

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 23, 2000
AT 2:00 P.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:	8
ITEM-30: Approval of Council Minutes.	10
ITEM-31: Lynne Heidel Day.	10
ITEM-32: Domestic Violence Awareness Month	11
ITEM-33: Sandi Buehner Day.	12
ITEM-34: San Diego Youth and Community Services Week (November 6-12, 2000).	12
* ITEM-50: Proposed Code Changes to Bring Industrial Pretreatment Program into Compliance.	13
* ITEM-100: Amending the Year 2000 Legislative Calendar for the San Diego City Council to Add a November 15, 2000, Land Use and Housing Committee Meeting.	14

* ITEM-101: <u>Six</u> actions related to the Final Subdivision Map of Scripps Gateway Unit No. 3.	15
* ITEM-102: <u>Four</u> actions related to the Final Subdivision Map of Scripps Highlands Phase I.	17
* ITEM-103: Drainage Easement Set Aside - Parcel Map No. 18025.	19
* ITEM-104: Easement Abandonment in Parcel 6 of Parcel Map PM-14228.	20
* ITEM-105: Sewer Easement Set Aside - Lot 626 University Village Unit 8 Map 6846.	21
* ITEM-106: America's Breast Cancer Ride Day.	22
* ITEM-107: <u>Three</u> actions related to Authorizing Suggestion Awards to City Employees.	23
* ITEM-108: Appointments to the Planning Commission.	23
* ITEM-109: Item 109 has been withdrawn from today's docket.	24
* ITEM-110: Appointments to the Small Business Advisory Board.	24
* ITEM-111: Perimeter Fencing and Access Control Project at Montgomery Field Airport.	25
* ITEM-112: Updating the City's Approved List of Real Estate Appraisers.	27
* ITEM-113: Office Space Lease Amendment - Horace Cavalero, Attorney at Law.	28
* ITEM-114: Office Space Lease Amendment - Armen Derderian, as an Individual d.b.a. International Shippers Association.	30
* ITEM-115: Office Space Lease Amendment - Global Energy Network International, dba GENI.	31
* ITEM-116: Office Space Lease Amendment - Western Maquiladora Trade Association.	32

* ITEM-117:	Second Amendment to Agreement with GeoLogic Associates for Environmental Compliance for Miramar Landfills.	34
* ITEM-118:	Office Space Lease Amendment - International School of Management.	35
* ITEM-119:	Memorandum of Understanding with San Diego County - Reservation of Government Access Channels.	37
* ITEM-120:	Contract for Preemployment and Department of Motor Vehicles Medical Examinations and Drug Testing.	38
* ITEM-121:	Amending the Joint Powers Agreement between the City and County of San Diego Continuing the San Diego Consortium.	39
* ITEM-122:	Owner Controlled Insurance Program, Phase 2, East Village Redevelopment and Ballpark Infrastructure Project.	41
ITEM-150:	<u>Four</u> actions related to Police Regulated Ordinances Regarding Police-Regulated Business Regulations, Massage Business and Massage Therapists, and Holistic Health Practitioners.	43
ITEM-151:	<u>Six</u> actions related to Police Regulated Ordinances regarding Entertainment Establishments, After-Hours Permit, and Promoters.	49
ITEM-152:	<u>Two</u> actions related to Carmel Valley - FY 2001 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).	52
ITEM-153:	<u>Two</u> actions related to Otay Mesa FY 2001 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).	53
ITEM-200:	Mission Bay Park Boundary Survey.	54
ITEM-201:	Refuse Packers - Ratify Award of Contract and Authorize Expenditure.	55
ITEM-202:	Approving the Plans and Specifications for the Membrane Purchase for Otay Water Treatment Plant Upgrade Project.	56
ITEM-203:	First Amendments to Environmental Consulting Services Agreements with Mooney & Associates, KEA Environmental, Inc. and Helix Environmental Planning.	59

ITEM-204:	Amendment to Lease - Padre Dam Municipal Water District - Cowles Mountain.	61
ITEM-205:	Interim Funding for SVERDRUP Civil, Inc. for City-related East Village Redevelopment and Ballpark Infrastructure Project Expenses.	62
ITEM-206:	SANDAG Walkable Communities Demonstration Program.	64
ITEM-250:	Settlement of the Personal Injury Claim of Jason Brock.	65
ITEM-251:	Settlement of the Personal Injury Claim of Nancy Wolff.	65
*ITEM-S400:	Amending the Year 2000 Legislative Calendar for the San Diego City Council.	66
*ITEM-S401:	Lease and Joint Use Agreement for Sage Canyon Elementary School and Carmel Valley Neighborhood #10 Park.	67
ITEM-S402:	<u>Three</u> actions related to the Final Subdivision Map of Black Mountain Ranch Unit No. 1.	69
ITEM-S403:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:	70
NON-DOCKET ITEMS:		71
ADJOURNMENT:		72

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Mathis at 2:16 p.m. Mayor Golding adjourned the meeting at 7:38 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-Excused by R-294619 (due to out-of-town City business)
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Blair-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (rl)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

ITEM-10: INVOCATION

Invocation was given by Pastor Thomas Ritchie of Linda Vista Church of The Nazarene.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vargas.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented regarding Council decisions vs. Council opinions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A300-329.)

PUBLIC COMMENT-2:

Leo Long commented regarding a Socrates story.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A330-365.)

PUBLIC COMMENT-3:

Ethel Murphy commented regarding the De Anza Community and her opposition to the relocation of residents.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A366-432.)

PUBLIC COMMENT-4:

Donald Ray, Jr. commented regarding homeless issues pertaining to St. Vincent De Paul.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A433-469.)

PUBLIC COMMENT-5:

Al Strohlein commented regarding preservation of City history and official files.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A470-513.)

PUBLIC COMMENT-6:

Margie Peary commented regarding De Anza Mobile Home Park and City involvement in saving the homes in De Anza Cove. She feels it is a health and welfare issue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A514-555.)

PUBLIC COMMENT-7:

Mr. Carrol Waymon of the Martin Luther King Democratic Club of San Diego County commented regarding his concern over District 4 not being represented on the Redistricting Commission.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A556-600.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

City Attorney, Casey Gwinn commented to clarify the process by which the three panel Judges were appointed for the Redistricting Commission.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B001-052.)

COUNCIL COMMENT-2:

Council Member Stallings commented regarding the Ribbon Cutting Ceremony in District 6 for a new playground and the dedication of 51 acres of new open space in Mission Valley for the City of San Diego called “The Mission Valley Preserve”.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B053-069.)

COUNCIL COMMENT-3:

Council Member Blair welcomed his parents, Don and Irene Blair, and other family who were in San Diego to celebrate his father’s 80th Birthday. Mr. Blair also thanked the volunteers and participants who joined in the 5-mile “Legs for Literacy Race” at Miramar Lake.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B070-079.)

COUNCIL COMMENT-4:

Council Member Stevens commented over his dissatisfaction over District 4 not being represented on the Redistricting Commission.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B080-094.)

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

10/02/2000
10/03/2000
10/03/2000 Special Joint Meeting
10/03/2000 Special Workshop
10/05/2000 Special Meeting
10/09/2000 Adjourned
10/10/2000 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A019-024.)

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

ITEM-31: Lynne Heidel Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-569) ADOPTED AS RESOLUTION R-293994

Proclaiming October 23, 2000 to be "Lynne L. Heidel Day" in the City of San Diego and expressing deep and sincere appreciation for her many years of commitment and service to the people of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A200-292.)

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

ITEM-32: Domestic Violence Awareness Month.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-637) ADOPTED AS RESOLUTION R-293995

Recognizing the importance of the continued commitment to reduce the number of domestic violence incidents and homicides through education, prevention and intervention programs, and commending the hard work of the domestic violence professionals who bring hope, heal wounds, provide safety and seek justice in the community;

Proclaiming the month of October 2000 to be "Domestic Violence Awareness Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A057-157.)

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

ITEM-33: Sandi Buehner Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-610) ADOPTED AS RESOLUTION R-293996

Recognizing the contributions of Sandi Buehner, and proclaiming October 23, 2000 to be "Sandi Buehner Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A025-056.)

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

ITEM-34: San Diego Youth and Community Services Week (November 6-12, 2000).

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-542) ADOPTED AS RESOLUTION R-293997

Proclaiming November 6 through 12, 2000 as "San Diego Youth and Community Services Week" and recognizing San Diego Youth and Community Services as a model organization which provides excellent services to youth, families, and communities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A158-199.)

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

* ITEM-50: Proposed Code Changes to Bring Industrial Pretreatment Program into Compliance.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-55) INTRODUCED; TO BE ADOPTED ON TUESDAY,
NOVEMBER 14, 2000.

Introduction of an Ordinance amending Chapter VI, Article 4 of the San Diego Municipal Code by amending Sections 64.0200, 64.0301, 64.0303, 64.0500, 64.0501, 64.0502, 64.0509, 64.0510, 64.0511, and 64.0512; and adding Section 64.0520; all relating to the Industrial Sewage Pretreatment Program.

CITY MANAGER SUPPORTING INFORMATION:

The Federal Clean Water Act mandates that sewage agencies with approved pretreatment programs operate pursuant to legal authority enforceable in federal, state, or local courts. This enables the sewage agencies to apply and enforce requirements of the Clean Water Act and any regulations implementing the Act. On December 9 and 10, 1999, the Regional Water Quality Control Board conducted a Pretreatment Compliance Audit of the City's Industrial Pretreatment Program. The Audit Report, received May 1, 2000, requires that the Program's legal authority be modified and updated to comply with current federal regulations. Modifications are proposed to San Diego Municipal Code, Sections 64.0200, 64.0301, 64.0303, 64.0500, 64.0501, 64.0502, 64.0509, 64.0510, 64.0511, and 64.0512. The modifications would add definitions related to the pretreatment program; increase authorized criminal penalties from \$10,000 per day to \$25,000 per day per violation; clarify authority to copy records pertinent to wastewater discharge and pretreatment operations; strengthen reporting requirements; authorize "slug discharge" control plans; add signatory requirements; establish confidentiality claim procedures; establish required sampling and analysis procedures; authorize local industrial discharge limits; establish a performance-based standard for petroleum-based grease and oil, separate from the 500 mg/L

limit for animal fat/oil/grease; and incorporate Federal Pretreatment Standards by reference. The addition of Section 64.0520 is also proposed. The added section would authorize annual publication, in a local newspaper of wide circulation, of a list of Industrial Users found to be in Significant Non-Compliance with pretreatment standards and requirements during the previous year. These proposed changes to the San Diego Municipal Code have been reviewed by the Regional Water Quality Control Board and approved by the City Attorney. They are necessary for compliance with federal pretreatment regulations and the City's current National Pollution Discharge Elimination System (NPDES) permit. The compliance deadline for implementation of the modifications is November 30, 2000.

FISCAL IMPACT:

There is no cost to the City associated with this action.

Belock/Schlesinger/BLS

FILE LOCATION: NONE.

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-100: Amending the Year 2000 Legislative Calendar for the San Diego City Council to Add a November 15, 2000, Land Use and Housing Committee Meeting.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-638 Cor. Copy) ADOPTED AS RESOLUTION R-293998

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2000 through December 31, 2000 to add a meeting of the Land Use and Housing Committee on Wednesday, November 15, 2000, at 2:00 p.m., to be held in the Council Committee Room, 202 C Street, San Diego, California, 12th floor.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-101: Six actions related to the Final Subdivision Map of Scripps Gateway Unit No. 3.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-590) ADOPTED AS RESOLUTION R-293999

Authorizing a Subdivision Improvement Agreement with Shea Homes Limited Partnership for the installation and completion of public improvements.

Subitem-B: (R-2001-589) ADOPTED AS RESOLUTION R-294000

Approving the final map.

Subitem-C: (R-2001-591) ADOPTED AS RESOLUTION R-294001

Authorizing a Landscape Maintenance Agreement with Shea Homes Limited partnership for the maintenance of landscaping.

Subitem-D: (R-2001-592) ADOPTED AS RESOLUTION R-294002

Accepting a grant deed of Shea Homes Limited Partnership, granting to the City Lots 7 and 9 for open space purposes.

Subitem-E: (R-2001-593) ADOPTED AS RESOLUTION R-294003

Authorizing an Agreement with Shea Homes Limited Partnership for the construction and completion of public improvements.

Subitem-F: (R-2001-594) ADOPTED AS RESOLUTION R-294004

Accepting a grant deed of Shea Homes Limited Partnership, granting to the City Lot 5.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 48.668 acre site into 9 lots for commercial development, 1 lot for residential development, plus Lots "A", "E", "F", 7 and 9 to be used for open space purposes and Lots "B", "C" and "D" for building restricted easements over non-buildable lots. It is located east of Interstate 15 and south of Scripps Poway Parkway in the Miramar Ranch North Community Plan area. On September 29, 1998 the Council of the City of San Diego approved City Council Resolution No. R-290779 for Scripps Gateway (VTM-92-0466). The City Engineer has approved the final map and states that all conditions of the Vesting Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29718-1-D through 29718-7-D, filed in the Office of the City Clerk under Micro Number 140.38. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$277,422 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$10,000 as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located within the Miramar Ranch North Community Plan. Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. Lot 7 and Lot 9 are being deeded to the City at no cost as a condition of Tentative Map approval. The lots total 14.406 acres in size. No park fee credit is being granted by this action.

The lots are to be used for open space purposes. Lot 5 is being deeded at no cost for park and ride purposes. In order to satisfy Condition 34 of TM-92-0466 an agreement is being entered into to and a Letter of Credit in the amount of \$439,784 has been provided to assure improvements for the park and ride. Subdivider, by letter, has given assurance to the city of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: Subitems A,B,C,E: SUBD-Scripps Gateway Unit #3 (40)
Subitem D: F-7879
Subitem F: F-7880

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-102: Four actions related to the Final Subdivision Map of Scripps Highlands Phase I.
(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-533 Cor. Copy) ADOPTED AS RESOLUTION R-294005

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Kaufman and Broad Coastal, Inc. for the installation and completion of public improvements.

Subitem-B: (R-2001-532) ADOPTED AS RESOLUTION R-294006

Approving the final map.

Subitem-C: (R-2001-534 Cor. Copy) ADOPTED AS RESOLUTION R-294007

Authorizing the City Manager to execute a Landscape Maintenance Agreement with Kaufman and Broad Coastal, Inc. for the maintenance of landscaping in the subdivision.

Subitem-D: (R-2001-565) ADOPTED AS RESOLUTION R-294008

Approving the acceptance of a grant deed of Scripps - San Diego Lot Option, L.P., dated March 7, 2000 granting to the City Lot "104" of Scripps Highlands Phase I, for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 57.802 acre site into 112 lots, 4 for open space and 108 for residential development. It is located East of Interstate 15, between Scripps Ranch Blvd. and Poway Road, in the Scripps Miramar Ranch Community Plan area. On July 9, 1984 the Subdivision Board of the City of San Diego approved Subdivision Board Resolution No. 3829. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29263-1-D through 29263-12-D filed in the Office of the City Clerk under Micro Number 140.51. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$2,429,661 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$ 52,600 as determined by the surveyors estimate, has been posted as surety for the setting of survey monuments. This subdivision is located within the Miramar Ranch North Community Plan area and is within the Miramar Ranch North Cost Reimbursement District (CRD) which provides for the payment of public facilities. The CRD lien associated with this phase of development has been paid in the amount of \$856,033. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Lot 104 is being deeded to the City at no cost as a condition of Tentative Map approval. The lot totals 5.632 acres in size. No park fee credit is being granted by this action. The lot is to be used for Open Space purposes.

FISCAL IMPACT:

None.

Loveland/Haase/GPH

FILE LOCATION: Subitems A,B,C: SUBD-Scripps Highlands Phase I. (40)
Subitem D: F-7881

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-103: Drainage Easement Set Aside - Parcel Map No. 18025.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-363) ADOPTED AS RESOLUTION R-294009

Accepting a drainage easement set aside in City owned land in Parcels 1 and 2 of Parcel Map No. 18025, as shown on Engineering Drawing No. 18734-1-B.

CITY MANAGER SUPPORTING INFORMATION:

This project is located near Copley Drive, east of Interstate 805 and south of State Route 52 on City owned land and on an adjacent private parcel in the Kearney Mesa community planning area. City Council action is required to encumber City owned land with a set aside drainage easement. The drainage easement set aside, as shown on Engineering Drawing number 18734-B, is connected to an existing drainage easement and is required for drainage on Copley Drive for the Tel-Com Center location. Staff recommends approval of this action.

FISCAL IMPACT:

None.

Loveland/Haase/BNM

FILE LOCATION: DEED F-7882

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-104: Easement Abandonment in Parcel 6 of Parcel Map PM-14228.

(Sabre Springs Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-564) ADOPTED AS RESOLUTION R-294010

Vacating an unneeded sewer easement in Parcel 6 of Parcel Map PM-14228, as shown on Drawing No. 29109-D, and in the legal description marked as Exhibit.

CITY MANAGER SUPPORTING INFORMATION:

This project is located in the Sabre Springs Plan area, south of SR 56, between Interstate 15 and Evening Creek Drive South. This action will vacate an existing portion of the Chicarita Trunk Sewer Easement within Parcel Map PM-14228 and recorded December 24, 1996. The easements were acquired at no cost to the City. This vacation is required to realign a portion of the sewer easement in conflict with the proposed site development. A new sewer easement has already been acquired per Deed recorded July 14, 2000 as Doc. No. 2000-0372581, Drawing No. 29109-D. Staff recommends approval.

FISCAL IMPACT:

None.

Loveland/Haase/BNM

FILE LOCATION: DEED F-7883

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-105: Sewer Easement Set Aside - Lot 626 University Village Unit 8 Map 6846.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-550) ADOPTED AS RESOLUTION R-294011

Accepting a sewer easement set aside in Parcel A, Lot 626 University Village Unit 8 Map 6846, as shown on Engineering Drawing No. 19120-1-B.

CITY MANAGER SUPPORTING INFORMATION:

The sewer easement set aside is necessary for the construction of a new sewer main on City owned Park land (University Village 8) to correct sewer flowage problems for the University Village Area north of Florey Street. An easement set aside is used to document the sewer main's location, since the City cannot grant itself an easement. The sewer easement set aside is shown on City Drawing No. 19120-B. Staff recommends approval of this project.

FISCAL IMPACT:

None.

Loveland/Haase/DH

FILE LOCATION: DEED F-7884

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-106: America's Breast Cancer Ride Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-621) ADOPTED AS RESOLUTION R-294012

Commending the riders and crew members of America's Breast Cancer Ride for their commitment to battle breast cancer as evidenced by their triumphant cross-country bicycle ride of the past thirty-five days;

Proclaiming October 29, 2000 to be "America's Breast Cancer Ride Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-107: Three actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-551) ADOPTED AS RESOLUTION R-294013

Chris Bollock - Water Department - \$ 25
Thomas Klimek - Water Department - \$ 160

Subitem-B: (R-2001-552) ADOPTED AS RESOLUTION R-294014

Maria V. Romero - Auditors - \$ 390.30

Subitem-C: (R-2001-553) ADOPTED AS RESOLUTION R-294015

James Zinn - Transportation - \$ 500

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-108: Appointments to the Planning Commission.

(See memorandum from Mayor Golding dated 10/4/2000 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-577) ADOPTED AS RESOLUTION R-294016

Council confirmation of the following appointment and reappointment by the Mayor to serve as members of the Planning Commission for four-year terms ending January 28, 2004:

Appointment: Kathleen Garcia (replacing Frisco White whose term has expired).

Reappointment: Bruce Brown.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-109: Item 109 has been withdrawn from today's docket.

* ITEM-110: Appointments to the Small Business Advisory Board.

(See memorandum from Mayor Golding dated 10/3/2000 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-302) ADOPTED AS RESOLUTION R-294017

Confirming the following appointment and reappointments by the Mayor to serve as members of the Small Business Advisory Board for terms ending July 1, 2002:

Badi Badiozamani (reappointment)
Richard Sims (reappointment)
Alice M. Tana (reappointment)
Kurt Chilcott (to replace Wayne A. Dunlap, whose term has expired)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-111: Perimeter Fencing and Access Control Project at Montgomery Field Airport.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-631) ADOPTED AS RESOLUTION R-294018

Authorizing the City Manager to accept a grant offer of \$400,000 from the Federal Aviation Administration;

Authorizing the City Manager to apply for and accept, if awarded, a State Grant in the amount of \$22,222;

Amending the Fiscal Year 2001 Capital Improvements Program to increase CIP-31-339.0, Montgomery Field Airport Fence by \$444,444: \$400,000 from the FAA Grant, and, if awarded, \$22,222 from the State Grant, and \$22,222 from Airport Fund 41100;

Authorizing the City Auditor and Comptroller to transfer \$22,222 from Fund 41100 to Airport Project Allocation CIP-31-339.0, Montgomery Field, for the City Match;

Authorizing the expenditure of an amount not to exceed \$444,444 from CIP-31-339.0.

CITY MANAGER SUPPORTING INFORMATION:

Montgomery Field ranks 51st busiest of the 492 airports in the nation with operating air traffic control towers. In calendar year 1999, there were 273,724 annual aircraft operations and 628 based aircraft. The airport has three runways, three parallel taxiways, and ten connecting taxiways, and is defined within the limits of an existing perimeter fence. The existing perimeter fence is not void of open spaces, which leads to unauthorized access onto the Airport Operating Area (AOA). With this current situation, the airport has been experiencing runway incursion problems caused by pedestrians, bicycles, unauthorized ground vehicles, and tenant vehicles. This is a serious problem and mitigation is required to enhance safety and security. The current top safety priority within the Federal Aviation Administration (FAA) is to reduce runway incursions that can lead to serious accidents. FAA has been concerned about increasing trends in runway incursions at Montgomery Field, and has focused attention on evaluating, formulating, and implementing measures to reduce and eventually eliminate their occurrences. A Runway Incursion Mitigation Program has been implemented. As part of the Airport Runway Incursion Mitigation Program, the project consists of securing the perimeter of the Airport Operating Area by providing a complete fenced enclosure of the airport. Gaps in the existing fence will be remedied with the continuous fencing and the addition of access controlled gates. Portions of the existing fence will also be replaced where warranted. Automated access gates are included to provide restricted access where necessary. The proposed security fence is an 8-foot high chain link with three strands of barbed wire on top.

FISCAL IMPACT:

The cost of this project is estimated to be \$444,444 from CIP-31-339.0, Montgomery Field Airport Fence: \$400,000 is available from an FAA grant, \$22,222 from Airport Fund 41100, and \$22,222 from a State grant, if awarded.

Loveland/Griffith/TLW

Aud. Cert. 2100419.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-112: Updating the City's Approved List of Real Estate Appraisers.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-629 Cor. Copy) ADOPTED AS RESOLUTION R-294019

Approving the updated list of City-approved real estate appraisers;

Authorizing the City Manager when necessary to employ appraisers included on the City-approved list;

Rescinding Resolution R-286472 adopted on October 30, 1995.

CITY MANAGER SUPPORTING INFORMATION:

The City has need of the services of qualified appraisers for the purpose of appraising real property fixtures, equipment and/or intangible assets in connection with the acquisition, sale, exchange or lease of real property. A two-tiered list was developed in an effort to encourage Real Estate Appraisers with no condemnation or minimum litigation experience so they could be considered for certain non-litigation assignments. Tier I consists of appraisers with a minimum of a State Certified General License, 5 years creditable experience and no condemnation or little court experience. Tier II are the most experienced appraisers, particularly in Condemnation Litigation. They will possess the State Certified General License in addition to creditable experience in preparing appraisals for Condemnation and court purposes. These appraisers normally have at least 10 years experience and some as much as 35 years. In compliance with Council Policy 300-7, Hiring of Consultants, ads for professional appraisers with experience in appraising for public acquisition and, particularly, litigation were placed in local newspapers including minority publications. In addition, an ad was placed in the Appraisal Institute professional appraisal organization newsletter. As a result of these ads and of staff inquiries, 45

appraisers have qualified to be included on the City approved list. These appraisers have submitted resumes indicating education, background, qualifications and experience in the appraisal of real property and/or personalty and intangible assets. These materials have been reviewed, and those listed have been deemed to meet the City's requirements. In addition, all appraisers have submitted work force analysis forms to the Equal Opportunity Contracting Program for their review and approval. The new list will contain 32 real estate appraisers (16 within Tier I and 16 are on Tier II) and 13 appraisers of personalty and intangibles. The attached list of 45 appraisers is presented for your approval.

FISCAL IMPACT:

None.

Loveland/Griffith/MRS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-113: Office Space Lease Amendment - Horace Cavalero, Attorney at Law.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-597) ADOPTED AS RESOLUTION R-294020

Authorizing the City Manager to execute the Fifth Amendment to Lease with Horace Cavalero, Attorney at Law, as an Individual, for a leasehold area of 255 square feet, at the base rent of \$378 per month.

CITY MANAGER SUPPORTING INFORMATION:

Horace Cavalero, Attorney at Law, as an Individual, has been leasing space from the City in the World Trade Center Building, located at 1250 Sixth Avenue, Suite 216, since November 12, 1996. On May 1, 1999, he expanded to include Cubicle 46 for a total of 255 square feet. The tenant will be renewing the lease under the following basic terms:

TERM - For one (1) year commencing November 1, 2000 and terminating October 31, 2001. Tenant has the option to extend the lease for four (4) additional one (1)-year periods providing the Tenant is not in default.

RENT - \$378 per month or approximately \$1.48 per square foot. The rental rate is at market value as compared to similar buildings downtown. Rent to increase 5% with each one year extension option.

USE - General office usage.

SIZE - 255 square feet.

FISCAL IMPACT:

\$4,536 will be paid into the General Fund 100 for the first year of the lease.

Loveland/Griffith/LG

FILE LOCATION: LEAS-Horace Cavalero

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-114: Office Space Lease Amendment - Armen Derderian, as an Individual d.b.a. International Shippers Association.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-595) ADOPTED AS RESOLUTION R-294021

Authorizing the City Manager to execute the Third Amendment to Lease with Armen Derderian, an individual d.b.a. International Shippers Association, for a leasehold area of 365 square feet, at the base rent of \$600 per month.

CITY MANAGER SUPPORTING INFORMATION:

Armen Derderian, an individual d.b.a. International Shippers Association, has been leasing space from the City in the World Trade Center Building, located at 1250 Sixth Avenue, Suite 209 since April 1, 1996. The current space leased is approximately 208 square feet and shall be expanded to include Suite 208, approximately 157 square feet. Total leased space is now 365 rentable square feet. The tenant will be leasing the space under the following basic terms:

TERM - For one (1) year commencing August 15, 2000 and terminating August 14, 2001. The tenant has the option to extend the lease for four (4) additional one (1) year periods, providing the tenant is not in default.

RENT - \$600 per month or approximately \$1.64 per square foot. The rental rate is above market value as compared to similar space in the downtown area. Rent to increase 4% with each one year extension option.

USE - General office usage.

SIZE - 365 square feet.

FISCAL IMPACT:

\$7,200 will be deposited into the General Fund 100 for the first year of this Lease Amendment.

Loveland/Griffith/LG

FILE LOCATION: LEAS-Armen Derderian

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-115: Office Space Lease Amendment - Global Energy Network International, dba GENI.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-596) ADOPTED AS RESOLUTION R-294022

Authorizing the City Manager to execute a Second Amendment to Lease with Global Energy Network International, dba GENI, for a leasehold area of 485 square feet, at the base rent of \$606.25 per month.

CITY MANAGER SUPPORTING INFORMATION:

Global Energy Network International, dba GENI, has been leasing space from the City in the World Trade Center Building, located at 1250 Sixth Avenue, Suite 901, since September 18, 1997. Leased space is approximately 485 square feet. The tenant will be leasing the space under the following terms:

TERM - For one (1) year commencing September 1, 2000 and terminating August 31, 2001. Tenant has the option to extend the lease for four (4) additional one (1) year periods providing the tenant is not in default.

RENT - \$606.25 per month or approximately \$1.25 per square foot. The rental rate is market value as compared to similar space in the downtown area. Rent to increase 5 percent with each one year extension option.

USE - General office usage.

SIZE - 485 square feet.

FISCAL IMPACT:

\$7,275 will be deposited to the General 100 Fund for the first year of the agreement.

Loveland/Griffith/LG

FILE LOCATION: LEAS-Global Energy Network International, dba GENI

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-116: Office Space Lease Amendment - Western Maquiladora Trade Association.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-585) ADOPTED AS RESOLUTION R-294023

Authorizing the City Manager to execute a Second Amendment to Lease with the Western Maquiladora Trade Association, for a leasehold area of 372 square feet, at the base rent of \$519.75 per month.

CITY MANAGER SUPPORTING INFORMATION:

The Western Maquiladora Trade Association has been leasing space from the City in the World Trade Center Building, located at 1250 Sixth Avenue, Suite 210, since May 24, 1996. On May 1, 1999, Western Maquiladora expanded into Suite 211. The amendment will provide the following basic lease terms:

TERM - For one (1) year commencing May 1, 2000 and terminating April 30, 2001. Tenant has the option to extend the lease for four (4) additional one (1) year periods.

RENT - \$519.75 per month or approximately \$1.40 per square foot. The \$1.40 per square foot rate is market rent for comparable downtown buildings. Rent to increase 5 percent with each one year extension option.

USE - General office usage.

SIZE - 372 square feet.

FISCAL IMPACT:

\$6,237 will be deposited into the General Fund 100 for the first year of the term.

Loveland/Griffith/DLM:DCM

FILE LOCATION: LEAS-Western Maquiladora Trade Association

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-117: Second Amendment to Agreement with GeoLogic Associates for Environmental Compliance for Miramar Landfills.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-544) ADOPTED AS RESOLUTION R-294024

Authorizing the City Manager to execute a Second Amendment to Agreement with GeoLogic Associates, for as-needed environmental engineering consultant services at the Miramar Landfills, and extending the contract for an additional three years, with two one-year options;

Authorizing the expenditure of \$300,000 for professional services for water quality monitoring reports, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit with the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Second Amendment to the Agreement with GeoLogic Associates (GLA) will provide professional services for West, North, and South Miramar Landfill environmental monitoring programs. These programs require data analysis, report preparation and hydro-geologic assessments. These programs are required by the California Code of Regulations, Title 23 and each specific program is detailed in Waste Discharge Requirements by the Regional Water Quality Board Orders 93-86, 97-11 and 94-28.

GLA was originally selected as a Subconsultant by Bryan A. Stirrat and Associates in March 1994 for the landfill liner Construction Quality Assurance project. The agreement with BAS was in accordance with Council Policy 300-7. The current consultant agreement was separated from the BAS contract in April 1996 via City Manager Action, Document C-07047, to reduce overhead costs. GLA has since developed unique knowledge of West, North and South Miramar Landfill site conditions and history, and maintains a statistical database for these sites. GLA's proposals for the Water Quality Monitoring Program have consolidated reports and reduced the

number, and related expense, of groundwater analyses for these landfills. Continued use of GLA's database and expertise will assure lowest costs while maintaining regulatory compliance at these landfill sites.

FISCAL IMPACT:

This Second Amendment to the Agreement provides compensation in accordance with an hourly fee schedule or negotiated lump sum. The amendment provides for a maximum fee of \$300,000 for a period of three years plus two one-year options. Funds for the water quality monitoring are an operational budget item (Refuse Disposal Enterprise Fund). Funds for water quality monitoring will not be encumbered or expended until such time as specific projects and funding are identified and the City Auditor first furnishes a Certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury.

Loveland/Hays/RJF

Aud. Cert. 2100357.

FILE LOCATION: LEAS-GeoLogic Associates

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-118: Office Space Lease Amendment - International School of Management.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-554) ADOPTED AS RESOLUTION R-294025

Authorizing the City Manager to execute a lease Amendment with the International School of Management to extend their tenancy for two additional years with three one-year options to extend the lease occupying approximately 4,200 square feet, at the base rent of \$5,250 per month.

CITY MANAGER SUPPORTING INFORMATION:

The International School of Management has been leasing space from the City in the World Trade Center Building, located at 1250 Sixth Avenue, Suite 800, since September 1, 1995. The current leased space is approximately 2,005 square feet. This amendment will add the entire 8th floor. The amendment will provide the following basic terms:

TERM- For two (-2) years commencing September 1, 2000 and terminating August 31, 2002.

The tenant has the option to extend the lease for three (3) additional one (1) year periods.

RENT - \$1.25 per square foot or \$5,250 per month. \$1.25 per square foot rate is market rent for comparable downtown buildings. Rent to increase 5 percent with each one year extension option.

USE - General office usage.

SIZE - 4,200 square feet.

FISCAL IMPACT:

\$63,000 will be deposited into the General Fund 100 for the first year of the term.

Loveland/Griffith/LG

FILE LOCATION: LEAS-International School of Management

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-119: Memorandum of Understanding with San Diego County - Reservation of Government Access Channels.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-612) ADOPTED AS RESOLUTION R-294026

Authorizing the City Manager to execute a Memorandum of Understanding with the County of San Diego, for the reservation, allocation and use of government access cable television channels within cable television franchise agreements by both the City of San Diego and the County of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

City and County staff have agreed that it is in the public interest of all citizens of the San Diego region that those citizens with cable television have access to all government cable television programming offered by both the City of San Diego and the County of San Diego. This is currently not possible in all areas of the City and County pursuant to cable television franchise agreements entered into some years ago which required cable TV franchise grantees to designate only a single government access cable channel. (It should be noted that those areas served by Time Warner Cable have access to both City and County cable programming because Time Warner voluntarily agreed to provide a second government access channel to accommodate both the City's and the County's cable TV programming.)

The City recently entered into a competitive cable franchise agreement with Western Integrated Networks (WIN) which required WIN to provide two government access channels; the second channel would be reserved for use by the County. County staff is currently negotiating a cable franchise agreement with WIN for the unincorporated areas and is attempting to secure a second government access channel in the County franchise agreement which would be reserved for use by the City. City and County staff agree that it would be helpful for the City and County to enter into an Memorandum of Understanding which would guide each agency in future franchise negotiations with prospective grantees and confirm government access channel reservation, allocation, and use. The proposed MOU requires each agency to make their best effort in negotiating new franchises and/or renewals of existing franchises to secure two government access channels, to reserve the second channel for the other agency's use, and to ensure government access channel number designations remain consistent and uniform throughout the various cable systems.

FISCAL IMPACT:

None.

Neff/Wilken

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-120: Contract for Preemployment and Department of Motor Vehicles Medical Examinations and Drug Testing.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-584) ADOPTED AS RESOLUTION R-294027

Authorizing the Personnel Director to execute a contract with Readicare Medical Group, Inc. to provide preemployment and Department of Motor Vehicles medical examinations, drug testing, and related medical services as may be required for Fiscal Year 2001, with the option to renew the contract for Fiscal Years 2002, 2003, and 2004;

Authorizing the expenditure of the following amount for the purpose of providing funds for the above contract:

	Fund	Dept.	Org.	Acct.	Job Order	Amount
1.	100	060	2451	4222	010000	134,249
2.	100	601	4050	4279	060144	109,877
3.	41200	751	1001	4222	007101	7,190
4.	41300	1300	1251	4226	001131	5,145
5.	41500	760	230	4222	002102	12,859

6.	41509	777	445	4222	005006	4,465
7.	50030	820	308	4222	008121	7,715

\$ 281,500

Aud. Cert. 2100065.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B272-B299.)

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

* ITEM-121: Amending the Joint Powers Agreement between the City and County of San Diego Continuing the San Diego Consortium.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-635) ADOPTED AS RESOLUTION R-294028

Authorizing the City Manager to execute a revised Joint Powers Agreement between the County of San Diego and the City of San Diego establishing the San Diego Consortium;

Authorizing the City Manager to execute a revised Memorandum of Understanding between the City and the San Diego Workforce Partnership, the nonprofit entity designated to operate the San Diego Consortium.

CITY MANAGER SUPPORTING INFORMATION:

In 1974, the City and County of San Diego entered into a Joint Powers Agreement (JPA) which created the San Diego Regional Employment and Training Consortium to administer workforce

training programs in the region. In 1983, the federal Job Training Partnership Act (JTPA) was enacted, eliminating earlier programs and authorizing grant funding for workforce training. The JTPA law required creation of a Private Industry Council (PIC), with membership primarily composed of business representatives to provide a private sector perspective on employment training needs. To comply with this, the JPA was amended and the organization name was changed to the San Diego Consortium & PIC ("Consortium"). Policy control of the joint powers agency is vested in the Consortium Policy Board, consisting of two members of the San Diego City Council, two members of the San Diego County Board of Supervisors, and the president of the United Way. The Consortium provides for the region's workforce development needs and, since 1987, has provided such needs to employers through customized training, on-the-job training, the Enterprise Zone Employee Referral Service, and first source hiring agreements with businesses receiving assistance from the City. In 1995, the Consortium created the San Diego Workforce Partnership, Inc. (SDWP), a nonprofit corporation, giving the Consortium broader flexibility in achieving its objectives. The City of San Diego recognizes SDWP as a key partner in the City's economic development efforts through SDWP's provision of workforce development programs.

In August, 1998, the federal Workforce Investment Act (WIA) was enacted, to become effective on July 1, 2000, superceding the JTPA. In anticipation of the changes required by WIA, the Consortium's Policy Board proposed amendments to the JPA on November 19, 1999. The proposed amended JPA simply replaces references to the former Job Training Partnership Act with references to the Workforce Investment Act, and makes various other technical changes to bring the JPA into consistency with the new federal law, such as changing the PIC to the Workforce Investment Board and expanding its membership. It is recommended that the proposed amended JPA (Attachment 1) be adopted by the City Council, effective upon its adoption by the County Board of Supervisors.

The working relationship between the City and SDWP has been defined through various memoranda of understanding that have been modified and updated as conditions required. The JPA, as currently in effect and as proposed, references such operating documents. It is further recommended that the Manager be authorized to execute an amended MOU between the City and SDWP (Attachment 2) to reflect changes in law and in the amended JPA.

Loveland/Cunningham/MDJ

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B272-B299.)

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

- * ITEM-122: Owner Controlled Insurance Program, Phase 2, East Village Redevelopment and Ballpark Infrastructure Project.

(Centre City Redevelopment - East Village Community Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-647) ADOPTED AS RESOLUTION R-294029

Authorizing the reallocation of funding in an amount not to exceed \$101,314 from the previously approved Ballpark Infrastructure Project, Fund 10290, authorized by Resolution R-292615, Auditor's Certificate AC-2000490, dated December 14, 1999 for the purpose of funding the actions outlined below.

Authorizing a second amendment to the agreement with Marsh Risk Insurance Services Inc., to: (1) provide and manage an Owner Controlled Insurance Program for the Ballpark Infrastructure Project - Phase 2; (2) to serve as broker of record; and (3) to pay premiums for the Worker's Compensation and Commercial General Liability Insurance for the Owner Controlled Insurance Program, in an amount not to exceed \$84,600, with the revised total amount of the Agreement \$490,831;

Authorizing an agreement with the Waddell Organization to serve as the risk management consultant for the Ballpark Infrastructure Project for an amount not to exceed \$60,500, of which only \$15,500 is authorized to be expended for Phase 2;

Authorizing the expenditure of an amount not to exceed \$84,600 to Marsh Risk and Insurance Services, Inc. from Fund 10290;

Authoring the expenditure of an amount not to exceed \$15,500 to Waddell Organization, from Fund 10290;

Authorizing the expenditure of an amount not to exceed \$1,214 to Robert F. Driver, Co. for serving as the Builder's Risk Insurance broker of record, from Fund 10290;

Authorizing the City Manager to amend any of the above contracts to provide insurance coverage for future phases of Ballpark Infrastructure Project work, up to a combined amount of not to exceed \$371,722, provided that the City Auditor first furnishes a certificate demonstrating that the funding for such expenditures is, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the MOU between the City, CCDC and the Padres, and approved by the voters on November 3, 1998, the City is responsible for the design and construction of the East Village Redevelopment and Ballpark Infrastructure Project. To accomplish the City's responsibilities regarding the infrastructure project, the City entered into an agreement with Sverdrup Civil, Inc. as the design/construction manager.

Historically, the City has entered into agreements for "contractor supplied insurance" on individual capital projects. This has generally included: worker's compensation; commercial general liability; excess liability; auto liability; coverage for work in place, and materials on and off site and in transit; pollution liability and/or professional liability (as needed). It has been found that, for large projects, a more comprehensive approach to providing insurance through an Owner Controlled Insurance Program (OCIP) can be beneficial to both contractors and the project owner. In an OCIP, the insurance is obtained by the project owner (the City) to cover the entire program, eliminating the requirement that contractors and subcontractors obtain separate policies. Two benefits of using an OCIP over a contractor supplied insurance program are: 1) The cost savings realized by having more buying power and control over the insurance program; and 2) the increased emphasis on construction safety procedures which results in fewer accidents, and injuries, thus reducing costs.

There has been an existing OCIP policy with Marsh Risk and Insurance Services, Inc. in place to provide coverage for City water and sewer projects since September 1998. In December 1999 the policy was amended to include coverage for Phase 1 of design and construction of the Ballpark Infrastructure Project. At this time, it is recommended that this policy be further amended to include coverage for Phase 2 of design and construction of the Ballpark Infrastructure Project.

FISCAL IMPACT:

No additional funds are required for these actions. Funding is available from the previously authorized Ballpark Infrastructure Project funding, Fund 10290, Resolution R-292615, AC 2000490, dated December 14, 1999. A portion of the authorized funding would be reallocated, for the purpose of providing phase 2 of the Owner Controlled Insurance Program.

Herring/Boekamp/MEH

Aud. Certs. 2100441, 2100442 and 2100443.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B272-B299.)

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

ITEM-150: Four actions related to Police Regulated Ordinances Regarding Police-Regulated Business Regulations, Massage Business and Massage Therapists, and Holistic Health Practitioners.

(See City Manager Report CMR-00-218; Specified Anatomical Areas; Massage Ordinance.)

TODAY'S ACTIONS ARE:

Introduce the ordinances in Subitems A, B, C; and adopt the resolution in Subitem D:

Subitem-A: (O-2001-2) INTRODUCED WITH DIRECTION; TO BE ADOPTED
ON TUESDAY, NOVEMBER 14, 2000

Introduction of an Ordinance amending Chapter III, Article 3, of the San Diego Municipal Code by renaming Article 3 to "Police-Regulated Occupations and Businesses," amending Division I by amending Section 33.01 01; adding a new Section 33.0102; amending and renumbering Section 33.0102 to 33.0103; repealing Sections 33.0104 and 33.0105; adding a new Section 33.0104; amending and renumbering Section 33.0103 to 33.0105; repealing Sections 33.0106 and 33.0107; adding new Sections 33.0106, 33.0107, 33.0108 and 33.0109; amending Section 33.0201; repealing Sections 33.0202, 33.0204 and 33.0208; adding a new Section 33.0202; renaming Division 3 to "Applications for Permits," amending Division 3 by repealing Section 33.0301; amending and renumbering Section 33.0302 to 33.0301; adding new Sections 33.0302 and 33.0303; amending and renumbering Sections 33.0303 and 33.0304 to 33.0304 and 33.0305; repealing Sections 33.0305 and 33.0306; adding new Sections 33.0306 and 33.0307; repealing Section 33.0308; amending and renumbering Section 33.0307 to 33.0308; adding new Section 33.0309; repealing Section 33.0310; adding new Sections 33.0310, 33.0311, 33.0312 and 33.0313; amending Division 4 by renaming the Division to "Penalties and Regulatory Action"; repealing Section 33.0401; adding new Sections 33.0401, 33.0402, 33.0403, 33.0404, 33.0405 and 33.0406; amending Division 5 by renaming the Division to "Appeal Rights and Procedures"; amending Sections 33.0501 and 33.0502, adding new Sections 33.0503, 33.0504, 33.0506, 33.0507 and 33.0508; all relating to Police-Regulated Business Regulations.

Subitem-B: (O-2001-3 Cor. Copy)INTRODUCED WITH DIRECTION; TO BE
ADOPTED ON TUESDAY, NOVEMBER 14,
2000

Introduction of an Ordinance amending Chapter III, Article 3, Division 35, of the San Diego Municipal Code by repealing Section 33.3501; amending and renumbering Section 33.3502 to 33.3501; repealing Section 33.3503; amending

and renumbering Sections 33.3504, 33.3520 and 33.3521 to 33.3502, 33.3503 and 33.3504; adding new Sections 33.3505 and 33.3506; amending and renumbering Sections 33.3522 and 33.3523 to 33.3507 and 33.3508; amending and renumbering Sections 33.3530 and 33.3531 to 33.3509 and 33.3510; adding new Sections 33.3511 and 33.3512; amending and renumbering Section 33.3532 to 33.3513; adding new Section 33.3514; amending and renumbering Section 33.3540 to 33.3515; adding new Sections 33.3516, 33.3517, 33.3518, 33.3519, 33.3520, 33.3521, 33.3522 and 33.3523; repealing Section 33.3524; adding new Sections 33.3524, 33.3525, 33.3526, 33.3527, 33.3528 and 33.3529; repealing Sections 33.3533, 33.3541, 33.3542, 33.3550, 33.3551, 33.3552, 33.3553, 33.3554, 33.3555 and 33.3556; all relating to Massage Business and Massage Therapists.

Subitem-C: (O-2001-5 Cor. Copy) INTRODUCED WITH DIRECTION; TO BE
ADOPTED ON TUESDAY, NOVEMBER 14,
2000

Introduction of an Ordinance amending Chapter III, Article 3, of the San Diego Municipal Code by creating a new Division 44 entitled "Holistic Health Practitioners" and adding Sections 33.4401, 33.4402, 33.4403, 33.4404, 33.4405, 33.4406, 33.4407, 33.4408, 33.4409, and 33.4410 relating to Holistic Health Practitioners.

Subitem-D: (R-2001-510) ADOPTED AS RESOLUTION R-294030 WITH
DIRECTION

Authorizing the City Manager to set the fees for this industry as follows: holistic health practitioner - \$108 annual regulatory fee; holistic health practitioner business - \$338 annual regulatory fee;

Declaring that this fee change shall be filed in the Ratebook of City Fees and Charges maintained by the City Clerk.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On April 19, 2000, PS&NS voted 4 to 0 to approve the City Manager's recommendations including direction to:

8. Increase training requirements for Holistic Health Practitioners to 1,000 hours.
9. Require certification of Holistic Health Practitioners by a national professional certification organization approved by the Chief of Police.
10. Increase training requirements for Massage Therapists to 500 hours.
11. Require Massage Therapists and Holistic Health Practitioners to complete 12 hours of continuing education each year.
12. Allow for exemptions to the hours of operation stipulation for special events when preapproved by the Chief of Police or designee.
13. Convene a public input session regarding the regulatory needs and desires of these professions at least once a year.

(Councilmembers Mathis, Stevens, Warden, Stallings voted yea. Councilmember Wear not present.)

FILE LOCATION: Subitems A,B,C: None.
Subitem D: MEET

COUNCIL ACTION: (Tape location: B514-G255.)

MOTION BY MATHIS TO INTRODUCE SUBITEM 150A WITH THE FOLLOWING DIRECTION: 1) DIRECT THE CITY MANAGER TO FORM A TASK FORCE TO WORK WITH THE POLICE DEPARTMENT; 2) INCLUDE REPRESENTATIVES OF THE BID COUNCIL AND SMALL BUSINESS ADVISORY BOARD; 3) HAVE THE TASK FORCE MEET EVERY 6 MONTHS OR SO TO ADDRESS AND HANDLE CONCERNS ON A REGULAR BASIS. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.;

MOTION BY STEVENS TO INTRODUCE SUBITEMS B AND C AND TO ADOPT SUBITEM D APPROVING THE MANAGER'S RECOMMENDATION WITH THE FOLLOWING DIRECTION:

1. INCLUDE THE FOLLOWING RECOMMENDATIONS MADE BY THE SPEAKER MOUNQUE BARAZONE:

A) REQUIRE HOLISTIC HEALTH PRACTITIONERS TO SHOW PROOF OF CURRENT NCTMB CERTIFICATION AT TIME OF RENEWAL TO ENSURE THEIR NATIONAL CERTIFICATION REMAINS CURRENT AFTER RECEIVING THEIR INITIAL PERMIT; B) ADD FALSE OR DECEPTIVE ADVERTISING AS A REASON FOR SUSPENSION OR REVOCATION OF A PERMIT;

2. IN THREE YEARS THE PERSONS WHO ARE NOW OPERATING WOULD ALSO NEED TO UPDATE THEIR TRAINING TO GET THE NUMBER OF HOURS THAT NEW OPERATORS ARE BEING REQUIRED TO OBTAIN;

3. MENTION IN THE ORDINANCE LANGUAGE THAT RESTORES THE EXEMPTION OF HOLISTIC HEALTH PRACTITIONERS WHO WORK IN THE OFFICE WITH A CHIROPRACTOR OR ACUPUNCTURISTS;

4. SEND THIS ITEM TO IRD AND REQUEST THAT THEY URGE THE STATE AND COUNTY TO CONSIDER SOME OF THE REGULATORY PROCESSES UNDER THEM, INCLUDING LICENSING;

5. THE ORDINANCE SHOULD CLARIFY THE PROFESSIONALS THAT ARE EXEMPT;

6. DISTINCTION SHOULD BE MADE BETWEEN HOLISTIC HEALTH PRACTITIONERS AND MASSAGE THERAPISTS;

7. BETWEEN NOW AND THE SECOND READING MAKE SURE CLARIFICATION TAKES PLACE;

8. DIRECT THE CITY MANAGER TO WORK LONG-TERM WITH RECOMMENDATIONS TO THE COUNCIL TO REMOVE HEALTH PRACTITIONERS FROM VICE;

9. ON PAGE 5 OF THE MANAGER'S REPORT NO. 00-218 UNDER MASSAGE RECOMMENDATIONS, DELETE THE WORD "INCREASE" (AS IT RELATES TO EDUCATIONAL REQUIREMENTS FOR A POLICE PERMIT TO BE COMPARABLE WITH NATIONAL STANDARDS).

10. MAYOR GOLDING DIRECTED THE MANAGER TO:

PROVIDE THE MAYOR AND COUNCIL WITH COPIES OF ALL THE QUESTIONS AND TESTIMONIES GIVEN BY THE PUBLIC. BETWEEN NOW AND THE NEXT HEARING STAFF IS REQUESTED TO DRAFT THE ORDINANCE IN SUCH A WAY THAT REASONABLY ADDRESSES AS MANY OF THE CONCERNS THAT HAVE BEEN RAISED. MAKE SURE THAT COUNCIL GETS THIS INFORMATION AHEAD OF TIME IN ORDER TO LOOK AT THE QUESTIONS THAT WERE ASKED, THE CONCERNS THAT WERE RAISED AND THEN LOOK AT THE ORDINANCE AND COMPARE IT AGAINST THE LINED OUT VERSION TO SEE WHAT WAS CHANGED. (REFER TO THE QUESTION OR THE CONCERN RAISED AND THEN PUT A CORRESPONDING NUMBER NEXT TO THE PLACE IN THE ORDINANCE WHERE YOU MAY HAVE ADDRESSED IT)

ALLOW MAYOR GOLDING TO REVIEW THE COSTS, AND THE REQUIREMENTS AS WELL, AND MAKE SURE EACH ONE OF THEM IS REALLY NECESSARY IN THE SENSE THAT IT DOES DISTINGUISH BETWEEN THE ILLEGITIMATE AND LEGITIMATE ONES;

ADDRESS REFLEXOLOGY SEPARATE FROM MASSAGE;

GIVE COUNCIL AN ESTIMATE ON WHEN ONLINE PERMIT AVAILABILITY AND OTHER TECHNOLOGY ADVANCES WOULD BE AVAILABLE AS WELL AS AT THE COMMUNITY SERVICE CENTERS;

FORM AND MAKE THE APPOINTMENTS FOR AN ONGOING ADVISORY COMMITTEE (TASK FORCE OF PROFESSIONALS) TO MEET WITH THE CITY MANAGER AND THE POLICE DEPARTMENT A MINIMUM OF ONCE EVERY 6 MONTHS. INCLUDE THE DIVERSITY OF THE COMMUNITY, INCLUDING REFLEXOLOGISTS, MASSAGE THERAPISTS AND HOLISTIC HEALTH PRACTITIONERS AND ANY OTHER SIMILAR PROFESSIONALS, TO EVALUATE NEW RULES AS THEY COME OUT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-not present, Vargas-not present, Mayor Golding-yea.

ITEM-151: Six actions related to Police Regulated Ordinances regarding Entertainment Establishments, After-Hours Permit, and Promoters.

(See City Manager Report CMR-00-211.)

TODAY'S ACTIONS ARE:

Introduce the following ordinances in Subitems A, B, and C; adopt the following resolutions in Subitems D, E, and F:

Subitem-A: (O-2001-7) INTRODUCED WITH DIRECTION; TO BE ADOPTED
ON TUESDAY, NOVEMBER 14, 2000.

Introduction of an Ordinance amending Chapter III, Article 3, Division 15 and Division 16, of the San Diego Municipal Code by amending the title to "Entertainment Establishments;" and amending Sections 33.1501, 33.1600, 33.163 8, and 33.1670; repealing Sections 33.1502, 33.1503, 33.1504, 33.1505, 33.1506, 33.1507, 33.1508, 33.1509, 33.1510, 33.1511, 33.1520, 33.1521, 33.1522, 33.1523, 33.1530, 33.1531, 33.1532, 33.1533, 33.1534, 33.1540, 33.1541, 33.1542, 33.1543, 33.1544, 33.1550, 33.1550.6, 33.1550.7, 33.1550.8, 33.1550.9, 33.1550.10, 33.1550.13, 33.1551, 33.1552, 33.1570, and 33.1636, and adding new Sections 33.1502, 33.1503, 33.1504, 33.1505, 33.1506, 33.1507, 33.1508, 33.1509, 33.1510, 33.1511, 33.1512, 33.1513, and 33.1514, all relating to Dances and Entertainment.

Subitem-B: (O-2001-4) INTRODUCED WITH DIRECTION; TO BE ADOPTED
ON TUESDAY, NOVEMBER 14, 2000.

Introduction of an Ordinance amending Chapter III, Article 3, of the San Diego Municipal Code by adding Division 8 entitled "After-Hours Permits" and Sections 33.0801, 33.0802, 33.0803, 33.0804, 33.0805, 33.0806, 33.0807, 33.0808, 33.0809, 33.0810, 33.0811, 33.0812, 33.0813, 33.0814, 33.0815, 33.0816, and 33.0817, relating to an After-Hours Permit.

Subitem-C: (O-2001-9) INTRODUCED WITH DIRECTION; TO BE ADOPTED ON TUESDAY, NOVEMBER 14, 2000.

Introduction of an Ordinance amending Chapter III, Article 3, of the San Diego Municipal Code by adding Division 7, entitled "Promoters," and Sections 33.0701, 33.0702, 33.0703, 33.0704, 33.0705, 33.0706, and 33.0707 relating to Promoters.

Subitem-D: (R-2001-509) ADOPTED AS RESOLUTION R-294031, WITH DIRECTION

Authorizing the City Manager to set the fees for the industry as follows: an annual regulatory fee of \$1,570 for an After-Hour Permit.

Subitem-E: (R-2001-512) ADOPTED AS RESOLUTION R-294032, WITH DIRECTION

Authorizing the City Manager to set the fees for the industry as follows:

On going Entertainment Establishments with alcohol or patron dancing or both alcohol and patron dancing:

\$675 annually - for large venues (50 or more persons)

\$338 annually - for small venues (49 persons or less)

Ongoing Entertainment Establishments with no-alcohol and no patron dancing:

\$184 annually - for large venues (50 or more persons)

\$126 annually - for small venues (49 persons or less)

Single event Entertainment venues:

\$379 per event - for large venues (50 or more persons)

\$189 per event - for small venues (49 persons or less)

Subitem-F: (R-2001-514) ADOPTED AS RESOLUTION R-294033, WITH DIRECTION

Authorizing the City Manager to set the fees for the industry as follows: an annual regulatory fee of \$34 for a Promoter's Permit.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 10/4/2000, PS&NS voted 5-0 to accept the City Manager's recommendations and to forward the item to full Council without a Committee recommendation regarding the proposed fees. The Manager was directed to return to the Committee after 6 months to review any problems associated with the implementation of the ordinance. The City Manager was also directed to conduct public meetings in advance of Council action on this item and to continue the public meetings about the ordinance and its implementation throughout the next year. The City Attorney and City Manager were directed to examine the opportunity to add an exemption for City-sponsored organizations and for making a finding which would also exempt recognized Business Improvement Districts. The City Attorney and City Manager were also directed to modify the ordinance's preamble to disassociate "youth" from specific references to criminal activity. The City Manager was also directed to form an implementation review panel regarding the proposed ordinance. (Councilmembers Mathis, Wear, Stevens, Blair, and Stallings voted yea.)

FILE LOCATION: Subitems A,B,C: NONE.
Subitem D,E,F: MEET

COUNCIL ACTION: (Tape location: G334-H495.)

MOTION BY MATHIS TO INTRODUCE THE ORDINANCES IN SUBITEMS A,B AND C AND ADOPT THE RESOLUTIONS IN SUBITEMS D, E AND F WITH THE FOLLOWING DIRECTIONS FOR THE CITY MANAGER:

1. PROVIDE MAYOR GOLDING WITH AN ANSWER TO THE QUESTION BY SPEAKER LINDA AURORA ESPINO; "DOES FOLK DANCING, CAJUN DANCING AND BALLROOM DANCING ESTABLISHMENTS FALL UNDER THIS ENTERTAINMENT ORDINANCE SINCE THEY SOMETIMES HAVE LIVE MUSIC AND CHARGE ADMITTANCE TO COVER THEIR OVERHEAD";
2. FORM A TASK FORCE TO SERVE AS A FORMAL STRUCTURE OF REVIEW AND REPORT BACK TO COUNCIL NO LATER THAN 6 MONTHS;
3. DISTRIBUTE TO ALL COUNCIL OFFICES A LIST OF THE MEMBERS OF THE TASK FORCE;
4. MAKE SURE A PERFORMER OR REPRESENTATIVE OF A PERFORMER IS ON THE TASK FORCE;

5. CLARIFY ALL THE ISSUES OF CONCERN AND ADDRESS THEM IN A COMPREHENSIBLE FASHION; (I.E. DIFFERENT VENUES, WHAT IT IS NOW, WHAT IT WOULD BE, WHAT THE INCREASE IS, WHAT THE DECREASE IS, SO EVERYTHING BEING CONSIDERED IS IN ONE PLACE). Second by Blair. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-not present, Vargas-not present, Mayor Golding-yea.

ITEM-152: Two actions related to Carmel Valley - FY 2001 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-00-125; Public Facilities Financing Plan and FBA, Fiscal Year 2001", September 2000 Draft. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-409) ADOPTED AS RESOLUTION R-294034

Approving the document entitled "Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2001".

Subitem-B: (R-2001-410) ADOPTED AS RESOLUTION R-294035

Resolution of Intention to designate an area of benefit in Carmel Valley and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/18/2000, LU&H voted 3 to 0 to approve the City Manager's recommendation. (Councilmembers Wear, Kehoe, Stevens voted yea. Councilmembers Blair and McCarty not present.)

FILE LOCATION: STRT-FB-8 (33)

COUNCIL ACTION: (Tape location: B341-B420.)

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

ITEM-153: Two actions related to Otay Mesa FY 2001 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-00-216; Public Facilities Financing Plan and FBA, Fiscal Year 2001, October 2000 Draft. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-599) ADOPTED AS RESOLUTION R-294036

Approving the document entitled "Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2001".

Subitem-B: (R-2001-600) ADOPTED AS RESOLUTION R-294037

Resolution of Intention to designate an area of benefit in Otay Mesa and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/18/2000, LU&H voted 3 to 0 to approve the City Manager's recommendation. (Councilmembers Wear, Kehoe, McCarty voted yea. Councilmembers Stevens and Blair not present.)

FILE LOCATION: STRT-FB-6 (33)

COUNCIL ACTION: (Tape location: C291-303.)

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

ITEM-200: Mission Bay Park Boundary Survey.

(See City Manager Report CMR-00-212. Mission Bay Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-68) CONTINUED TO MONDAY, OCTOBER 30, 2000

Introduction of an Ordinance setting aside and dedicating certain parcels of City-owned land, in the City of San Diego, State of California, for a public park, and naming and including them as part of "Mission Bay Park."

FILE LOCATION: NONE.

COUNCIL ACTION: (Tape location: B421-503.)

MOTION BY STALLINGS TO CONTINUE TO MONDAY, OCTOBER 30, 2000 FOR FURTHER REVIEW. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: Refuse Packers - Ratify Award of Contract and Authorize Expenditure.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-330) ADOPTED AS RESOLUTION R-294038

Ratifying the award by the Purchasing Agent to PTO Sales Corporation (Fontana, Ca.), for furnishing 25 cubic yard Rear Loading Refuse Packers, as may be required for the period of August 24, 2000 through August 23, 2001, for a total estimated cost of \$1,786,100; including tax, terms Net 30 days, with options to renew for one (1) additional one (1) year period with option increases not to exceed 10% of the prices in effect at the end of the prior year, per prices on file in the Purchasing Division;

Ratifying the award by the Purchasing Agent to Dion International Trucks, Incorporated (San Diego, Ca.), for furnishing 20 cubic yard All Wheel Drive Refuse Packers, as may be required for the period of August 24, 2000 through August 23, 2001, with options to renew for one (1) additional one (1) year period with option increases not to exceed 10% of the prices in effect at the end of the prior year, per prices on file in the Purchasing Division;

Authorizing that the expenditure of an estimated \$111,000 from Fund No. 50031, Department No. 8311, Organization No. 512, Object Account No. 6019, and Job Order Nos. 021032-021041 and 021056 for providing funds for said contract, and authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserve;

Declaring that the City Manager may finance additional acquisitions, if required, under the Master Lease Program over a period of five (5) years.

CITY MANAGER SUPPORTING INFORMATION:

In April, 1998, bids were opened for furnishing 25 cubic yard rear loading refuse packers and 20 cubic yard all wheel drive refuse packers as required. Twenty-seven (27) potential bidders were

contacted; four (4) bids were received. These units are for use by Environmental Services primarily for the curbside recycling program. The original contract period was for one (1) year beginning August 24, 1998 through August 23, 1999 with options to renew for four (4) additional one (1) year periods. At the time of award only four (4) units were being purchased at a total cost of \$581,138.85, including tax, and Council approval was not required for the award. The contract has been renewed for three (3) one (1) year option periods, but at no time has the expenditure in any option period exceeded \$ 1,000,000. This fiscal year, the City intends to purchase eleven (11) 25 cubic yard rear loading refuse packers, which are like replacements for existing equipment, at an estimated cost of \$1,786,100. It is not anticipated, at this time, that any additional 20 cubic yard all wheel drive refuse packers will be acquired during fiscal year 2001.

FISCAL IMPACT:

It is proposed that the acquisition will be financed using the City's Master Lease Program. For fiscal year 2001, the estimated payment per estimated sales tax of \$111,000 (rounded) to be cash funded by Equipment Division. For fiscal year 2002 through 2006, the approximate lease payment \$335,000 per year.

Frazier/Baldwin/PK

Aud. Cert. 2100412.

FILE LOCATION: Purchase

COUNCIL ACTION: (Tape location: B341-B420.)

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

ITEM-202: Approving the Plans and Specifications for the Membrane Purchase for Otay Water Treatment Plant Upgrade Project.

(Lower Otay Reservoir, Otay Mesa, San Ysidro, Tijuana River Valley, Nestor Community Areas. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-576) ADOPTED AS RESOLUTION R-294039

Approving the plans and specifications for the purchase of a low pressure membrane as advertised by the Purchasing Agent for the Otay Water Treatment Plant Upgrade Project;

Authorizing the City Manager to establish contract phase funding and execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$14,579,514 from CIP-73-285.0, Otay Water Treatment Plant Upgrade, Water Fund No. 41500, for the purchase of a low pressure membrane system including support equipment such as pumps and motors, and related in-house costs for the purpose of providing funds for said project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-S3460/01)

CITY MANAGER SUPPORTING INFORMATION:

In August 1997, the City Council adopted the Strategic Plan for Water Supply which included a Capital Improvements Program (CIP) to replace, upgrade and expand key water system facilities in order to enhance the quality and reliability of the City's water infrastructure. Upgrading of the Otay Water Treatment Plant was one of the projects identified in the Strategic Plan and funded in the nine year CIP. The Otay Water Treatment Plant (WTP) produces up to 40 million gallons of drinking water per day and is located adjacent to the Lower Otay Reservoir. The area served by Otay WTP (one of three major water service areas within the City of San Diego) encompasses the southern portion of the City including Otay Mesa, Otay Water District, South San Diego, San Ysidro, Paradise Hills, Imperial Beach and Coronado (Cal -American). The last major upgrade to the treatment plant was in 1989. Since that time there have been many substantive changes in state and federal water quality regulations. Additionally, since the southern service is growing rapidly, improvements are necessary to increase the overall efficiency, reliability and safety of the system. The Otay WTP upgrade project is designed to

ensure that all new state and federal water quality regulations are met, and safe water is delivered to all customers in a reliable and cost-effective manner. The Water Department has participated in the ongoing development of the EPA's Stage 2 Disinfection By-Product (DBP) rule that will be completed this year. DBPs are created when chlorine is added to water as a disinfectant. The chlorine reacts with organic material in the water to form disinfection by-products. DBPs of concern are those chlorinated hydrocarbons that are considered carcinogens. This rule will change the levels of DBPs allowable in the water supply, which will then require the City to modify its existing treatment plants to comply with the new regulations. Plans for the Otay WTP upgrade call for inclusion of such modifications. The subject resolutions will authorize the purchase of new membrane treatment equipment that will allow the City to comply with the soon-to-be released DBP regulations. The use of low pressure membrane technology (microfiltration or ultrafiltration) will allow the plant to remove/inactivate pathogens by using much less chlorine, which will minimize DBP formation. This concept protects public health and allows the City to meet new regulatory mandates in a safe, reliable, and cost effective manner. The membrane equipment is a large purchase and long lead time item. Through this action the membrane system equipment will be bid and purchased. This is a critical activity associated with the design of the plant upgrade project. Once equipment is selected the design work can proceed unhindered and in an efficient manner, and the membrane equipment will be delivered coincident with the building construction.

FISCAL IMPACT:

Funding in the amount of \$14,579,514 for the membrane system is available from Fund 41500, CIP-732850.

Belock/Gardner/PZG

FILE LOCATION: Purchase

COUNCIL ACTION: (Tape location: B341-B420.)

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

ITEM-203: First Amendments to Environmental Consulting Services Agreements with Mooney & Associates, KEA Environmental, Inc. and Helix Environmental Planning.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-586) ADOPTED AS RESOLUTION R-294040

Authorizing the City Manager to execute an amendment to the agreement with KEA Environmental, Inc. to continue to provide as-needed environmental consultant services, for an additional amount not to exceed \$350,000;

Authorizing the City Manager to execute an amendment to the agreement with Helix Environmental Planning, to continue to provide as-needed environmental consultant services, for an additional amount not to exceed \$350,000;

Authorizing the City Manager to execute an amendment to the agreement with Mooney & Associates, to continue to provide as -needed environmental consultant services, for an additional amount not to exceed \$350,000;

Authorizing the expenditure of an amount not to exceed \$1,050,000 from Water Revenue Fund 41500;

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

CITY MANAGER SUPPORTING INFORMATION:

The Water Department has implemented a large-scale Capital Improvements Program (CIP). When implementing a program of this magnitude's wide variety of environmental issues and procedures must be addressed to comply with local, State, CEQA and NEPA regulations. Preliminary environmental constraints analysis, permitting support, preparation of EIRS, and preparation of mitigation, monitoring, and reporting programs must be accomplished. Three firms, KEA Environmental, Inc., Helix Environmental Planning, and Mooney & Associates, were selected by the Water Department, following competitive processes, to assist the CIP with environmental services on an as-needed basis. KEA Environmental's Agreement was approved

on July 12, 1999 and is in effect until June 15, 2001. Helix Environmental Planning and Mooney & Associates' Agreements were approved January 25, 2000 and are in effect until January 31, 2002. All three Agreements have a not-to-exceed amount of \$250,000. Approval of CIP projects depends on the environmental documentation from these consultants. Consequently, the Water Department has utilized most of the funding allocated to these Agreements. Based upon an analysis of planned projects, there is an immediate need for additional environmental consulting services. Furthermore, ready access to these services is necessary for the continued progress of Water CIP projects. To assure that environmental consulting services are available, the Water Department wishes to extend these agreements and provide additional compensation in the amount not to exceed \$350,000 per Agreement for continued performance of Professional Services. Extensions and additional compensation are as follows:

KEA Environmental - 30 month extension from June 15, 2001 to January 15, 2004 - \$350,000
Helix Environmental - 25 month extension from January 31, 2002 to March 1, 2004 - \$350,000
Mooney & Associates - 25 month extension from January 31, 2002 to March 1, 2004 - \$350,000.

This is the first Amendment for each Agreement.

FISCAL IMPACT:

Funding in the amount of \$1,050,000 is available from the Water Fund 41500.

Belock/Gardner/MG

Aud. Certs. 2100413, 2100414, 2100415.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B341-B420.)

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

ITEM-204: Amendment to Lease - Padre Dam Municipal Water District - Cowles Mountain.

(Navajo Community Area. District-7.)

(Continued from the meeting of September 18, 2000, Item 107, at the request of Councilmember McCarty to allow the Citizen Advisory Committee to hear this item.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-335) ADOPTED AS RESOLUTION R-294041

Authorizing the City Manager to execute a First Amendment to Lease Agreement with the County and the Padre Dam Municipal Water District for a telecommunication facility on Cowles Mountain.

CITY MANAGER SUPPORTING INFORMATION:

Cowles Mountain is currently operated under a joint powers agreement between the City and County of San Diego. This radio repeating station is an important part of the District's radio system used to remotely monitor and control the District's public water and sewer facilities. This amendment is to extend the term of the lease from its original three (3)-year term to ten (10) years, which commenced March 6, 1997. If approved, the new termination date will be March 5, 2007. Basic terms of the Agreement are as follows:

USE - Operate and maintain a telecommunication facility consisting of antennas, power and radio equipment, and cabling.

TERM - Ten (10) years

RENT - Currently \$12,733.27 (\$1,061.11 per month) with annual CPI adjustments. This value is consistent with a recent outside appraisal dated August 2000.

FISCAL IMPACT:

The City will receive \$12,733.27 with annual increases. Rental proceeds generated will be credited to the Mission Trails Regional Park Fund.

Loveland/Griffith/JPA

FILE LOCATION: LEAS-County and the Padre Dam Municipal Water District

COUNCIL ACTION: (Tape location: B341-B420.)

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

ITEM-205: Interim Funding for SVERDRUP Civil, Inc. for City-related East Village Redevelopment and Ballpark Infrastructure Project Expenses.

(Centre City Redevelopment Project Community Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-624) ADOPTED AS RESOLUTION R-294042

Authorizing the expenditure of the sum of \$700,000 for the purpose of additional interim funding for SVERDRUP Civil, Inc. for continued design and construction services for City-related expenses associated with the East Village Redevelopment and Ballpark Infrastructure Project;

Authorizing the reallocation of \$700,000 from CIP-36-063.0, Central Police Garage Relocation, to the East Village Redevelopment and Ballpark Infrastructure Project for continued design and construction services;

Authorizing the City Manager to reallocate \$700,000 of funding to CIP-36-063.0, Central Police Garage Relocation, from Ballpark Project permanent financing upon receipt, and upon certification of fund availability by the City Auditor;

Authorizing the City Manager to make any budgetary adjustments necessary to implement this action.

CITY MANAGER SUPPORTING INFORMATION:

On December 14, 1999, the City Council authorized the City Manager to execute a phase funded agreement with SVERDRUP Civil, Inc. for Design/Construction Management services for the Ballpark Infrastructure Project and to expend \$6,390,000 for Phase 1 of the contract. On June 27, 2000, the City Council authorized the expenditure of an additional \$3,800,000 for SVERDRUP Civil, Inc. for Phase 2 of the contract. Approval of this action would authorize the advance of \$700,000 to provide additional interim funding for SVERDRUP Civil, Inc. for Phase 3 of the contract, to continue design and construction services for City-related expenses associated with the Ballpark Infrastructure Project. These funds would be used to continue progress on the East Village Redevelopment and Ballpark Infrastructure Project, specifically for the following purposes:

(1) Complete the demolition of the SDG&E warehouse property - at the northeast corner of 10th and L, the southern third of this block is in the northern portion of the new Park Boulevard and part of the realigned 10th Avenue. The southwest portion of the block is within the ballpark footprint; (2) Complete the design of the new Park Boulevard- includes the new diagonal from 12th to Harbor Drive, as well as the traffic circle, and realignment and design of the existing railroad tracks at 8th and Harbor; (3) Complete the design of other streets and improvements within the scope of the Ballpark Infrastructure Project includes 10th Ave, 11th Ave, J St, K St, 7th Ave and the new access road, Imperial Ave, landscaping, sidewalks, lighting, and wet utilities; (4) Begin the design of the surface parking improvements; and (5) Prepare bid packages for items (2) and (3) above, in anticipation of advertising and awarding construction contracts in early 2001, contingent upon financing availability.

The recommended funding source for the above items is reallocated funding from CIP-36-063.0, Central Police Garage Relocation. CIP-36-063.0 is in the same redevelopment area as the East Village Redevelopment and Ballpark Infrastructure Project, and contains \$4,800,000 of funding. The relocation project is currently in the early stages and will not require substantial funding until mid-Fiscal Year 2002, thus reallocating \$700,000 will not impact the project. These funds will be reimbursed with bond proceeds once permanent financing for the Ballpark Project is obtained.

FISCAL IMPACT:

\$700,000, to be reallocated from CIP-36-063.0, Central Police Garage Relocation, which will be reimbursed with bond proceeds once permanent financing for the Ballpark Project is obtained.

Herring/LKC

Aud. Cert. 2100439.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B341-B420.)

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

ITEM-206: SANDAG Walkable Communities Demonstration Program.

(See City Manager Report CMR-00-223. City Heights, Clairemont Mesa, Greater Golden Hill, Greater North Park, Mission Valley, Peninsula, Southeastern, and Uptown Community Areas. Districts-2, 3, 4, 6, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-575) ADOPTED AS RESOLUTION R-294043

Approving an application for grant funding to the San Diego Association of Governments Walkable Communities Demonstration Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B341-B420.)

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

ITEM-250: Settlement of the Personal Injury Claim of Jason Brock.

(R-2001-516)

Adopted as Resolution R-293922.

A Resolution approved by the City Council in Closed Session on Tuesday, October 3, 2000, by the following vote: Mathis-not present; Wear-yea; Kehoe-not present; Stevens-yea; Blair-yea; Stallings-yea; McCarty-yea; Vargas-not present and Mayor-not present.

Authorizing the City Manager to pay the total sum of \$30,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Jason Brock (Risk Management Claim No. AX9-0534-3734);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$30,000 made payable to Jason R. Brock and David L. Goldin, his attorney of record, as the complete and final settlement of the personal injury which occurred on February 3, 1999.

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 Nancy Wolff.

(R-2001-541 Cor. Copy)

Adopted as Resolution R-293921.

A Resolution approved by the City Council in Closed Session on Tuesday, October 3, 2000, by the following vote: Mathis-not present; Wear-yea; Kehoe-not present; Stevens-yea; Blair-yea; Stallings-yea; McCarty-yea; Vargas-not present and Mayor-not present.

Authorizing the City Manager to pay the total sum of \$35,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Nancy Wolff (Superior Court Case No. GIC 733038, Nancy Wolff v. City of San Diego.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$35,000 made payable to Nancy Wolff and her attorney Ronald B. Laba, in full settlement of all claims, as a result of an incident which occurred on November 28, 1998.

Aud. Cert. 2100386.

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-S400: Amending the Year 2000 Legislative Calendar for the San Diego City Council.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-681) ADOPTED AS RESOLUTION R-294044

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2000 through December 31, 2000 as follows:

1. Add a meeting of the Council on Monday, October 30, 2000, at 9:00 a.m. The meeting will commence with a Closed Session meeting at 9:00 a.m., to be held in the Closed Session Room, 202 "C" Street, San Diego, CA 12th floor. The public portion of the meeting will be held at 10:00 a.m., in the Council Chambers.

2. Add a Closed Session meeting on Tuesday, October 31, 2000, commencing at 11:30 a.m., to be held in the Closed Session Room, 202 "C" Street, San Diego, CA, 12th floor.
3. Consolidate the City Council meetings of November 13 and 14, 2000 to November 14, 2000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G275-300.)

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

*ITEM-S401: Lease and Joint Use Agreement for Sage Canyon Elementary School and Carmel Valley Neighborhood #10 Park.

(Continued from the meeting of 10/16/2000, Item 58, at the request of the City Manager for more time to review.)

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-66) RETURNED TO CITY MANAGER

Introduction of an Ordinance authorizing the City Manager to execute an Agreement for Lease and Maintenance of Joint Use Facilities for Sage Canyon Elementary School and Carmel Valley Neighborhood #10 Park with the Del Mar School District.

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

CITY MANAGER’S SUPPORTING INFORMATION:

The Sage Canyon Elementary School Park is located in the Carmel Valley community at Carmel Mountain Road and Harvest Run Drive within the Del Mar Union School District boundaries. The school is sited contiguous with an approximately 6.74 acre neighborhood park. Pursuant to the Council-approved, 1981 North City West Master Schools Facilities Plan, this project entails the joint use of approximately 4.8 acres of City-owned land for recreational and educational purposes. Recreation amenities, as designed with input from a community task force, include a turf field, hardcourts for basketball, volleyball and other court games, and a 66 space, District-owned parking lot. Additionally, the City will be contributing on a pro bono basis toward the construction and maintenance of the school's sewer pump station which will also serve the adjacent neighborhood park comfort station and drinking fountain. A 50-year endowment fund totaling \$35,000 has been created using funds donated by Pardee Construction Company to cover the City's projected sewer maintenance costs. The school and joint use area are currently under construction and expected to be completed and open for the 2001 school year.

FISCAL IMPACT:

Annual maintenance costs pursuant to the Joint Use Agreement are estimated to be \$34,400. The funding for these costs will be requested as a new Park and Recreation facility in the Fiscal Year 2002 budget process.

Loveland/McLatchy/DVW

FILE LOCATION: NONE.

COUNCIL ACTION: (Tape location: B341-B420.)

MOTION BY MATHIS TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

*ITEM-S402: Three actions related to the Final Subdivision Map of Black Mountain Ranch Unit No. 1.

(North City Future Urbanizing Area Subarea IA Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-664) ADOPTED AS RESOLUTION R-294045

Authorizing a Subdivision Improvement Agreement with Santaluz, LLC for the installation and completion of public improvements.

Subitem-B: (R-2001-663) ADOPTED AS RESOLUTION R-294046

Approving the final map.

Subitem-C: (R-2001-665) ADOPTED AS RESOLUTION R-294047

Authorizing a Landscaping Maintenance Agreement with Santaluz, LLC for the maintenance of landscaping.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 319.10 acre site into 269 lots for residential development and 31 lots for private driveways. It is located northwesterly of Black Mountain Road and SR 56 in the North City Future Urbanizing Area Subarea IA Community Plan Area. On October 31, 1995 the Council of the City of San Diego approved City Council Resolution R-286502 for Black Mountain Ranch. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 30287-1-D through 30287-58-D, filed in the Office of the City Clerk under Micro Number 140.53. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$5,185,164 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$90,000 as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located within the North City Future Urbanizing Area

Subarea IA Public Facilities Financing Plan area, which provides for the payment of Facilities Benefits Assessment (FBA), which includes parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of building permit issuance. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. The dedication of Camino Ruiz is required to provide access to the subdivision. The dedication is a requirement of the tentative map and is being dedicated by separate action.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: Subitems A,B,C: SUBD-Black Mountain Ranch
Unit No.1 (40)

COUNCIL ACTION: (Tape location: B272-299.)

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

ITEM-S403: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

**HEARING HELD, REFERRED TO CLOSED SESSION ON TUESDAY,
OCTOBER 24, 2000.**

Property: APN 538-010-22

Agency Negotiator: Mike Uberuaga, City Manager; Bruce Herring, Deputy City Manager; and Leslie Girard, Assistant City Attorney

Negotiating Parties: Designated Representatives of JMI Realty.

Under Negotiation: Price and terms.

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

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

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on October 24, 2000).

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

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B272-299.)

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

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:38 p.m. in honor of the memory of:

Lakiba Nicole Palmer as requested by Mayor Susan Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H501).