block Grant Fund Nos. 18533 and 18534, Golden Hill Community Center.

Culbreth-Graft/Griffith/SLG

Aud. Cert. 2000746.

_____ FILE LOCATION: Subitems A & B: MEET

_____ COUNCIL ACTION: (Tape location: M125-135.)

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

ITEM-200: Diesel Fuel - Ratify Award of Contract and Authorizing Expenditure.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-848) ADOPTED AS RESOLUTION R-292784

Ratifying the award of a contract by the Purchasing Agent, on behalf of the City Manager to Petro-Diamond, Inc. (Irvine, CA), for furnishing diesel fuel, as may be required for a period of one year beginning June 14, 1999 through June 13, 2000, for a total estimated cost of \$2,600,000 of which \$900,000 has already been expended, with options to renew for four additional one year periods, with price increases not to exceed 1 percent of prices in effect at the end of each contract years;

Authorizing the sum of \$1,700,000 be transferred from Equipment Division's operating fund, Fund No. 50030, 8950 (fund balance) to Fund No. 50030, Department No. 820, Organization No. 322, Object Account No. 5106, and Job Order 088004;

Authorizing the estimated expenditure of \$1,700,000 from Fund No. 50030, Department No. 820, Organization 322, Object Account 5106, Job Order 088004;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-J2168/99)

CITY MANAGER SUPPORTING INFORMATION:

The contract is a co-operative bid with the City of Chula Vista and the City of Carlsbad. In July 1999, bids were opened for furnishing and delivering diesel fuel in large deliveries to various sites as required. The City of San Diego, Transportation Department, Equipment Division utilizes the contract to furnish diesel fuel for use in city fleet vehicles.

Thirty-four (34) potential bidders were contacted; four (4) bids were received. The original contract period was for twelve (12) months beginning June 14, 1999 through June 13, 2000, with options to renew for four (4) additional one (1) year periods. The total estimated usage for the contract year is 2,000,000 gallons. The contract value was underestimated, and therefore awarded under the authority of the Purchasing Agent without seeking prior Council Approval to Petro-Diamond Incorporated with terms of percent 20 days. The total estimated contract cost for the period June 14, 1999 through June 13, 2000, is \$2,600,000 of which \$900,000 has currently been expended. An additional \$1,700,000 will be required for the remainder of the initial contract period. The contract references the Oil Pricing Information Service (OPIS), which lists the weekly price of six (6) major fuel suppliers in San Diego. Bidders indicate a plus or minus cents per gallon from the weekly average price. The low bidder, Petro-Diamond, Incorporated, offered the average price, minus \$0.0078 per gallon. Due to fluctuations in the diesel fuel market, an actual comparison of net prices is difficult. The following is a break down of the differential against the OPIS average that the City will pay per gallon compared to the last contract:

Prior contract: OPIS average - .1500 cents
Current contract: OPIS average - .0078 cents
Fixed variance from OPIS average + .1422 cents per gallon

FISCAL IMPACT:

\$1,700,000 from FY2000 Funds for expenditures required February through June, 2000.

Uberuaga/Baldwin/PK

Aud. Cert. 2000761.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: H139-H244.)

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

ITEM-201: Point Loma Outfall Gate Modification - Change Order No. 1.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-855) ADOPTED AS RESOLUTION R-292785

Authorizing the City Manager to negotiate and execute a Change Order No. 1 with C & W Diving Services in an amount not to exceed \$200,000 for repair work in connection with the contract for the Point Loma Outfall Gate Modifications;

Authorizing the City Auditor and Comptroller to transfer \$165,577 from Metro Wastewater Department Unallocated Reserve, Fund No. 41509, Dept. 777, Org. No. 445, Job Order No. 777210, Object Account 4903, to sewer Revenue Fund No. 41508, Dept. 771, Org. No. 421, Job Order 242199, Object Account 4220;

Authorizing the expenditure of an amount not to exceed \$165,577 from Sewer Revenue Fund No. 41508, Dept. 771, Org. No. 421, Job Order 242199, Object Account 4220;

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

CITY MANAGER SUPPORTING INFORMATION:

The Point Loma Outfall Gate Modification project involved sealing three leaking gates on the Point Loma Ocean Outfall. Although the discharge was minute, and we have never violated any of the water quality standards, the City is not permitted to discharge treated effluent at these locations. The advertisement and award for this contract was authorized by City Council on July 29, 1999, under Resolution No. 291969. The bids were opened on August 17, 1999. Under Resolution R-292261, City Council authorized award to the apparent lowest responsible bidder, C & W Diving Services of National City, California, with a bid amount of \$688,542. The City of San Diego authorized C & W Diving Services to proceed with the work on October 28, 1999. Because the leaks were inside the old diffuser legs, at a depth of 200 feet below sea level, the repairs were designed without the ability to view the existing conditions. After gaining access, the Contractor discovered that the gates and the slots in which the gates sit had deteriorated considerably more than anticipated. This determination necessitated revisions to the design

including rebuilding portions of the gate slots and implementing different caulking methods. These modifications required additional dives to a depth of 200 feet below sea level to complete the repairs. Since the Contractor was on site and capable of completing the work, we directed him to perform the work, so that we could meet a commitment to the Regional Water Quality Control Board to complete the repair by December 31, 1999. This action is being processed to provide the additional funding for this work. This action requests the approval to negotiate and execute a change order for an amount not to exceed \$200,000 for this repair work. Available contingency funds of \$34,423 have been previously authorized, and an additional \$165,577 is requested to fund this action.

FISCAL IMPACT:

The total cost of this action is \$165,577. The total cost of this contract, including the previous authorization of \$722,875, is \$888,452. Funds are available in Sewer Revenue Fund 41508, Dept. 777, Job Order No. 777210, Org. No. 445, Object Account No. 4903, Operations and Maintenance FY2000 annual expenditures.

Loveland/Schlesinger/DQG

Aud. Cert. 2000730.

FILE LOCATION: CONT - C&W Diving Services

COUNCIL ACTION: (Tape location: H139-H244.)

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

ITEM-202: COMNET: Westinghouse Electric Corporation Amendment No. 19.

(See City Manager Report CMR-00-30.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-784) ADOPTED AS RESOLUTION R-292786

Authorizing City Manager to execute, for and on behalf of the City, a nineteenth amendment to the agreement of August 8, 1994, with Westinghouse Electric Corporation, for further work in connection with the City's Wastewater Operations Management Network (COMNET), in an amount not to exceed \$5,342,273;

Authorizing the City Auditor and Comptroller to transfer the following amounts in connection with COMNET expenses to Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET);

1. \$500,000 from Fund No. 41509, CIP-42-910.6, South Bay Water Reclamation Plant;
2. \$500,000 from Fund No. 41509, CIP-42-913.0, Annual Allocation - Metro Biosolids Center;
3. \$778,541 from Fund No. 41508, CIP-46-175.0, Point Loma - Headworks, Odor Control and Grit Processing;
4. \$45,769 from Fund No. 41508, CIP-46-179.0, Point Loma - Power Generation and Distribution Upgrade;
5. \$217,149 from Fund No. 41508, CIP-46-182.0, Point Loma - Chemical Feed Upgrade;
6. \$500,000 from Fund No. 41508, Dept 771, Org. 010, Object Account 4903.

Authorizing the expenditure of an amount not to exceed \$4,310,372 from Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET), to provide funds for Amendment No. 19;

Authorizing the City Manager to revise contract phase funding with Westinghouse Electric Corporation in the following manner:

<u>Proposed Funding for Amendment 19</u>		<u>Proposed Funding for Amendment 19</u>	
<u>COMNET</u>	<u>(CIP-45-920.0).</u>	<u>South Bay WRP</u>	<u>(CIP-42-910.6)</u>
Phase 12: FY 00	\$ 1,094,911	Phase 12: FY 00	\$ 235,689
Phase 13: FY 00	2,191,921	Phase 13: FY 00	
Phase 14: FY 01	1,023,540	Phase 14: FY 01	
Phase 15: FY 01		Phase 15: FY 01	

<u>Proposed Funding for Amendment 19</u>		<u>Subtotal of Proposed Funding for</u>	
<u>South Bay WRS&PS (CIP-40-911.3)</u>		<u>Amendment No. 19</u>	
Phase 12: FY 00	\$ 199,053	Phase 12: FY 00	\$ 1,529,653
Phase 13: FY 00	477,727	Phase 13: FY 00	2,699,648

Phase 14: FY 01	119,432	Phase 14: FY 01	1,142,972
Phase 15: FY 01		Phase 15: FY 01	0

<u>TOTAL Phase 12-15 Contract Funding through Amendment 18</u>		<u>TOTAL Phase 12-15 Contract Funding through Amendment 19</u>	
Phase 12: FY 00	\$ 7,289,338	Phase 12: FY 00	\$ 8,818,991
Phase 13: FY 00	2,419,439	Phase 13: FY 00	5,089,087
Phase 14: FY 01	1,051,822	Phase 14: FY 01	2,194,794
Phase 15: FY 01	650,046	Phase 15: FY 01	650,046

Authorizing funding of Phase 12 with Westinghouse Electric Corporation in the amount of \$1,529,653 as requested with Amendment No. 19;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,367,521, consisting of \$1,309,271 from CIP-45-920.0, Wastewater Management Network (COMNET), and \$58,250 from CIP-46-179.0, Point Loma Power Generation and Distribution Upgrade, solely and exclusively to reappropriate previously approved contract phase funding, as follows:

- \$302,567 transferred to CIP-42-913.0, Metro Biosolids Center - Annual Allocation;
- \$369,257 transferred to CIP-46-188.0, Pump Station 64 Ferric Chloride Addition;
- \$ 56,021 transferred to CIP-42-911.4, Metro Biosolids Center (MBC);
- \$265,526 transferred to CIP-46-110.0, Point Loma Scum Removal System;
- \$206,356 transferred to CIP-46-117.0, Pump Station 65 Expansion & Force Main;
- \$ 48,312 transferred to CIP-46-120.0, Peñasquitos Trunk Sewer Relief;
- \$ 2,597 transferred to CIP-46-168.0, Telemetry Control Systems (SCADA);
- \$ 92,842 transferred to CIP-46-170.0, Point Loma Digester Facility Upgrade;
- \$ 24,043 transferred to CIP-46-055.0, FIRP Pump Station;

Authorizing the expenditure of an amount not to exceed \$200,000 from Fund No. 41509, CIP-45-920.0, Wastewater Management Network (COMNET), to provide funds for additional project contingency.

Aud. Certs. 2000701 and 2000703.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

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

ITEM-203: Amendment No. 1 to the Agreement with Earth Tech Inc. - Sewer System Canyon Access Project - Phase I.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-838) ADOPTED AS RESOLUTION R-292787

Authorizing the execution of a first amendment to an agreement with Earth Tech Inc., for additional engineering services for the Sewer System Canyon Access Project - Phase I, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the project and agreement;

Authorizing the expenditure of an amount not to exceed \$247,175 from Sewer Fund 41506, CIP-45-936.0, Sewer System Canyon Access solely and exclusively for the purpose of providing funds for the First Amendment to an agreement for the Sewer System Canyon Access Project - Phase I, provided that the City Auditor first furnishes a certificate certifying that the funds are, or will be, on deposit in the City Treasurer, and authorizing the Auditor and Comptroller to return excess-budgeted funds to the appropriate reserve.

CITY MANAGER SUPPORTING INFORMATION:

On September 9, 1998, the City Manager authorized (Document No. C-08946) Engineering & Capital Projects Department to enter into an agreement with Earth Tech Inc. to provide

engineering services for the Sewer System Canyon Access Project - Phase I for a total cost of \$230,000. A presentation about the Sewer System Canyon Access Project was made to the Natural Resources & Culture Committee (NRC) on May 26, 1999. During that presentation, the City Manager was directed to return with recommendations about alternative equipment for regular maintenance and emergency repair, the Master Environmental Impact Report, habitat restoration, and appropriate barriers to deter illegal access, as well as holding a Planning Commission workshop. As a result of this direction, three additional canyons (Switzer, Lake Murray, and Van Nuys) containing unaccessible sewer mains were identified as being appropriate for this investigation and added to the project.

Also, the alternatives analysis study was expanded to include the directions of the NRC. The addition of three new canyons and expansion of the evaluations for alternatives are additional work that was not previously part of the consultant's scope. This action will address these two changes.

FISCAL IMPACT:

The total project cost estimate for the Sewer System Canyon Access Project is \$12,226,136. The total for engineering services previously authorized by City Manager Action in July, 1998, is \$230,000. Funding of \$247,175 for Amendment No. 1 is available from Sewer Fund 41506, CIP-45-936.0, Sewer System Canyon Access for this purpose.

Loveland/Belock/HR

Aud. Cert. 2000666.

WWF-00-424.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

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

ITEM-204: Sale - San Diego Jewish Academy.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-892) CONTINUED TO MARCH 6, 2000

Authorizing the sale by negotiation of a 0.70 acre parcel of land located at the southwest corner of S.R.56 and Carmel Creek Road in the Carmel Valley for the amount of \$245,000 to the San Diego Jewish Academy;

Authorizing the execution of a grant deed, granting to San Diego Jewish Academy the 0.70 acre parcel of land;

Declaring that no broker's commission shall be paid by the City on the negotiated sale.

CITY MANAGER SUPPORTING INFORMATION:

The City owns a 0.70 acre parcel of land in the Carmel Valley Community. The parcel is triangular in shape, located west of Carmel Creek Road and south of and adjacent to the boundary line for the Carmel Valley Restoration Enhancement Project (CVREP). The property was part of a negotiated acquisition when CVREP was established, and lies outside the CVREP boundary line and is excess to the City's needs. The adjacent property owner, the San Diego Jewish Academy, has proposed to purchase this parcel to be joined to their adjacent property. Staff recommends approval of the sale to the San Diego Jewish Academy. A fair market value appraisal of the City parcel established a sale price of \$245,000.

FISCAL IMPACT:

The amount of \$245,000 will be deposited in the General Capital Outlay Fund 302453.

Culbreth-Graft/Griffith/RAG

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: H139-H244.)

CONSENT MOTION BY STALLINGS TO CONTINUE TO MARCH 6, 2000, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-250: Settlement of the Personal Injury Claim of Aleszondra Afflalo and Adam Afflalo.

(R-2000-873)

Adopted as Resolution R-292676.

A Resolution approved by the City Council in Closed Session on Tuesday, February 1, 2000, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$500,000 in the settlement of each and every claim against the City, its agents and employees, arising from the death of Aleszondra Afflalo and the injuries incurred by Adam Afflalo in an automobile accident that occurred on Waring Road in the City of San Diego on January 21, 1999. (Superior Court Case Nos. 729836, Afflalo v. Kernes, et al., and 735022, Gilstrap, et al. v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue multiple checks payable to various payees for a total amount of \$500,000 in full settlement of both of the lawsuits and all claims.

Aud Cert. 2000700.

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 require any further Council action.

ITEM-251: Settlement of the Personal Injury Claim of Ruth Nadel.

(R-2000-882)

Adopted as Resolution R-292714.

A Resolution approved by the City Council in Closed Session on Tuesday, February 1, 2000, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$58,500 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Ruth Nadel which occurred on April 7, 1998. (Superior Court Case No. 728224, Ruth Nadel v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$58,500 made payable to Ruth Nadel and her attorney of record, Dan Bacal, in full settlement of all claims.

Aud. Cert. 2000705.

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 require any further Council action.

ITEM-252: 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 of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION
South Creek Parcels 35-48,
Unit Nos. 8 & 15

COMMUNITY AREA
Sabre Springs

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 Director of Planning and Development Review of to the Subdivision Engineer, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-330: Street Vacation - Eastgate Mall and Electrical Easement Abandonment.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-717 Cor. Copy) ADOPTED AS RESOLUTION R-292788

Vacating the Eastgate Mall and the electrical easement located within the University Community Planning Area, in Parcel 1 of Parcel Map PM-18278.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of a street - Eastgate Mall, and to abandon an electrical easement. The proposed portion of the street to be vacated is located within the University Community Planning Area, and is on the southerly side of Eastgate Mall, south of Easter Way. The area to be vacated is a widened section of Eastgate Mall, the dedication of which was a requirement for a previous project which was never constructed. The currently approved project, a three unit condominium development, no longer requires the widened right-of-way. The street dedication and the easement were acquired at no cost to the City. Staff recommends approval.

FISCAL IMPACT:

None. All costs paid for by the applicant.

Culbreth-Graft/Haase/SH

FILE LOCATION: STRT-J-2907 (39)

COUNCIL ACTION: (Tape location: J150-200.)

Hearing began at 6:40 p.m. and halted at 6:45 p.m.

Testimony in opposition by Brian O' Leary.

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

ITEM-331: Two actions related to the Street Vacation and Street Dedication - Mykonos Lane. (Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-777) ADOPTED AS RESOLUTION R-292789

Vacating the public street easement located within the Carmel Valley Community Plan Area, a portion of Mykonos Lane per Parcel Map PM-16284;

Subitem-B: (R-2000-778) ADOPTED AS RESOLUTION R-292790

Approving the acceptance by the City Manager of a grant deed of San Dieguito Union High School District granting to the City a portion of Parcel 3 of Parcel Map PM-15120, and dedicating as and for street purposes Mykonos Lane;

Approving the acceptance by the City Manager of a grant deed of Leo Anthony McGuire and Mary McGuire, Co-Trustees, of the McGuire Family Trust granting to the City a portion of Parcel 3 of Parcel Map PM-16284, and dedicating as and for street purposes Mykonos Lane.

CITY MANAGER SUPPORTING INFORMATION:

This project is located at the western end of Mykonos Lane, westerly of Carmel County Road in the Carmel Valley community planning area. The existing road is being extended with the proposed dedication. Portions of the existing cul-de-sac bulb will become surplus and are recommended for vacation. The vacation and dedication are shown on engineering drawing number 18728-B. Staff recommends approval of these actions.

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/SH

FILE LOCATION: Subitems A: STRT J-2908 (39);
Subitems B: DEED F-7710

COUNCIL ACTION: (Tape location: H139-H244.)

Hearing began at 5:13 p.m. and halted at 5:25 p.m.

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

ITEM-332: Issuance of Multifamily Housing Revenue Bonds for the Acquisition and Rehabilitation of the Regency Center Apartments.

(See San Diego Housing Commission Report HCR-00-011 dated 2/4/2000. Mid- City Community Area. District-4.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-918) ADOPTED AS RESOLUTION R-292791

Approving the issuance of bonds by the Housing Authority of the City of San Diego for the Regency Center Apartments.

NOTE: See the Housing Authority Agenda of February 22, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

Hearing began at 5:13 p.m. and halted at 5:25 p.m.

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

ITEM-333: City-Council Reinvestment Task Force Annual Progress Report on Lender Agreements (Citywide).

(See Housing Commission Report HCR-00-001.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-902) ADOPTED AS RESOLUTION R-292792

Accepting the City-County Reinvestment Task Force's lender Performance Report, as described in Housing Commission Report HCR-00-001, pursuant to the City's Community Reinvestment Master Plan (Council Policy 900-9).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

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

ITEM-334: Two actions related to Amendments to Centre City Community Plan and Planned District Ordinance - Delete Street Level Uses Along Cedar Street.

(See memorandum from Centre City Development Corporation dated January 25, 2000. Little Italy Redevelopment District of Expansion Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2000-132) INTRODUCED, TO BE ADOPTED ON MARCH 6, 2000

Introduction of an Ordinance amending Chapter X, Article 3, Division 19, of the San Diego Municipal Code by amending Figure 3 relating to required Street Level Uses.

Subitem-B: (R-2000-921) ADOPTED AS RESOLUTION R-292793

Adoption of a Resolution approving and adopting the Cedar Street Amendment to the Centre City Community Plan.

NOTE: See the Redevelopment Agency Agenda of 2/22/2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H139-H244.)

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

ITEM-335: Repayment to the City for Demonstration Transitional Housing Program for the Mentally Ill Homeless to Augment 1999-2000 Winter Shelter Program.

(See memorandum from Centre City Development Corporation dated 1/25/00. Centre City Redevelopment Project. Districts-2, 3, and 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-906) ADOPTED AS RESOLUTION R-292794

Accepting a repayment in the amount of \$100,000 to the City of San Diego from the Redevelopment Agency of the City of San Diego to support implementation of a Demonstration Transitional Housing Program for the mentally ill homeless to augment the 1999-2000 Winter Shelter Program.

NOTE: See the Redevelopment Agency Agenda of February 22, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: L230-278.)

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

ITEM-336: **Alternate Actions** related to Ballot for City Property Located Within the Proposed Property and Business Improvement District (PBID) in Downtown San Diego.

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

TODAY'S ACTION IS:

Adoption of **either** the resolution in Subitem A, **or** Subitem B, **or** Subitem C:

Subitem-A: (R-2000-937A) NOTED AND FILED

Directing the City Manager to take no action with respect to the City's ballot received in connection with the formation of a downtown Property and Business Improvement District.

or

Subitem-B: (R-2000-937B) ADOPTED AS RESOLUTION R-292795

Directing the City Manager, in connection with the proposed downtown Property and Business Improvement District (PBID), to cast the City's ballot in favor of the formation of the PBID.

or

Subitem-C: (R-2000-937C) NOTED AND FILED

Directing the City Manager, in connection with the proposed downtown Property and Business Improvement District (PBID), to cast the City's ballot in opposition to the formation of the PBID.

CITY MANAGER SUPPORTING INFORMATION:

On January 31, 2000, the City Council adopted four resolutions initiating proceedings related to the proposed establishment of a Property and Business Improvement District (the "PBID") in downtown San Diego.

One of these resolutions, the Resolution of Intention, established the City Council meeting of February 22, 2000 as the date and place for the required public hearing. In addition to providing impacted property owners a noticed opportunity to comment on the proposed establishment of the PBID, a public hearing is required to allow the City Clerk to report the results of the property owner ballot protest procedure. Property owners may submit ballots to the City Clerk up to the start of the scheduled public hearing.

The City is the largest single property owner within the proposed downtown PBID with approximately 5.54 percent of the total annual assessment. The City Council (like all other impacted property owners within the proposed PBID) may decide to take no action or participate (voting in favor of or against) in the assessment-weighted ballot process. Without knowing the status of ballots received by the City Clerk, the City Council will be asked to make this policy decision before the public hearing is initiated. The resolution before you today will direct the City Manager to do one of the following: 1) take no action; 2) vote in favor of; or 3) vote against the proposed assessment for the downtown PBID.

If the direction is to take no action on the City's PBID ballot, the City Council waives the City's opportunity to support the proposed PBID in the event that there is insufficient property owner support by ballot at the public hearing. If, however, there is sufficient property owner support by ballot (with or without the City's participation), the City Council subsequently has the discretion to either establish the PBID or abandon proceedings. A majority of the property owner ballots returned to the City Clerk, weighted by the proposed PBID assessments, must favor formation in order for the City Council to exercise its final discretion to either establish the PBID or abandon proceedings.

Today's public hearing will begin with the City Council receiving comments from impacted

property owners and the public. After public comment has been concluded, the Mayor may temporarily recess the public hearing to allow the City Clerk to tabulate all property owner ballots and allow the City Council to hear other items on the docket. Once property owner ballots have been tabulated, the Mayor may then reconvene the public hearing and allow the City Clerk to report the final ballot results. If there is sufficient property owner support by ballot, three resolutions necessary to establish the proposed PBID will be presented to the City Council for consideration.

FISCAL IMPACT:

None with this action; however, the General Fund (Citywide Program: Assessments to Public Property) currently pays the City's share of the total assessment for enhanced services in the existing downtown Maintenance Assessment District (the "MAD", which would be replaced by the proposed downtown PBID). If the downtown PBID (which would provide a public safety program in addition to those services provided in the existing downtown MAD) is approved at the public hearing pursuant to the property owner ballot process and City Council action, the City's FY 2001 downtown property assessment would increase from \$72,718 to \$126,190 for a net annual increase of approximately \$53,472. Furthermore, if the City acquires additional downtown property in order to develop the redevelopment and ballpark project, it is estimated that the City's net annual assessment would increase by an additional \$60,000. **In summary, if the proposed downtown PBID is established, the City's annual property assessment for the next five years would be approximately \$53,472 to \$113,472 higher than it would be under the existing downtown MAD.**

An informational City Manager's Report will be distributed prior to the public hearing describing the outcome of recent discussions between the property owners, labor unions and City staff.

Culbreth-Graft/Cunningham/JK

FILE LOCATION: STRT L-21 (32)

COUNCIL ACTION: (Tape location: H250-J148; K-287-299.)

Motion by Vargas to continue and let the Mayor decide the bring-back date. Second by Kehoe. Failed. Nays-1, 5, 6, 7, M; Yeas-3, 4, 8; Not Present-2.

MOTION BY McCARTY TO DIRECT THE CITY MANAGER TO CAST THE CITY'S BALLOT IN FAVOR OF THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (PBID) AND COUNT THE BALLOTS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-337: Three actions related to the Proposed Downtown Property and Business Improvement District.

_____(See City Manager Report CMR-99-242. Centre City Community Area. Districts-2, 3 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-657) ADOPTED AS AMENDED AS RESOLUTION R-292796

Considering the protests, approving the map, confirming the assessments, and ordering the proposed activities.

Subitem-B: (R-2000-658) ADOPTED AS AMENDED AS RESOLUTION R-292797

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

Subitem-C: (R-2000-659) ADOPTED AS AMENDED AS RESOLUTION R-292798

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: STRT- L-21 (32)

COUNCIL ACTION: (Tape location: H250-J148; K287-330.)

Hearing began at 5:25 p.m. and recessed at 6:40 p.m. Hearing resumed at 7:45 p.m. and halted at 8:00 p.m.

Mayor Golding left at 5:36 p.m. and returned at 5:48 p.m.

Testimony in opposition by Dianne Dixon, Ed Leman, Phillip Zoebisch, Damon Schamu, Niel Hull, John Tully, Scott Chadwick, Daniel Beeman.

Testimony in favor by Bill Sauls, Ruben Andrews, Laurie Black, Sarah McKenna, Bob McElroy, Patti Petterson, Bob Morris, Jim Jackson, Niki Clay, Leslie Wade.

Clerk Fishkin announced the tally for the Property and Business Improvement District (PBID): Total ballots mailed out were 2,921, total returned were 1,450, unreturned were 1,471. No votes: 699 for a total assessment amount of \$441,252.45; 30.85%. Yes votes: 751 for a total assessment amount of \$989,080.50; 69.15%.

MOTION BY WEAR TO ADOPT THE RESOLUTIONS WITH THREE BLOCKS IN LITTLE ITALY AS NOTED EARLIER IN TERMS OF THE BOUNDARY. IN ADDITION CITY STAFF WILL WORK CLOSELY WITH ASFME, LOCAL 127, AND MEA TO DESIGN AND IMPLEMENT AN APPRENTICESHIP PROGRAM DUE BY JULY. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338: Resolution opposing Proposition 22 on the March 2000 Ballot.

(See memorandum from Councilmembers Kehoe, Warden, Stallings, and Vargas dated 2/8/2000)

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-919) ADOPTED AS RESOLUTION R-292799

Opposing the passage of Proposition 22 on the March 2000 ballot.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: J211-K287; K331-L229)

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

ITEM-S400: Two actions related to Amending the Permanent Rules of Council.

MAYOR GOLDING'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2000-138) INTRODUCED, TO BE ADOPTED ON MARCH 6, 2000

Introduction of an Ordinance amending Chapter II, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101, relating to permanent Rules of the Council, by amending Rule 3, to reverse the order of numbers 3 and 4, to place Special Orders of Business before Non-Agenda Public Comment.

Subitem-B: (R-2000-938) ADOPTED AS RESOLUTION R-292801

Establishing a Temporary Rule of the Council, amending Rule 3 to reverse the order of Public Comment and Special Orders of Business on the agenda of

Monday Council meetings, pursuant to San Diego Municipal Code Section 22.0101, Rule 31, entitled "Temporary Rules";

Declaring that the Temporary Rule supersedes the Permanent Rules of the Council established by Section 22.0101 of the San Diego Municipal Code and shall be effective until the Ordinance becomes effective

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: M030-080.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE 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.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned at 9:12 p.m. by Mayor Golding in memory of Eve Lowery and Joseph Lipper at the request of Mayor Golding and Dr. Gladden Elliott at the request of Mayor Golding and Council Member Vargas.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: M434-M476).