

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, AUGUST 8, 2000
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	3
ATTENDANCE DURING THE MEETING	3
ITEM-300: ROLL CALL	4
NON-AGENDA COMMENT	4
COUNCIL COMMENT	8
ITEM-201: Actions related to the Special Municipal Election on November 7, 2000 for the purpose of submitting to the qualified voters one Proposition relating to priority in Annual Appropriations for the Library System and certain expenditures	8
ITEM-203: <u>Two</u> actions related to Alvarado Water Treatment Plant, Phase I, Construction Change Order	11
ITEM-330: McGuire Residence	13
ITEM-331: <u>Four</u> actions related to Central Commercial Maintenance Assessment District .	16
ITEM-332: <u>Four</u> actions related to Little Italy Maintenance Assessment District	19
ITEM-333: <u>Four</u> actions related to Downtown Maintenance Assessment District	22
ITEM-334: <u>Two</u> actions related to the Vietnam Veterans/Homeless Center Project Condemnation	24

ITEM-S500: La Jolla Mesa Drive (from Deerhill Court to La Jolla Scenic Drive) Underground
Utility District. 26

CLOSED SESSION ITEM 27

NON-DOCKET ITEMS 27

ADJOURNMENT 28

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Mathis at 10:39 a.m.

Deputy Mayor Mathis adjourned the meeting at 12:25 p.m. into Closed Session on Tuesday, August 15, 2000 at 9:00 a.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-Excused by R-293826; no reason given.

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-not 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 (ew)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comments by Dave Thompson stating that he saw graffiti in La Jolla that says "Gang Bangers Go Home." Mr. Thompson further added that there are gangs in San Diego and that they are growing. He also stated that the solution is treatment and perhaps making drugs legal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A018-034.)

PUBLIC COMMENT-2:

Comments by Carol Leath stating that after the purchase of her mobile home in May of 1999, she was directed to the De Anza Rental Office to sign a long-term lease agreement before moving in. She further stated that the lease agreement holds her responsible for the rent on the land space until the year 2003 whether or not her mobile home stays there or not.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-047.)

PUBLIC COMMENT-3:

Comments by Barbara MacKenzie stating that she is confused and frustrated with the Council Meeting date to hear the Medical Marijuana issue and asked when will the issue be heard. She further added that she has arranged for patients, physicians, and expert witnesses who are from out of town to attend the meeting and that would like to be part of the process.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A048-062.)

PUBLIC COMMENT-4:

Comments by Steve McWilliams stating that Mayor Golding's Office was served with a lawsuit saying that tax monies gathered from residences and citizens of San Diego cannot be used to violate the law arresting sick and dying people for using marijuana which is a medicine that is recommended to them by their physician. He added that he has a copy of the complaint that says wherein Penal Sections relating to the possession and cultivation of marijuana shall not apply to a patient or a patient's primary caregiver who possesses or cultivates marijuana for the personal medical purposes.

Deputy Mayor Mathis responded that because Mr. McWilliams has served the lawsuit and that he says that the lawsuit is out of the City Council's hands and transferred to the Court of Law, further comment on this body is irrelevant and that it would be handled by the Court.

City Manager Uberuaga responded that this issue is coming to the Council Meeting on Tuesday, August 15th.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A063-106.)

PUBLIC COMMENT-5:

Comments by Cathy O'Leary regarding Campaign Finance Reform and the Task Force on Campaign Financing. She further commented that public funding or clean elections would allow candidates to devote their time working solely for their constituents and it will eliminate the time and effort they must now devote to soliciting funds to run for office. Many voters have given up voting because they see the effects of special campaign contributions and few candidates and the political system are being bought. She further stated the resulting small turn-out at the polls is a dangerous trend of democracy. Public funding or clean elections will help restore the people's confidence that their elected officials are working for their best interest.

She further stated that last November a motion by Council Member Kehoe was made and passed by this City Council to form a balanced Task Force on Campaign Financing. Members of the San Diego Alliance for Clean Elections and the League of Women Voters have offered to serve on this Task Force. She also included that no action has been taken by the City Council on this matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A107-149.)

PUBLIC COMMENT-6:

Comments by Jayson August stating that UCSD tried to kill him and since he has been in San Diego, he has had 5 counts of attempted murder on him. He further added that his neighbors are spreading rumors about him.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A150-177.)

PUBLIC COMMENT-7: REFERRED TO THE CITY MANAGER

Comments by Rita MacDonald stating that she was a victim of a burglary at her home and that there is a lack of availability of police reports to crime victims. She further added that there is an unfriendly policy in obtaining a police report from the Police Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A178-210.)

PUBLIC COMMENT-8:

Comments by Don Stillwell stating that the Pension Fund and the Retirement Fund have increased in value about \$1 billion to nearly \$3 billion between 1991 and 1999 in the City of San Diego according to the Comprehensive Annual Financial Report. He had distributed a printout of potential surpluses for nearly \$68 billion for the State of California and asked is it possible that the City of San Diego has potential surpluses.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A211-235.)

PUBLIC COMMENT-9:

Comments by Laura Mallgren regarding dogs off leash in Mission Trails Regional Park and that education needs to be done in many ways to inform the public of dogs off leash. She says that it has to be countywide education by periodic enforcement and environmental improvements which she is seeing in park signs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A236-268.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comments by Council Member Warden recognizing her nephew, Noah Greer, who is majoring in Political Science and is a Senior at UCSD.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A269-295.)

ITEM-201: Actions related to the Special Municipal Election on November 7, 2000 for the purpose of submitting to the qualified voters one Proposition relating to priority in Annual Appropriations for the Library System and certain expenditures.

TODAY'S ACTIONS ARE:

Introduce and adopt **either** the ordinance in Subitem A-1 **or** the ordinance in Subitem A-2; **or** the ordinance in Subitem A-3; consider Subitems B, C, and D:

Subitem-A-1: (O-2001-38) FILED

Introduction and adoption of an Ordinance submitting to the qualified voters of

the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 7, 2000, one proposition amending the City Charter by amending Section 11.1 relating to priority of the San Diego Library System in adopting the Annual Budget Ordinance.

Or

Subitem-A-2: (O-2001-38) FILED

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 7, 2000, one proposition amending the City Charter by amending Section 71 relating to priority of the San Diego Library System in adopting the Annual Appropriation Ordinance.

Or

Subitem-A-3: (O-2001-38) FILED

(Proposed by Councilmember McCarty)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 7, 2000, one proposition amending the City Charter by amending Section 11.1 relating to priority of the operation, maintenance and supplies for City libraries, active use parks and recreation centers in adopting the Annual Salary and Budget Ordinances.

Subitem-B: (R-2001-) FILED

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C: (R-2001-) FILED

In the matter of Council direction regarding a fiscal impact analysis.

Subitem-D: (R-2001-) FILED

In the matter of Council direction regarding authorship of the ballot argument.

FILE LOCATION: Subitems A-1, A-2, A-3, B, C & D: MEET

COUNCIL ACTION: (Tape location: A404-B427.)

MOTION BY McCARTY TO INTRODUCE AND ADOPT THE ORDINANCE IN SUBITEM A-3 TO APPROVE THE LANGUAGE BY THE CITY ATTORNEY TO STATE "SHALL THE CITY CHARTER 11.1 BE AMENDED TO STATE THAT POLICE PROTECTION, LIBRARIES, ACTIVE USE PARKS AND RECREATION CENTERS ARE PRIORITIES IN THE COUNCIL'S ADOPTION OF THE ANNUAL SALARY ORDINANCE AND BUDGET ORDINANCE AND THAT LIBRARY OPERATIONS AND MAINTENANCE BE FUNDED BY ANNUAL APPROPRIATION OF NOT LESS THAN 6 PERCENT OF THE GENERAL FUND BY FISCAL YEAR 2004 SUBJECT TO COUNCIL DISCRETION TO APPROPRIATE FUNDS FOR ALL OF THE CITY'S ESSENTIAL SERVICES." Second by Vargas.

Executive Assistant City Attorney Devaney announced that it would be up to the Chair to either say that he will entertain argument of Council on the same motion or not. She further stated that if they are going to overrule the Chair by six votes and if that is where Council is going with this, then she would propose a motion to overrule the Chair and to speak to Council Member McCarty's motion.

MOTION BY McCARTY TO OVERRULE THE CHAIR TO SPEAK TO HER MOTION. Second by Vargas. Failed by the following vote: Mathis-nay, Wear-yea, Kehoe-not present, Stevens-yea, Warden-nay, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-not present.

VOTE ON ORIGINAL MOTION. Failed by the following vote: Mathis-nay, Wear-yea, Kehoe-not present, Stevens-yea, Warden-nay, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-not present.

MOTION BY McCARTY TO STATE "SHALL THE CITY CHARTER SECTION 11.1 BE AMENDED TO STATE THAT POLICE PROTECTION, LIBRARIES, ACTIVE USE PARKS AND RECREATION CENTERS ARE PRIORITIES IN THE CITY COUNCIL ADOPTION OF THE ANNUAL SALARY ORDINANCE AND BUDGET ORDINANCE. Second by Stevens. Failed by the following vote: Mathis-nay, Wear-yea, Kehoe-not present, Stevens-yea, Warden-nay, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-not present.

MOTION BY MCCARTY TO REFER THE CALL ORDINANCE TO THE CITY ATTORNEY TO DO THE FOLLOWING: 1) COME BACK WITH CITY ORDINANCE LANGUAGE OF THE CALL MEASURE (ORIGINAL MEASURE) THAT THE CITY COUNCIL CAN VOTE ON AT A LATER TIME; 2) REFER THE CALL LANGUAGE THAT APPROPRIATES AN AMOUNT EQUAL TO AT LEAST 4 AND ONE HALF PERCENT OF THE GENERAL FUND IN FISCAL YEAR 2002 INCREASING BY A HALF PERCENT EACH YEAR UNTIL 6 PERCENT OF THE GENERAL FUND, AND THEREAFTER MAINTAINING AN ANNUAL GENERAL FUND APPROPRIATION OF AT LEAST 6 PERCENT FOR OPERATION MAINTENANCE AND SUPPLIES FOR THE SAN DIEGO LIBRARY SYSTEM, AND COME BACK WITH THE LANGUAGE FOR A SUBSTANTIVE VOTE. ALSO, IF THE CITY ATTORNEY HAS CORRESPONDING LANGUAGE THAT MIGHT BE A LITTLE DIFFERENT, GIVE THE COUNCIL THE CHOICE AGAIN OF THE SUBJECT 2 LANGUAGE AS WELL AS THE MANDATE LANGUAGE; AND 3) ADD PARKS AND RECREATION CENTERS TO ORDINANCE LANGUAGE WITH THE 6 PERCENT RELATING ONLY TO THE LIBRARIES. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-203: Two actions related to Alvarado Water Treatment Plant, Phase I, Construction Change Order.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-164 Cor. Copy) ADOPTED AS RESOLUTION R-293651

Approving Change Order No. 11 authorizing Upgrades to the Existing Filtration System and Operations Building at the Alvarado Water Treatment Plant, issued in connection with the contract with Nielsen Dillingham Builders, amounting to a net increase in the contract price of an amount not to exceed \$10,847,390;

Authorizing an expenditure not to exceed \$10,847,390, from Water Revenue Fund 41500, CIP-73-261.0, Alvarado Water Treatment Plant - Upgrade and Expansion; Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2001-172) ADOPTED AS RESOLUTION R-293652

Declaring that the information contained in the final environmental document DEP-88-0459 and Addendum LDR-98-0130, including any comments received during the public review process, has been reviewed and considered by the Council and 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 Alvarado Water Filtration Plant Expansion - Phase I, Construction Change Order No. 11.

CITY MANAGER SUPPORTING INFORMATION:

The Alvarado Water Treatment Plant (WTP) Project is currently undergoing Phase I construction to upgrade and expand the existing facility to meet new Federal Drinking Water Standards and comply with State of California's Department of Health Service Compliance Order. The overall improvements for the Alvarado WTP, as defined in the Water Department's Capital Improvements Program and approved by City Council in August, 1997, structured the work in three phases to be executed through 2006. With Phase I construction work ongoing concurrently with plant operation and maintenance activities, it has become apparent that there is a better, earlier time now to perform construction work scheduled in subsequent phases. By accelerating work planned in later phases to the current contract the City will realize many benefits including: a more secure ability to continue to operate the plant without disruption and deliver a reliable source of water by effectively incorporating this work into planned shutdown times in the current contract; reducing the overall schedule of the three project phases by over one year by utilizing resources currently available and accelerating subsequent phases accordingly; reducing the overall cost of the project by \$3-4 million by not having to remobilize resources, construct interim facilities and executing the work on an accelerated schedule; and minimizing impacts to the community and local residents by completing the work sooner and better utilizing equipment and materials on site now, thereby, minimizing construction traffic. Many other benefits to be realized include continued use of a contractor that has become very

familiar with plant operation and its inherent restrictions, and understanding and effectively working with the local community and its concerns. It is proposed to accelerate approximately \$30 million of work into the current contract through two construction change orders consisting of a new wash water tank and associated piping, a new caustic soda storage facility, upgrade of the operations buildings, rehabilitation of the existing filters, and demolition and construction of a new 35 million gallon water reservoir. The first change order in the amount of \$10,847,390 consisting of all work excluding the new reservoir is ready to be executed. The second change order requiring additional permit processing is anticipated to be ready for City Council approval Fall 2000.

FISCAL IMPACT:

The total estimated cost of this Amendment is \$10,847,390. Funding is available from the Water Revenue Fund 41500.

Belock/Gardner/MBW

Aud. Cert. 2100083.

FILE LOCATION: Subitems A & B: CONT-Nielsen Dillingham Builders

COUNCIL ACTION: (Tape location: C234-280.)

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

ITEM-330: McGuire Residence.

Matter of an appeal, by the San Diego Sierra Club, from the decision by the Planning Commission in approving Coastal Development/Sensitive Coastal Resource (CDP/SCR) permit No. 93-0628 to remodel an existing single family residence, to add a second story addition, to maintain existing variances for side-yard and front-yard setbacks, to add additional variances for a new front-yard setback, side-yard setback variance for the second story addition, a FAR variance, and a parking variance. This project is located at 5662 Dolphin Place in the R1-5000 Zone in the La Jolla Community Plan area.

(CDP/SCR-93-0628. La Jolla Community Planning Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem B to grant the permit.

Subitem-A: (R-2001-) CONTINUED TO SEPTEMBER 12, 2000

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration-LDR No. 98-0628 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said ND has been reviewed and considered by the Council and reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final ND has been reviewed and considered by the Council prior to approving the project, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2001-) CONTINUED TO SEPTEMBER 12, 2000

Adoption of a Resolution granting or denying Coastal Development/Sensitive Coastal Resource (CDP/SCR) Permit and La Jolla Planned District No. 93-0628.

OTHER RECOMMENDATIONS:

Planning Commission voted 7-0 to approve; was opposition.

Ayes: Steele, Anderson, Brown, Butler, Skorepa, Stryker, White.
Nays: None
Abstaining: None

The La Jolla Community Planning Group has recommended approval of the permit with the condition that no access be allowed by the owner via Coral Lane.

SUPPORTING INFORMATION:

This project was continued from the March 30, 2000 Planning Commission Agenda so that the applicant could resolve Coastal issues with the Sierra Club. The project proposes to remodel an

existing 1,225 square-foot, one-story, single family residence on a 2,052 square-foot lot located on a coastal bluff at 5662 Dolphin Place. The site is zoned R1-5000 and the La Jolla Community Plan designates this site for single-family residential use. Surrounding land uses are one and two-story single family residences. In addition to the remodel, the applicant is requesting five new variances, the maintenance of existing legal non-conforming improvements and modification to an existing encroachment removal agreement on Coral Lane.

This project application was originally submitted in late 1993 in response to a Code Enforcement Violation filed in 1992 for constructing a new deck encroaching into the 5'-0" bluff edge setback. During the course of the review of the project, the original owner and Neighborhood Code Compliance participated in mediation to resolve the Code Enforcement issues. Once the issues were resolved, the property was sold in 1996 to a new owner. Although some design changes were made, this project remained inactive during this time period. This property was again sold in 1998 to Melissa McGuire, the current owner. The project has since been redesigned to conform with staff's current recommendations. The project site is located on a bluff on the west side of Dolphin Place and is currently developed with a one-story, single-family residence and attached garage. The existing residence is located adjacent to a 20-foot wide, unpaved access known as Coral Lane. Coral Lane is located along the north property line. The Coral Lane access is identified in the La Jolla Community Plan as an unimproved public street (no access). The proposed addition will include a remodel of the first floor with an addition of 163 square-feet to the front of the residence and relocation of the entry from the side of the house to the front. In addition to the first floor remodel, a 684-square-foot second story will be added to include a master suite and a structurally cantilevered balcony. The second story addition will be set back 25'-0" from the bluff edge. This setback conforms to the required 25'-0" bluff top setback in the Sensitive Coastal Resource Ordinance.

FISCAL IMPACT:

None.

All costs associated with processing the project are being paid by the applicant.

Ashcraft/Didion/TB

LEGAL DESCRIPTION:

The project site is located on a coastal bluff at 5662 Dolphin Place and is more particularly described as lot 9, Block I, Birdrock by the Sea, La Jolla Park, Map 1138.

FILE LOCATION: Subitems A & B: PERM 93-0628

COUNCIL ACTION: (Tape location: A296-403.)

MOTION BY WARDEN TO CONTINUE TO SEPTEMBER 12, 2000, AT THE REQUEST OF THE APPLICANT FOR CITY STAFF TO WORK WITH THE COASTAL COMMISSION STAFF TO RESOLVE THEIR CONCERNS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-331: Four actions related to Central Commercial Maintenance Assessment District.

(Sherman Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-1471) ADOPTED AS RESOLUTION R-293653

Considering the protests, approving modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Central Commercial Maintenance Assessment District.

Subitem-B: (R-2000-1472) ADOPTED AS RESOLUTION R-293654

Approving the City Engineer's report.

Subitem-C: (R-2000-1473) ADOPTED AS RESOLUTION R-293655

Authorizing the City Auditor and Comptroller to establish the Central Commercial Maintenance Assessment District Fund (Fund No. 70260).

Subitem-D (R-2000-1474) ADOPTED AS RESOLUTION R-293656

Approving the Fiscal Year 2001 Budget.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2001 assessment for the Central Commercial Maintenance Assessment District (District). The District is located in the Sherman Heights Community situated along Imperial Avenue from Interstate 5 to 32nd Street; Commercial Avenue from Interstate 5 to 28th Street; National Avenue from 28th Street to 32nd Street and all side streets in between Imperial Avenue and Commercial Avenue between Interstate 5 and 28th Street. The purpose of the District is to fund streetscape/signage/banners/beautification, sidewalk and landscape maintenance, security related services, street lighting and administration. The Fiscal Year 2001 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>FUND</u>		<u>TOTAL</u>
	<u>OPERATIONS</u>	<u>RESERVE</u>	
BEGINNING BALANCE	\$ 0.00	\$ 0.00	\$ 0.00
REVENUE:			
Assessments	\$215,766.00	\$ 0.00	215,766.00
Interest	0.00	0.00	0.00
City Contribution	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL REVENUE	\$215,766.00	\$ 0.00	\$215,766.00
TRANSFER	(31,766.00)	31,766.00	0.00
EXPENSE:			
Personnel	\$ 0.00	\$ 0.00	\$ 0.00
Contractual	134,480.00	0.00	134,480.00
Incidental	47,520.00	0.00	47,520.00
Utilities	<u>2,000.00</u>	<u>0.00</u>	<u>2,000.00</u>
TOTAL EXPENSE	\$ 184,000.00	\$ 0.00	\$184,000.00
ENDING BALANCE	\$ 0.00	\$ 31,766.00	\$ 31,766.00

The proposed assessment for Fiscal Year 2001 is based on a three part assessment of \$1.9269 per Land Use unit, \$0.0417 per parcel Lot square foot (Sf.) and \$1.7576 per parcel Lot frontage foot (Lf.). Land Use units are equal to the Land Use factor (as given in the Engineer's Report) multiplied by the Building Sf. divided by 1,000 or multiplied by the number of Units on Residential use

parcels. The assessment may be indexed annually by the factor published in the San Diego CPI-U or 5% whichever is greater. The District contains a total of 443 parcels, a total of 2,873,618 Sf. of parcel lot square footage and a total of 34,306 Lf. of lot frontage feet.

FISCAL IMPACT:

All costs are assessed to the District. There is no net fiscal impact.

Loveland/McLatchy/SY

FILE LOCATION: Subitems A, B, C & D: STRT-M-421-01 (34)

COUNCIL ACTION: (Tape location: B468-499; B511-174.)

Deputy Mayor Mathis opened the hearing at 12:00 p.m.

Testimony in favor by Vincent Noto, Nick Inzunza, James Justus, and Michael Collier.

Testimony in opposition by Jess Haro and Ernest Reyes.

Deputy Mayor Mathis closed the public testimony portion of the hearing at 12:05 p.m. with direction to the City Clerk to count the ballots.

Deputy Mayor Mathis resumed the hearing at 12:14 p.m.

Assistant City Clerk Jack Fishkin announced the tally for the Central Commercial Maintenance Assessment District: 61.11 percent in favor (\$55,146.01); 38.89 percent in opposition (\$35,094.43).

Deputy Mayor Mathis closed the hearing at 12:15 p.m.

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

ITEM-332: Four actions related to Little Italy Maintenance Assessment District.

(Little Italy Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-1568) ADOPTED AS RESOLUTION R-293657

Considering the protests, approving modified map, confirming the assessments, ordering the proposed maintenance, affirming the outcome of the ballots for administration of contract, and detaching Zone 3 from the Downtown Maintenance Assessment District in the matter of the Little Italy Maintenance Assessment District.

Subitem-B: (R-2000-1569) ADOPTED AS RESOLUTION R-293658

Approving the City Engineer's report.

Subitem-C: (R-2000-1570) ADOPTED AS RESOLUTION R-293659

Authorizing the City Auditor and Comptroller to establish the Little Italy Maintenance Assessment District Fund (Fund. No. 70261).

Subitem-D (R-2000-1571) ADOPTED AS RESOLUTION R-293660

Approving the Fiscal Year 2001 Budget.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2001 assessment for the Little Italy Maintenance Assessment District (District). The District is located in the Little Italy Community situated in an area of Downtown south of Laurel Street, west of Front Street, north of Ash Street and east of Pacific Highway (excluding the Burlington Northern & Santa Fe Railway right-of-way). The purpose of the District is to fund streetscape/signage/banners/beautification, sidewalk and landscape maintenance, security related services, street lighting, holiday decoration, maintenance of street

furniture and administration. The District is broken into two zones with Zone 1 receiving a greater level of services. Also included in this action is the de-annexation of the Little Italy - Zone 3 and a three block area on the west side of Front Street located in the Cortez-Zone 4 in the Downtown Maintenance Assessment District. The Fiscal Year 2000 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>FUND</u>		
	<u>OPERATIONS</u>	<u>RESERVE</u>	<u>TOTAL</u>
BEGINNING BALANCE	\$ 0.00	\$ 20,393.00	\$ 20,393.00
REVENUE:			
Assessments	\$ 249,433.00	\$ 0.00	\$ 249,433.00
Interest	0.00	0.00	0.00
City Contribution	<u>1,425.00</u>	<u>0.00</u>	<u>1,425.00</u>
TOTAL REVENUE	\$ 250,858.00	\$ 0.00	\$ 250,858.00
TRANSFER	4,563.00	(4,563.00)	0.00
EXPENSE:			
Personnel	\$ 0.00	\$ 0.00	\$ 0.00
Contractual	146,742.00	0.00	146,742.00
Incidental	85,786.00	0.00	85,786.00
Utilities	<u>22,893.00</u>	<u>0.00</u>	<u>22,893.00</u>
TOTAL EXPENSE	\$ 255,421.00	\$ 0.00	\$ 255,421.00
ENDING BALANCE	\$ 0.00	\$ 15,830.00	\$ 15,830.00

The proposed assessment for Fiscal Year 2001 is based on a three part assessment of \$1.4288 per Land Use unit, \$0.0393 per parcel Lot Sf. and \$2.8313 per parcel Lot frontage foot (Lf.) in Zone 1 and \$1.4911 per Land Use unit, \$0.0248 per parcel Lot Sf. and \$1.6611 per parcel Lot frontage foot (Lf.) in Zone 2. Land Use units are equal to the Land Use factor (as given in the Engineer's Report) multiplied by the Building Sf. divided by 1,000 or multiplied by the units on Residential use parcels. The assessment may be indexed annually by the factor published in the San Diego CPI-U or 5 percent whichever is greater. The District contains a total of 426 parcels, a total of 784,590 Sf. of parcel lot square footage and a total 10,161 Lf. of lot frontage feet in Zone 1 and total of 2,634,140 Sf. of parcel lot square footage and a total of 35,847 Lf. of lot frontage feet in Zone 2.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$1,425. The Gas Tax Fund will contribute \$1,425 for maintenance of 11,875 sq. ft. of medians (\$0.12 per sq. ft.). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas though the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

FILE LOCATION: Subitems A, B, C & D: STRT-M-422-01 (34)

COUNCIL ACTION: (Tape location: B428-467; B500-510.)

Deputy Mayor Mathis opened the hearing at 11:53 a.m.

Deputy Mayor Mathis recessed the hearing at 11:59 a.m. with direction to the City Clerk to count the ballots.

Deputy Mayor Mathis resumed the hearing at 12:06 p.m.

Assistant City Clerk Jack Fishkin announced the tally for the Little Italy Maintenance Assessment District: 69.31 percent in favor (\$104,645.52); 30.69 percent in opposition (\$46,344.23).

Deputy Mayor Mathis closed the hearing at 12:13 p.m.

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

ITEM-333: Four actions related to Downtown Maintenance Assessment District.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-60) RETURNED TO THE CITY MANAGER

Resolution to levy and collect Fiscal Year 2001 assessments.

Subitem-B: (R-2001-61) RETURNED TO THE CITY MANAGER

Approving the City Engineer's report.

Subitem-C: (R-2001-62) RETURNED TO THE CITY MANAGER

Approving the Fiscal Year Budget for the Downtown Maintenance Assessment District - Zone 3.

Subitem-D: (R-2001-63) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to execute an agreement with Little Italy Association, for administration of Contracts for Goods and Contracts for Service for the Downtown Maintenance Agreement - Zone 3 for a period of one year in accordance with San Diego Municipal Code section 65.0212.

CITY MANAGER SUPPORTING INFORMATION:

Of the six zones in the Downtown Maintenance Assessment District (District), five separated into a new Downtown Property and Business Improvement District (PBID) effective July 1, 2000. The remaining one Zone #3, Little Italy, is currently undergoing a formation and ballot protest procedure to form a new district with a higher level of maintenance than the current district for street tree maintenance, litter and graffiti control, and enhanced street lighting. Today's action will establish the Fiscal Year 2001 assessments for the District for only Zone 3, in the event the ballot for the new

Little Italy Maintenance Assessment District fails. If the ballot passes, the new district will supercede the assessments and services approved in this action. The Fiscal Year 2001 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>FUND</u>		
	<u>OPERATIONS</u>	<u>RESERVE</u>	<u>TOTAL</u>
BEGINNING BALANCE	\$ 0.00	\$ 20,393.00	\$ 20,393.00
REVENUE:			
Assessments	\$ 68,921.00	\$ 0.00	68,921.00
Interest	0.00	1,949.00	1,949.00
City Contribution	<u>1,425.00</u>	<u>0.00</u>	<u>1,425.00</u>
TOTAL REVENUE	\$ 70,346.00	\$ 1,949.00	\$ 72,295.00
TRANSFER	(10,171.00)	10,171.00	0.00
EXPENSE:			
Personnel	\$ 0.00	\$ 0.00	\$ 0.00
Contractual	31,000.00	0.00	31,000.00
Incidental	28,395.00	0.00	28,395.00
Utilities	<u>780.00</u>	<u>0.00</u>	<u>780.00</u>
TOTAL EXPENSE	\$ 60,175.00	\$ 0.00	\$ 60,175.00
ENDING BALANCE	\$ 0.00	\$ 32,513.00	\$ 32,513.00

This District has one active zone in establishing benefit, based on the type of improvements and level of services provided to Zone 3. The total proposed District assessment for Fiscal Year 2001 is \$68,921. The assessments have been increased from the Fiscal Year 2000 by 5 percent. The increase is based on the need of Zone 3 and the allowable assessment increase as supported in the ballot results and confirmed by Council in August of 1997.

FISCAL IMPACT:

It is proposed that the City contribute \$1,425. The Gas Tax Fund will contribute \$1,425 for the maintenance of 11,875 sq. ft. of landscaped medians (\$0.12 per sq. ft.) along Pacific Highway within the boundaries of Zone 3. This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

FILE LOCATION: Subitems A, B, C & D: STRT-M-386-01 (34)

COUNCIL ACTION: (Tape location: B435-467; C169-174.)

MOTION BY VARGAS TO RETURN TO THE CITY MANAGER AT HIS REQUEST BECAUSE ITEM 332 WAS ADOPTED AND PASSED, ITEM 333 WILL BE WITHDRAWN. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-334: Two actions related to the Vietnam Veterans/Homeless Center Project Condemnation.

(See City Manager Report CMR-00-155. Midway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-184) ADOPTED AS RESOLUTION R-293661

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the acquisition of Fee Simple Title and the Improvements thereon to the property, including, the Transitional Housing Facility Operated by Vietnam Veterans of San Diego, a not for profit Entity, for the improvement, operation and maintenance of the VietnamVeterans/Homeless Center Project; that the interests sought to be acquired are located primarily at 4141 Pacific Highway, approximately, one-quarter mile southeast of Pacific Highway and Barnett Avenue, within the City of San Diego, County of San Diego, State of California; that the interests to be acquired include but are not limited to Fee Simple Title to the property and the improvements thereon; that the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

Declaring that the property sought to be acquired is necessary for the project; that acquisition by eminent domain is authorized by law;

Declaring that the offer to purchase the property required by Government Code Section 7267.2 has been made to the owner of record and rejected;

Declaring the intention of the City of San Diego to acquire Fee Simple Title to the property described herein and the improvements thereon under eminent domain proceedings;

Directing the City Attorney of the City of San Diego to commence an Eminent Domain Action in the Superior Court of the State of California, in the County of San Diego, to condemn, acquire and obtain immediate possession of the property for the use of the City.

NOTE: 6 votes required for Subitem A.

Subitem-B: (R-2001-185) ADOPTED AS RESOLUTION R-293662

Authorizing the expenditure of \$993,000 from Section 108 Loan Funds, for the Vietnam Veterans/Homeless Center Project, for the acquisition of the required property rights, condemnation, labor, title, escrow, contingencies and miscellaneous costs, upon certification by the City Auditor and Comptroller of funds being available.

Aud. Cert. 2100113.

FILE LOCATION: Subitems A & B: MEET

COUNCIL ACTION: (Tape location: C061-145.)

Hearing began at 12:06 p.m. and halted at 12:13 p.m.

Testimony in opposition by Zuliya Khawaja.

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

ITEM-S500: La Jolla Mesa Drive (from Deerhill Court to La Jolla Scenic Drive) Underground Utility District.

(Continued from the meeting of 8/1/2000, Item 341, at the request of Deputy Mayor Mathis, for City staff to evaluate the two additional poles.)

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1478) ADOPTED AS RESOLUTION R-293663

Establishing the La Jolla Mesa Drive (from Deerhill Court to La Jolla Scenic Drive) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the La Jolla Mesa Drive (from Deerhill Court to La Jolla Scenic Drive) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$260,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209).

FILE LOCATION: STRT-K-286 (38)

COUNCIL ACTION: (Tape location: C175-233.)

Hearing began at 12:16 p.m. and halted at 12:21 p.m.

Council Member Vargas left at 12:19 p.m.

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

CLOSED SESSION ITEM:

ITEM CS-1: (R-2000-1641) ADOPTED AS RESOLUTION R-293664

A resolution adopted by the City Council in Closed Session on August 8, 2000:

Authorizing the City Manager to pay the sum of \$189,408.67 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the property damage claim of Center City Apartments, et al.

Aud. Cert. 2001262

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Mathis at 12:25 p.m. in honor of the memory of Rear Admiral Louis Williams as requested by Council Member McCarty.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C281-310).