THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 19, 1999
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:15 a.m. City Manager Michael Uberuaga introduced Stacey Stevenson, the new City Manager Assistant and Council Liaison. Ms. Stevenson has worked for the City for eight and a half years and has a Bachelor of Arts Degree in Industrial Organizational Psychology from San Diego State and a Master of Arts Degree in Business Administration from National University. Mayor Golding recessed the regular meeting at 11:05 a.m. to convene the Housing Authority. Mayor Golding reconvened the regular meeting at 11:06 a.m. with all Council Members present. The regular meeting was recessed by Mayor Golding at 12:05 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:12 p .m. with all members present. Mayor Golding adjourned the meeting at 7:20 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Warden-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour/Fishkin (mc/pr)

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-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Eduardo Samaniego, SJ, Pastor of Christ the King Catholic Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Sigourney Richmond-Darby, Executive Director of the "Christmas in April, Greater San Diego" project, thanking Council for their past support. Ms. Richmond-Darby informed Council that the "Christmas in April" project rehabilitates and refurbishes the homes of the elderly, very low income, and disabled people in San Diego. Special presentations were made by Ms. Richmond-Darby, on behalf of the Board, to Deputy Mayor Wear and Council Members Mathis, Kehoe, and Vargas, for their diligent support and assistance. She announced that this year they will be working on at least 32 to 35 homes in San Diego, two community centers, a children center and a young peoples' center. The "Christmas in April" project has also been expanded into the North County this year.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A049-079.)

PUBLIC COMMENT-2:

Comment by Don Stillwell regarding American History. He commented that the United States has been in a declared National Emergency since March, 1933. Mr. Stillwell requested that Council take action to stop this dictatorial government and return this country to the control of the Constitution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A081-117.)

PUBLIC COMMENT-3:

Comment by Darlene Davis regarding Taxicab Driver Safety versus MTDB. Ms. Davis commented that MTDB is compromising the safety of the cabdrivers and believes that there is a problem with the safety class given by MTDB. She stated that she will be preparing an emergency report to present to Council requesting their assistance in this matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A119-144.)

PUBLIC COMMENT-4:

Comment by Jacquelyn Meshack stating that the City Council needs to get more involved with the common people. She requested that the parade be brought back to the black community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A146-178.)

PUBLIC COMMENT-5:

Comment by Ray Davila informing Council that he placed a bid to run for the Second District Council Member position in the year 2002.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A180-204.)

PUBLIC COMMENT-6:

Comment by Eric Bowlby regarding the bicycle lockers that are available at the Community Concourse. These lockers are provided by SANDAG's Ridelink, at no cost, for commuters that use the trolley and coaster and would like to ride their bike that last link to work or home. He suggested that this service be promoted more so that those who are in need of this service can utilize it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A209-236.)

PUBLIC COMMENT-7:

Comment by Billy Paul regarding his concern when Council hears City Council Agenda items out of order. He stated that hearing the items out of order makes it difficult to determine when he should arrive. Mr. Paul also thanked Council for having the non-agenda comments at the beginning of the meeting rather than at the end.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A237-261.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Warden stating that on Friday she had the honor of being at USD along with Alice Hays, President, and Ken Blanchard, author of the book "The One Minute Manager." The reception was held to inaugurate the Executive Leadership Program, a new Master of Science Degree, which Council Member Warden stated, was the only one in San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A263-280.)

COUNCIL COMMENT-2:

Comment by Council Member Vargas regarding the award of grant monies presented to USD by Sheila Marie Davis to allow students the opportunity to examine the international field and what is available to them.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A293-301.)

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

12/01/98 Special Joint Meeting
12/07/98 Special Meeting
12/21/98 Adjourned
12/22/98 Adjourned
12/28/98 Adjourned
12/29/98 Adjourned
01/04/99 Adjourned
01/05/99 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A302-306.)

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

ITEM-31: McMillin Companies Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-99-744) ADOPTED AS RESOLUTION R-291172

Recognizing the outstanding and generous contributions of McMillin Companies to the capital improvement projects of community organizations throughout the San Diego region;

Proclaiming January 19, 1999 to be "McMillin Companies Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A307-461.)

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

ITEM-32: Torrey Reserve Commercial Development Amendment.

Request by Arroyo Sorrento Property Owners, LLC, for a hearing of an appeal from the decision of the Planning Commission in approving the request for a Planned Commercial Development (PCD)/Coastal Development Permit (CDP)98-0550 (amendment to 85-0824) to delete condition 19 to allow non-business park employees to use the existing child care center located at 3270 Arroyo Sorrento Road, San Diego, CA, 92130 in the Sorrento Hills Community Plan area.

(CDP/PCD-98-0550. Sorrento Hills Community Plan Area. District-1.)

TODAY'S ACTION IS: DENIED

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

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

If the request to allow an appeal is granted, time has been reserved for the project to be heard on February 16, 1999 at 10:00 a.m.

SUPPORTING INFORMATION:

Under previously approved PCD/CDP Permit No. 85-0824 a child care center of 7,700 square feet for a maximum enrollment of 154 students was approved for the project and has been constructed at 3720 Arroyo Sorrento Road in the Sorrento Hills Community Plan area. The site is zoned CO (Commercial-Office). Child care centers are permitted by right in this zone. The center has been constructed in accordance with PCD/CDP No. 85-0824. The child care center is currently in operation, providing service to employees of the Torrey Reserve Business Park.

The Hearing Officer approved the permit.

FILE LOCATION: PERM-98-0550 (65)

COUNCIL ACTION: (Tape location: A462-577.)

MOTION BY MATHIS TO NOT HEAR THE APPEAL AND TO UPHOLD THE UNANIMOUS DECISION OF THE PLANNING COMMISSION TO APPROVE THE PERMIT AND TO APPROVE THE DELETION OF CONDITION 19. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100: Three actions related to the Final Subdivision Map of Villas De Derby Downs.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-733) ADOPTED AS RESOLUTION R-291173

Approving a subdivision improvement agreement with L&W Investments, Inc., for the installation and completion of public improvements.

Subitem-B: (R-99-732) ADOPTED AS RESOLUTION R-291174

Approving the final map.

Subitem-C: (R-99-734) ADOPTED AS RESOLUTION R-291175

Authorizing a landscape maintenance agreement with L&W Investments, Inc., for the installation and completion of public improvements.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 1.379 acre site into 7 lots for residential development. It is located east of Old El Camino Real in the Carmel Valley Community Plan Area. On June 4, 1998 the Planning Commission of the City of San Diego approved Planning Commission Resolution No. 2641-PC for Villas De Derby Downs Subdivision. 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. 29456-1-D through 29456-7-D, filed in the Office of the City Clerk under Micro Number 139.93. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is $149,463 and a Performance Bond in the amount of $150,000 has been provided as surety. A cash bond in the amount of $3,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

This subdivision is located in the Carmel Valley Public Facilities Financing Plan area, which provides for the payment of a Facilities Benefit Assessment (FBA), including 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 issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. 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.

FILE LOCATION: Subitems A-C: SUBD - Villas De Derby Downs (40)

COUNCIL ACTION: (Tape location: A578-B085.)

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

* ITEM-101: East Clairemont Athletic Area, Phase II.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-762) ADOPTED AS RESOLUTION R-291176

Authorizing the City Auditor and Comptroller to transfer and appropriate an amount not to exceed $17,395 from CIP-29-418.0, Clairemont Community Park Improvements, Fund 79521, Clairemont Mesa Urban Community, to CIP-29-440.0, East Clairemont Athletic Area Phase II;

Authorizing an amount not to exceed $137,390.42 from the Clairemont Mesa Development Impact Fee Fund No. 79521, to CIP-29-440.0, East Clairemont Athletic Area Phase II;

Amending the Fiscal Year 1999 CIP Budget to reflect the $137,390 increase in appropriations;

Authorizing the expenditure of an amount not to exceed $154,785.42 from Fund 30244, Dept. 30244, Org. 105, Job Order 294400.

CITY MANAGER SUPPORTING INFORMATION:

Funding for the East Clairemont Athletic Area, Phase II was originally provided for in the FY 97 CIP Budget as well as a subsequent allocation. The funding sources are currently as follows:

$205,950	Development Impact Fee Fund
$ 88,650	State Grant Fund
$294,600	Total Budgeted under FY 97
$ 86,000	Mid-Year Allocation, FY 99, Development Impact Fee Fund
$380,600	Total Budgeted to Date

The construction estimate has been higher than the available allocation, creating the need for additional funding. Also, the scope of the project has been increased from what was originally contemplated.

Aud. Cert. 9900701.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A578-B085.)

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

* ITEM-102: Point Loma - Digester Facility Upgrade and Expansion.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-761) ADOPTED AS RESOLUTION R-291177

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed $500,000 from Fund No. 41508, CIP-40-923.0, Point Loma Outfall Reballasting, to Fund No. 41509, CIP-46-170.0, Point Loma - Digester Facility Upgrade and Expansion;

Authorizing the expenditure of an amount not to exceed $779,338 from Fund No. 41509, CIP-46-170.0, Point Loma - Digester Facility Upgrade and Expansion to provide additional contingency for this project, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

On May 3, 1993, City Council Resolution R-281902 authorized the design for over $50 million of improvements to the digester system at the Point Loma Wastewater Treatment Plant. These improvements are needed to replace rundown equipment and improve operations. To distribute the construction work, five bid packages were developed for construction originally over a five year period. Shifting funding and operational priorities required rescheduling the construction of these packages over a ten year period.

This rescheduling has required scope of work changes to existing construction contracts. Work that was originally planned for the next decade is needed now to insure effective operation of the new Digesters 7 and 8 and the master planned gravity overflow system scheduled for start-up in 1999. This request for additional contingency funding will be used to fund the scope of work changes related to the schedule changes and unanticipated conflicts in the Center Boiler and Gallery Upgrades project. Conflicts were encountered in the foundation work for the central boiler and the constricted space of the of the gallery. Additional funding is needed to pay the contractor for these changes.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A578-B085.)

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

* ITEM-103: Authorizing Retention of Outside Counsel and Payment for Legal Services in the Litigation Matter of Friars Formation Slope Repair (Genoa Drive).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-676) ADOPTED AS RESOLUTION R-291178

A Resolution approved by the City Council in Closed Session on Tuesday, November 24, 1998, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to retain McAtee and Harmeyer, LLP, and others for legal services and costs in the amount up to $250,000 to pursue litigation against Group Delta Consultants and Baldwin Construction Company;

Authorizing the expenditure of up to $250,000 from the Public Liability Fund for legal and expert services and costs;

Authorizing the City Auditor and Comptroller to issue various checks not to exceed $250,000 made payable to McAtee and Harmeyer for legal fees and costs.

CITY MANAGER SUPPORTING INFORMATION:

The retention of McAtee and Harmeyer is needed to pursue the City's damages incurred on the Friars Foundation Slope Repair due to their specialization in geological/slope stability litigation.

Aud. Cert. 9900629.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A578-B085.)

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

* ITEM-104: Fire Station No. 37.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-765) ADOPTED AS RESOLUTION R-291179

Authorizing an agreement with McMillin-BCED/Miramar Ranch North for professional services required for Fire Station No. 37;

Authorizing the expenditure of not to exceed $1,152,647 from CIP-33-055.0.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for a 8,400 square foot station to serve the Miramar Ranch North and Scripps Ranch Communities. It will be located near the intersection of Spring Canyon Road and Semillon Boulevard, and will replace the temporary station at 10750 Scripps Lake Drive in Scripps Ranch. The fire station will accommodate one engine company, one brush rig and one ambulance. The Development Agreement between the City of San Diego and McMillin-BCED/Miramar Ranch North, Partnership requires that Developer participate in land acquisition, engineering and construction for the Fire Station.

Aud. Cert. 9900702.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A578-B085.)

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

* ITEM-105: Consultant Agreement for Professional Services for Mission Valley Branch Library.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-767) ADOPTED AS RESOLUTION R-291180

Authorizing an agreement with Wheeler, Wimer, Blackman and Associates, for professional services required for the design of the Mission Valley Branch Library;

Authorizing the expenditure of an amount not to exceed $315,000 from CIP-35-092.0, Mission Valley Branch Library DIF Fund No. 79529.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with Wheeler, Wimer, Blackman and Associates, will provide the professional services required for the design of the branch library in Mission Valley. The consultant will provide schematic plans and cost estimates for the new branch library. They will also provide services necessary to design and construct the new branch library. The proposed consultant was selected in accordance with Council Policy 300-7. The City advertised for professional services in the San Diego Daily Transcript.

The Design Consultant Nominating Committee established a list of the responding qualified professional firms. The top five firms were certified by the Consultant Selection Coordinator and were interviewed by the Engineering and Capital Projects and the Library Departments. The City

Manager received recommendations from the ECP Department and selected Wheeler, Wimer, Blackman and Associates, as the consultant for this project.

Aud. Cert. 9900707.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A578-B085.)

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

* ITEM-106: Two actions related to the Carmel Valley Facilities Benefit Assessment.

(See City Manager Report CMR-98-192. Carmel Valley Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-721) ADOPTED AS RESOLUTION R-291181

Approving the document entitled “Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 1999, October 1998".

Subitem-B: (R-99-722) ADOPTED AS RESOLUTION R-291182

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

LAND USE AND HOUSING COMMITTEE’S RECOMMENDATION:

On 9/30/98, the LU&H voted 5-0 to approve on consent. (Councilmembers Mathis, Stevens, Stallings, McCarty and Vargas voted yea.)

FILE LOCATION: Subitems A-B: STRT FB-8 (33)

COUNCIL ACTION: (Tape location: A578-B085.)

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

* ITEM-107: San Diego Port Tenants Association Day.

DEPUTY MAYOR WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-99-782) ADOPTED AS RESOLUTION R-291183

Proclaiming January 21, 1999 to be "San Diego Port Tenants Association Day" in San Diego, in recognition of the numerous contributions of the Association to the welfare and benefit of San Diego Bay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A578-B085.)

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

* ITEM-108: The University of San Diego Day and the Ken Blanchard Companies Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-99-783) ADOPTED AS RESOLUTION R-291184

Congratulating the Ken Blanchard Companies and the University of San Diego for inaugurating a joint Masters of Science Degree in Executive Leadership to further the development of both established and emerging leaders who will assure that San Diego businesses become and remain customer-driven, cost effective, fast, flexible and continually-improving organizations which will keep the region prosperous well into the new millennium;

Proclaiming Friday, January 15, 1999 to be "The University of San Diego Day and the Ken Blanchard Companies Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A578-B085.)

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

* ITEM-109: San Diego Police Department Participation in California Highway Patrol Cross-Border DUI Enforcement.

(San Ysidro and Otay Mesa Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-728) ADOPTED AS RESOLUTION R-291185

Authorizing the City Manager to enter into a contract with the San Diego Office of the California Highway Patrol (CHP) for a Cross-Border Drunk Driving Enforcement Project;

Declaring that this authorization shall include all aspects of the project operation, assignment, expenditures, and reimbursements, and that the City will comply with all applicable statutory or regulatory requirements related to the grant program and the Memorandum of Understanding;

Declaring that the funds and/or resources received shall not be used to supplant expenditures controlled by the City Council.

CITY MANAGER SUPPORTING INFORMATION:

This action would authorize the City Manager to enter into an agreement with the California Highway Patrol for a multi-agency task force (Operation Safe Crossing) to address traffic safety issues associated with cross-border alcohol consumption. The California Highway Patrol requests the assistance of the San Diego Police Department to assist with conducting 36 DUI checkpoints during this 18-month phase. Operation Safe Crossing will deploy twice a month over an 18-month period from April 1, 1999 through September 30, 2000. Each checkpoint will be staffed by five Officers and one Sergeant from the California Highway Patrol and five Officers and one Sergeant from the San Diego Police Department. The CHP will be the lead agency for the duration of the program and deploy all personnel on an overtime basis.

PROJECT GOALS:

1) To reduce the number of reportable, alcohol-involved collisions on I-5 and I-805 in San Diego County by 10 percent.

2) To reduce the number of drivers/pedestrians who are over a .08 percent Blood Alcohol Level entering the U.S. at the San Ysidro Port of Entry.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A578-B085.)

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

ITEM-200: Inviting Bids for the Construction of Water and Sewer Main Replacement Group 606.

(Mid-City, Greater Golden Hills, City Heights Community Areas. Districts-3 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-404) ADOPTED AS RESOLUTION R-291186

Inviting bids for the Construction of Water and Sewer Main Replacement Group 606 on Work Order No. 171831;

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

Authorizing the expenditure of not to exceed $1,144,831 available in Water Fund No. 41500, Annual Allocation for Water Main Replacement, CIP-73-083.0; and an amount not to exceed $1,311,511 available in Sewer Fund 41506, Annual Allocation for Sewer Main Replacement, CIP-44-106.6, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be, on deposit in the City Treasury;

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

Authorizing the use of City Forces to temporarily cut and plug and make all live connections of the water main pipeline for a cost not to exceed $230,000. (BID-K99072C)

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Main Replacement Group 606 is part of the City's ongoing concrete sewer main replacement and cast iron main replacement program. This action involves the replacement of 7,661 linear feet of existing 6-inch and 8-inch concrete sewer mains and 5,629 linear feet of existing 6-inch and 16-inch cast iron water mains. The sewer and water mains to be replaced in the project were constructed as early as the 1920's and have reached the end of their useful service life. Replacement of these 78-year-old deteriorated and undersized, sewer and water mains will continue to provide the community with a safe and reliable sewer and water infrastructure well into the next century. This project is mostly located in the Mid-City area, and portions in the Greater Golden Hill Community. The project in Mid-City area is bounded by University Avenue to the north, Castle Drive to the south, and Euclid Avenue to the west, and

another portion is bounded by Polk Avenue to the north, University Avenue to the south, 43rd Street to the west, and Fairmount Avenue to the east. The portion of the Greater Golden Hill community area is along 28th Street between Date Street to the north and A Street to the south.

WWF-99-355.

FILE LOCATION: W.O. 171831

COUNCIL ACTION: (Tape location: A578-B085.)

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

ITEM-201: Point Loma - Headworks, Odor Control and Grit Processing Facilities.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-760) ADOPTED AS RESOLUTION R-291187

Authorizing the expenditure of an amount not to exceed $270,210 from Sewer Fund No. 41508, CIP-46-175.0, Point Loma - Headworks, Odor Control and Grit Processing, consisting of $252,005 for additional project related costs and $18,205 for additional project contingency, provided the City Auditor and Comptroller, first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to increase the phase funding schedule for this project in the following manner:

	Construction	Related Costs	Contingency	Total
Phase 3: FY 00		$106,605		$106,605
Phase 4: FY 00		$145,400	$ 18,205	$163,605
Subtotal		$252,005	$ 18,205	$270,210

Resulting in the following revised funding schedule:

	Construction	Related Costs	Contingency	Total
Phase 1: FY 99	$1,887,010	$493,950	$ 94,351	$2,475,311
Phase 2: FY 99	$2,920,020	$100,000	$146,001	$3,166,021
Phase 3: FY 00	$1,877,100	$106,605	$ 93,855	$2,077,560
Phase 4: FY 00	$1,529,970	$145,400	$ 76,498	$1,751,868
Subtotal	$8,214,100	$845,955	$410,705	$9,470,760

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

CITY MANAGER SUPPORTING INFORMATION:

Resolution R-290165, adopted on May 26, 1998, authorized the City Manager to execute a construction contract with the lowest responsible bidder for the construction of the Point Loma - Headworks, Odor Control and Grit Processing Facilities Interim Improvements. Construction is scheduled to begin in January 1999. The lowest responsible bidder, CDM Engineers Constructors Inc., submitted the bid of $8,214,100 which was higher than the engineer's construction cost estimate. With the higher construction cost, the estimate for contingency and project related costs is also higher. Authorization is requested to increase expenditures for contingency and project related costs by $270,210. The project will provide comprehensive upgrades to the existing screenings and odor control facilities at the headworks of the Point Loma Wastewater Treatment Plant. The primary function of which is to remove floating and suspended solids and grit from the influent wastewater. The existing screens are deteriorating requiring more frequent maintenance. The project will replace these screens and adjoining odor control facilities to improve those processes. In addition, state of the art equipment will be installed to improve the grit removal process. The equipment will be tested before procuring additional installations in the next decade.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A578-B085.)

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

ITEM-202: Two actions related to the South San Diego Pipeline No. 2 Participation Agreement - Phase 2 Design and Construction.

(Otay Mesa, Otay Mesa-Nestor and San Ysidro Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-677) ADOPTED AS RESOLUTION R-291188

Authorizing a first amendment to the Participation Agreement for the Design and Construction of the South San Diego Pipeline No. 2 with TMP Homes, Inc.;

Authorizing the City Manager to approve the Phase -2 Design and Construction funding;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed $661,825 from Water Revenue Fund No. 41500, CIP-73-344.0, South San Diego Reservoir No. 2 to Water Revenue Fund No. 41500, CIP-73-249.0, South San Diego Pipeline No. 2;

Authorizing the expenditure of an amount not to exceed $20,889,108 from Water Revenue Fund No. 41500, CIP-73-249.0, for the purpose of providing funds for this project's construction and related costs, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

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

Authorizing the City Manager to establish contract funding phases for this agreement provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury.

Subitem-B: (R-99-678) ADOPTED AS RESOLUTION R-291189

Certifying that the information contained in Environmental Impact Report LDR-98-0043, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been first reviewed and considered by the Council;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by Council.

CITY MANAGER SUPPORTING INFORMATION:

On February 25, 1997, June 30, 1997, January 12, 1998, and June 29, 1998, the alignment study, Phase 1 design, and Phase 1 construction monies were approved for this project, Documents RR-288361, RR-288874, RR-289640, and RR-290391, respectively. The first construction contract for Phase 1 has already been issued. This request is for the design and construction funding for Phase 2. Phase 2 is the remainder of the project and will commence upon approval of the first amendment. TMP Homes, Inc., a California corporation, is the developer designing and constructing the South San Diego Pipeline No. 2 project and is a partner in the ownership of the Remington Hills development project located in the Otay Mesa area of the City of San Diego. A second water pipeline is needed to provide the South San Diego/Otay Mesa area with a redundant supply of potable water. Currently, the South San Diego/Otay Mesa area is serviced primarily by only one major water pipeline.

This project, the South San Diego Pipeline No. 2, will construct a new water pipeline of approximately 11.5 miles in length ranging in size from 42-inch, 48-inch, and 54-inch diameters. In addition a new water pump station will be constructed to serve the 680 hydraulic grade line zone. This participation agreement will provide funding for the design and construction of the needed water improvements. It is anticipated that the remainder of the project will be phased-funded. The above public water system improvements are necessary and are for the benefit of the City as a whole. The final payment will be made upon the City's acceptance of the completed project and the submission of the original mylar as-built drawings.

Aud. Cert. 9900671.

FILE LOCATION: Subitems A-B: MEET

COUNCIL ACTION: (Tape location: A578-B085.)

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

ITEM-203: Sorrento Valley Road - Industrial Court to Carmel Valley Road.

(See City Manager Report CMR-99-04. Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-769) ADOPTED AS AMENDED AS RESOLUTION R-291196

Authorizing the City Manager to modify the Capital Improvements Program such that the project purpose of Sorrento Valley Road - Industrial Court to Carmel Valley Road (CIP-52-330.0) is to provide for this roadway being open on weekdays only (excluding holidays) from 6:00 a.m. to 8:00 p.m.

Directing the City Manager to prepare the environmental documents and plans and specifications consistent with the amended project purpose.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B088-268; B270-C366; D005-E650.)

Trailed to afternoon session.

MOTION BY MATHIS TO ADOPT THE RESOLUTION AS AMENDED TO MODIFY THE LANGUAGE TO ENSURE THAT THE OPTION OF FULLY OPENING SORRENTO VALLEY ROAD IS NOT PRECLUDED. TO ACCEPT AS REQUESTED BY MAYOR GOLDING THE DIRECTION TO STAFF TO FURTHER

STUDY CREATING A WILDLIFE CORRIDOR, AND TO BRING BACK TO COUNCIL FOR REVIEW AN ENVIRONMENTAL ANALYSIS THAT INCLUDES BOTH PARTIAL AND FULL OPENING OF SORRENTO VALLEY ROAD. TO DIRECT THE CITY MANAGER TO STUDY IN CONCEPT AND INCORPORATE INTO THE PLANNING RECOMMENDATIONS OF THE SORRENTO VALLEY ROAD TASK FORCE AS FOLLOWS:

1) RESTRICTED OPENING (VEHICULAR ACCESS FROM 6:00 A.M. TO 8:00 P.M. WEEKDAYS) OF SORRENTO VALLEY ROAD TO RELIEVE THE TRAFFIC CONGESTION; 2) THE INSTALLATION OF MECHANICAL GATES; 3) NO MOTORIZED VEHICLES ON WEEKENDS AND HOLIDAYS; 4) NO MOTORIZED VEHICLES AFTER 8:00 P.M. WHICH WOULD ALLOW FOR SAFE ANIMAL MOVEMENT ALONG THE LAGOON; 5) DESIGN THAT PROVIDES FOR SAFE AND ADEQUATE BICYCLE FACILITIES WHICH WOULD BE ACCESSIBLE TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK; 6) PEDESTRIAN PATHS THAT ACCOMMODATE WHERE POSSIBLE ALONG THE ROAD WITHOUT ENCROACHMENT INTO THE LAGOON; 7) A LONGER BRIDGE PROVIDED TO ENHANCE THE FLOOD PROTECTION FOR SORRENTO VALLEY ROAD AND THE FREEWAY, AND TO ENHANCE THE WILDLIFE CORRIDOR TO MAXIMIZE ANIMAL MOVEMENT UNDER THE FREEWAY AND ROAD; 8) STUDY AND EVALUATE APPROPRIATE WING FENCING TO HELP DIRECT ANIMAL TRAFFIC THROUGH THE CORRIDOR AND NOT ACROSS THE ROAD; 9) RETENTION DEVICES TO CONTROL POLLUTED RUN-OFF AS WELL AS SEDIMENT CONTROL TO BE A PRIORITY ELEMENT FOR THIS PROJECT; 10) LIGHTING ALONG SORRENTO VALLEY ROAD TO HAVE LOW LEVEL IMPACT WHILE STILL SAFE FOR PASSAGE. TO STUDY THE PEDESTRIAN TRAIL CONNECTION UNDER THE BRIDGE TO BE LINKED UP WITH THE REGIONAL TRAIL SYSTEM; 11) AT THE CONCLUSION OF THE PROJECT, IF THE CITY HAS IDENTIFIED ANY UNNEEDED OR EXCESS CITY OWNED LAND ADJACENT TO THE LAGOON, DIRECT THE CITY MANAGER TO ENTER INTO DISCUSSIONS WITH STATE PARKS ON POTENTIAL TRANSFER OF OWNERSHIP IF FEASIBLE; 12) DESIGN THE ROAD FOR GREATER SAFETY AND TO SET SPEED LIMITS FOR LOWER SPEEDS THAN HAVE HISTORICALLY BEEN ALLOWED, AND TO EXPEDITE THIS PROJECT TO THE MAXIMUM EXTENT POSSIBLE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204: Four actions related to the Ballpark and Redevelopment Project.

TODAY'S ACTIONS ARE:

Hold the first public hearing of the ordinance in Subitem A; adopt the following resolutions in Subitems B, C and D:

Subitem-A: (O-99-152) HEARING HELD, SECOND HEARING TO BE HELD FEBRUARY 1, 1999

First public hearing of an Ordinance amending the Fiscal Year 1998-99 Annual Appropriation Ordinance to add project CIP-39-228.0, the Ballpark and Redevelopment Project; authorizing the transfer of certain monies to the project; and appropriating an amount not to exceed $3.5 million for project related expenses.

NOTE: Today's action for Subitem A is the first public hearing. The second public hearing for the introduction and adoption of the ordinance will be scheduled for February 1, 1999.

Subitem-B: (R-99-789) ADOPTED AS RESOLUTION R-291197

Adoption of a Resolution of the City Council of the City of San Diego authorizing and directing the City Manager and City Auditor and Comptroller to take the necessary actions, consistent with the Annual Appropriation Ordinance, to implement the Interim Financing of project expenses, as required by the Memorandum of Understanding between the City of San Diego, the Redevelopment Agency, the Centre City Development Corporation and the San Diego Padres, regarding a Ballpark and Redevelopment Project, authorized by an ordinance approved by the electorate on November 3, 1998.

Subitem-C: (R-99-791) ADOPTED AS RESOLUTION R-291198

Adoption of a Resolution of the City Council of the City of San Diego declaring its intent to reimburse itself for expenditures in connection with the Ballpark and Redevelopment Project, which is the subject of the Memorandum of Understanding between the City of San Diego, the Redevelopment Agency, the

Centre City Development Corporation and the San Diego Padres, authorized by an Ordinance approved by the electorate on November 3, 1998.

Subitem-D: (R-99-790) ADOPTED AS AMENDED AS RESOLUTION R-291199

Adoption of a Resolution of the City Council of the City of San Diego authorizing and directing the City Manager to execute for and on behalf of the City of San Diego an agreement for professional services regarding the project oversight and project management of the Ballpark and Redevelopment Project, which project is the subject of the Memorandum of Understanding between the City of San Diego, the Redevelopment Agency, the Centre City Development Corporation and the San Diego Padres, authorized by an ordinance approved by the electorate on November 3, 1998.

FILE LOCATION: SUBITEM A: NONE
SUBITEMS B, C & D: Gen'l - Padres Ballpark (64)

COUNCIL ACTION: (Tape location: F009-553.)

MOTION BY WEAR TO APPROVE THE FIRST PUBLIC HEARING OF THE ORDINANCE FOR SUBITEM A, AND TO ADOPT THE RESOLUTIONS FOR SUBITEM B AND SUBITEM C. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY WEAR TO ADOPT THE RESOLUTION AS AMENDED IN SUBITEM D TO AUTHORIZE THE MAYOR AND THE CITY MANAGER TO EXTEND AN OFFER TO MICHAEL D. MADIGAN, AND TO NEGOTIATE A CONTRACT WITH HIM AS OUTLINED IN ATTACHMENT A. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205: Proposed Incorporation of Neighborhood Code Compliance Division into Police Department Business Center.

(See City Manager Report CMR-99-08.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-788) ADOPTED AS RESOLUTION R-291200

Declaring that the Mayor and City Council support in concept the incorporation of the Neighborhood Code Compliance Division into the Police Department Business Center;

Directing the City Attorney to prepare the necessary amendments to the Municipal Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G445-H229.)

MOTION BY McCARTY TO ADOPT THE RESOLUTION AND TO DIRECT THE CITY MANAGER TO INCLUDE A PERSON FROM THE VOLUNTARY EFFORT ON THE NEIGHBORHOOD CODE COMPLIANCE TASK FORCE. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-330: CCDC Area 1 - Phase 1, K Street to Imperial Avenue (6th Avenue to 12th Avenue) Underground Utility District.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-537 Corrected) ADOPTED AS RESOLUTION R-291201

Establishing the CCDC Area 1 - Phase 1, "K" Street to Imperial Avenue (6th Avenue to 12th Avenue) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities on CCDC Area 1 - Phase 1, K Street to Imperial Avenue (6th Avenue to 12th Avenue). The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of $1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from $300 - $1,500.

Due to the fact that this is a large redevelopment area and reconfiguration of existing streets does not provide a feasible relocation of the overhead facilities, an exception to the Municipal Code is being requested to allow for the removal of the 69KV lines in the Ballpark Redevelopment District. It is anticipated that this project will revitalize the area and be a showcase to the world when hosting major events (i.e., World Series/All Star games.)

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

FILE LOCATION: STRT-K-245 [38]

COUNCIL ACTION: (Tape location: F558-G079.)

Hearing began at 4:15 p.m. and halted at 4:20 p.m.

Testimony in opposition by Leslie Wade.

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

ITEM-331: Support for Tax-Exempt Financing for Performance Plastics, Inc.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Hold the required public hearing and adopt the following resolution:

(R-99-766) ADOPTED AS RESOLUTION R-291190

Approving the issuance of up to $9 million of tax exempt bonds, notes or other evidence of indebtedness by the California Statewide Communities Development Authority on behalf of Performance Plastics, Inc.

CITY MANAGER SUPPORTING INFORMATION:

The City Council is required to hold a public hearing supporting issuance of tax exempt private activity conduit revenue bonds by the California Statewide Communities Development Authority Joint Powers Agency (CSCDA) of up to $9 million as part of an economic incentive package for Performance Plastics, Inc. to expand its operations in the San Ysidro/Otay Mesa Enterprise Zone. Bond proceeds will finance land acquisition and construction of a new 100,000 square foot manufacturing facility on a 7.19 acre lot located at the southwest corner of Otay Mesa Road and Alisa Court in the Brown Field Business Park in Otay Mesa. This project will retain 140 jobs and total employment is expected to escalate to nearly 300 positions over the next five years, approximately 90 of which will be created within the next two years. CSCDA, which will be the issuer, has previously issued bonds through the City for various San Diego manufacturers.

As with previous issues, the City's name will not appear on the bonds and there will be no further City involvement in the financing. By authorizing this financing by CSCDA, the Council will be facilitating the expansion of an important employer in a City Enterprise Zone by assisting the company in obtaining the most cost-effective financing available for its capital expansion project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A578-B085.)

Hearing began at 10:55 a.m. and halted at 11:04 a.m.

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

ITEM-332: North Bay Revitalization Program-Minor Amendments.

Matter of amendments to the provisions of the Old Town San Diego Planned District Ordinance and amendments to the Midway/Pacific Highway Corridor Community Plan.

(Old Town, Clairemont Mesa, and Midway/Pacific Highway Corridor Planning Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Approve the resolution in Subitem A; introduce the ordinance in Subitem B:

Subitem-A: (R-99-606) ADOPTED AS RESOLUTION R-291202

Adoption of a Resolution adopting proposed amendments to the Midway/Pacific Highway Corridor Community Plan to obtain California Coastal Commission certification.

Subitem-B: (O-99-75) INTRODUCED, TO BE ADOPTED FEBRUARY 1, 1999

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter X, Article 3, Division 2 by amending Sections 103.0204 and 103.0205, relating to the Old Town Planned District Ordinance.

SUPPORTING INFORMATION:

Amendments to the provisions of the Old Town San Diego Planned District Ordinance and amendments to the Midway/Pacific Highway Corridor Community Plan:

1. Amendments to the Old Town San Diego Planned District Ordinance related to permitted uses, building height, and the maximum floor area ratio in the Rosecrans zone.

2. Amendments to the Midway-Pacific Highway Corridor Community Plan to reflect modifications approved by the California Coastal Commission. These modifications relate to the need for additional environmental studies and Local Coastal Program Land Use Plan amendments prior to construction of the Bay-to-Bay canal.

CITY MANAGER'S SUPPORTING INFORMATION:

On May 4, 1998, the City Council approved the North Bay Revitalization Program, including the formation of a redevelopment project area, amendments to various community plans, and zoning changes. Portions of the affected area are within the coastal zone, and therefore require certification by the California Coastal Commission to become effective. The documents were submitted to the Coastal Commission and considered at a public hearing on September 11, 1998. The Commission approved the rezonings, and approved the community plan amendments with modifications. The modifications involve adding language to the Midway/Pacific Highway Corridor Community Plan regarding the need for further environmental documentation and Local Coastal Program amendments before Council consideration of the Bay-to-Bay Canal project can occur.

An amendment to the Old Town Planned District Ordinance is also proposed to correct the list of permitted uses in the Hortensia Zone which was inadvertently changed at the May 4 hearing; and to remove the floor area ratio bonus for parking structures in the Rosecrans Zone, pursuant to the request of the Old Town Design Review Board. This area is not within the Coastal Zone.

LEGAL DESCRIPTION:

The project site encompasses approximately 1,360 acres and is more particularly described as within seven community planning areas including Clairemont Mesa, Linda Vista, Old Town, Uptown, Midway/Pacific Highway Corridor, Mission Valley, and Peninsula Communities.

NOTE: The City of San Diego, as Lead Agency under CEQA, has prepared and completed Environmental Impact Report No. 97091022 and Mitigation Monitoring and Reporting Program covering this activity. Adopted on May 4, 1998 by Resolution No. R-290046.

FILE LOCATION: MEET (66)

COUNCIL ACTION: (Tape location: G086-281.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE IN SUBITEM B AND TO ADOPT THE RESOLUTION IN SUBITEM A WITH THE DIRECTION THAT CITY STAFF NOT BE PRECLUDED FROM DISCUSSING "BAY-TO-BAY" IN CONCEPT WITH THE PUBLIC, OR WITH POTENTIAL DEVELOPERS IN THE MIDWAY AREA. STAFF MUST BE FREE TO DO THEIR JOBS AND EXPENDITURES OF ANY FUNDS MUST BE APPROVED BY THE CITY COUNCIL. FURTHER, SHOULD THERE BE ANY RFP's OR RFQ's ISSUED, A HYDROLOGY AND ENVIRONMENTAL STUDY WOULD BE DONE, AND THAT ISSUE WOULD COME BACK TO COUNCIL FOR DISCUSSION ON THAT ACTION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: De La Fuente Business Park Truck Parking.

Matter of the appeal by Hal Pollard, Vice President, National Enterprises, Inc. from the decision of the Planning Commission in partially approving the request for Otay Mesa Development (OMD-96-7653).

(OMD-96-7653. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; and adopt Subitem B to deny the appeal and grant the permit:

Subitem-A: (R-99-1090) ADOPTED AS RESOLUTION R-291203

Adoption of a Resolution certifying that the information contained in Negative Declaration LDR-96-7653 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-99-1091) DENIED APPEAL/GRANTED PERMIT
ADOPTED AS RESOLUTION R-291204

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

CITY MANAGER SUPPORTING INFORMATION:

The project features a total of 187 truck and tractor trailer parking spaces, visitor and employee parking spaces, security pole lighting, decomposed granite and asphalt paving surfaces, modular office trailers, perimeter site landscaping and irrigation improvements, and an eight-foot-high chain link security fence (with dark green shade cloth screening material) surrounding each facility. The 8.39 gross acre project area is generally located west of Avenida Costa Este, north of Avenida De La Fuente, south of Airway Road and east of Avenida Costa Del Sol within the OMDD-I Zone of the Otay Mesa Community Plan Area (Otay Mesa Planned District).

NOTE: On December 8, 1998 Council voted 8 to 0 to hear the appeal, with District 7 not present.

LEGAL DESCRIPTION:

The Property is in the Otay Mesa Development District which designates it as being within the Industrial Subdistrict. More particularly described as Lots 21-23 and 26-28 of Map 12707 - De La Fuente Business Park-Unit 6; Lot 4 of Map 12333 - De La Fuente Business Park-Unit 4; Lots 11, 12, 15 and 20 of Map-11536-De La Fuente Business Park-Unit 1; Lots 4, 5, 6, 13, 22, 23, 25 and 26 of Map-11621-De La Fuente Business Park-Unit 2.

FILE LOCATION: PERM 96-7653 (65)

COUNCIL ACTION: (Tape location: G288-431.)

Hearing began at 4:40 p.m. and halted at 4:49 p.m.

Testimony in opposition by Hal Pollard.

MOTION BY VARGAS TO ADOPT THE RESOLUTIONS TO CERTIFY THE NEGATIVE DECLARATION, DENY THE APPEAL, AND TO APPROVE OTAY MESA PERMIT OMD-96-7653 SUBJECT TO CONDITIONS IN ATTACHMENT NUMBER 4. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: Maravilla II - La Quinta Hotel Project.

Matter of a Rezone and Mission Valley Planned District/Resource Protection Ordinance Permits within the Mission Valley Community Plan Area.

(RZ/MVP/RPO-96-7234. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; adopt Subitem B to grant the permits; introduce the ordinance in Subitem C.

Subitem-A: (R-99-690) ADOPTED AS RESOLUTION R-291191

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-96-7234 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines and reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that said final declaration has been reviewed and considered by the Council and adopting the Mitigation, Monitoring, and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-99-829) GRANTED PERMITS; ADOPTED AS RESOLUTION R-291192

Adoption of a Resolution granting or denying the permits, with appropriate findings to support Council action.

Subitem-C: (O-99-150) INTRODUCED, TO BE ADOPTED FEBRUARY 1, 1999

Introduction of an Ordinance for rezoning to MV-CV zone within the Mission Valley Community Planning Area.

CITY MANAGER SUPPORTING INFORMATION:

The applicant proposes to construct a 166 unit hotel on a 5.09-acre parcel in Mission Valley. Although the driveway portion of the proposed project is located within the area planned for the Los Cumbres/I-8 interchange, the hotel has been designed to be functional with or without the interchange. The site is undeveloped, although a Planned Commercial Development (PCD) and Tentative Parcel Map for a hotel project on this site were approved by Planning Commission in 1989. The subject property is adjacent to but outside of the Multiple Habitat Planning Area

(MHPA) boundary and is designed to avoid impacts to sensitive habitat within the MHPA. The proposed Rezone and Mission Valley Planned District/Resource Protection Ordinance Permit are consistent with the General Plan and the Mission Valley Community Plan and the project meets all the requirements of the Mission Valley Planned District Ordinance and the Resource Protection Ordinance.

On March 4, 1998, the Mission Valley Community Planning Group recommended approval of the project by a vote of 23 in favor, 0 against and 1 abstention.

The rezone from MV-M/SP to MV-CV would not have an impact on housing and affordability.

LEGAL DESCRIPTION:

The project site located south of Hotel Circle South between Interstate 5 and State Route 163 within the Mission Valley Community and is more particularly described as Parcel 4 of Parcel Map PM-16459.

FILE LOCATION: Subitems A-B: PERM-96-7234 (65); Subitem C: NONE

COUNCIL ACTION: (Tape location: A578-B085.)

Hearing began at 10:55 a.m. and halted at 11:04 a.m.

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS, GRANT THE PERMITS, AND INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: Casa Palmera Assisted Living.

Matter of a zone change from A-1-10 to R-1-10,000 and a Conditional Use Permit CUP-98-0128 to construct a new 38 bed assisted living wing to an existing 99 bed convalescent facility on a 4.77 acre parcel located on the northeast corner of El Camino Real and Via De La Valle.

(CUP/RZ-98-0128. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the Resolution in Subitem A; introduce the Ordinance in Subitem B; and adopt Resolution in Subitem C to approve the permit:

Subitem-A: (R-99-713) ADOPTED AS RESOLUTION R-291193

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0128 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-99-74) INTRODUCED, TO BE ADOPTED FEBRUARY 1, 1999

Introduction of an Ordinance approving the rezoning of a 4.77 acre site from A1-10 to R1-10,000 zone on a parcel on Via De La Valle that is not located within any Community Planning Area.

Subitem-C: (R-99-685) GRANTED PERMIT; ADOPTED AS RESOLUTION R-291194

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

The 4.77 gross-acre project site is located at the northeast corner of El Camino Real and Via De La Valle within the A-1-10 zone. The property is not located within any recognized Community Planning Area. The Progress Guide and General Plan indicates this property as Residential Neighborhood. With the approval of a Conditional Use Permit, Convalescent and Assisted Living Facilities are permitted land uses.

LEGAL DESCRIPTION:

The 4.77 acre site is more particularly described as being located at the northeast corner of El Camino Real and Via De La Valle in the R-1-10,000 zone; a portion of Section 6, Township 14 South, Range 3 West, SBBM.

CITY MANAGER SUPPORTING INFORMATION:

This Conditional Use Permit is for a 37 bed Assisted Living wing to be constructed adjacent to an existing 99 bed convalescent facility that was approved by CUP-84-0858. The architectural materials and components will be utilized with the proposed addition. The proposed rezone from A1-10 to R1-10,000 is being proposed to reflect the zoning designation that is consistent with the General Plan and the development regulations of the proposed use.

The property is not located within any established Community Planning Area.

On November 19, 1998, the Planning Commission voted 7-0 to recommend to the City Council, the adoption of the City Manager's recommendations for the proposed project.

There was no opposition presented at the Planning Commission public hearing for the Casa Palmera Assisted Living wing.

The City Manager recommends the City Council APPROVE the Rezone Ordinance, and the Conditional Use Permit.

FILE LOCATION: Subitems A & C: PERM-98-0128 (65); Subitem B: NONE

COUNCIL ACTION: (Tape location: A578-B085.)

Hearing began at 10:55 a.m. and halted at 11:04 a.m.

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS, GRANT THE PERMIT, AND INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: Matter of the final determination regarding the extension of Mesa College Drive and the sidewalk and parking requirements in the Pacific Highway Corridor as a part of the comprehensive update of the Linda Vista Community Plan, Amendments to the Progress Guide and General Plan, the Clairemont Mesa Community Plan, previously approved in part on December 1, 1998, by Resolution No. R-291021; associated ordinance amendments, and associated rezones within the Linda Vista and Clairemont Mesa areas.

(CP/PGGP-96-0114. Districts 5 & 6.)

(Continued from the meeting of December 1, 1998, portions of Item 330.)

NOTE: Hearing open for limited purpose of resolving outstanding issues related to proposed extension of Mesa College Drive and the policy for sidewalks and parking overlay zone on Pacific Highway Corridor.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, C, D, and E; adopt the ordinances in Subitems F, G, and H.

Subitem-A: (R-99-785) ADOPTED AS RESOLUTION R-291205

Adoption of a Resolution that the Council has reviewed and considered Environmental Impact Report No. 96-0114 (SCH No. 98031037) which was certified by Resolution No. R-291024 on December 1, 1998.

Subitem-B: (R-99-865) ADOPTED AS RESOLUTION R-291206

Adoption of a Resolution to make a final determination to include or exclude the extension of Mesa College Drive as part of the comprehensive update of the Linda Vista Community Plan and the associated Clairemont Mesa Community Plan and the Progress Guide and General Plan.

Subitem-C: (R-99-866) ADOPTED AS RESOLUTION R-291207

Adoption of a Resolution to make a final determination to include or exclude the sidewalk and parking requirements in the Pacific Highway Corridor in the Linda Vista Community Plan and the Progress Guide and General Plan.

NOTE: If the Council desires to remove the Pacific Highway Corridor properties from the parking and sidewalk requirements, then this item shall be continued and staff will be directed to bring the item back with an additional necessary action to amend the City's Local Coastal Program.

Subitem-D: (R-99-867) ADOPTED AS RESOLUTION R-291208

Adoption of a Resolution to make final determination to include or exclude the extension of Mesa College Drive in the Development Impact Fee schedule as contained in Linda Vista Public Facilities Financing Plan.

Subitem-E: (R-99-868) ADOPTED AS RESOLUTION R-291209

Adoption of a Resolution to make final determination to include or exclude the extension of Mesa College Drive as a project contained in the Linda Vista Public Facilities Financing Plan and the Development Impact Fees.

Subitem-F: (O-99-66) ADOPTED AS ORDINANCE O-18614 (New Series)

Adoption of the Ordinance which was introduced on December 1, 1998, to rescind the existing zoning and adopting the associated rezones to implement the updated 1998 Linda Vista Community Plan.

(Introduced on 12-1-98, Item 330E. Council voted 6-0. Councilmembers Mathis, Stevens, and Mayor Golding not present.)

NOTE: If the Council desires to remove the Pacific Highway Corridor properties from the parking and sidewalk requirements, then this item shall be continued and staff will be directed to bring the item back for a re-introduction along with an additional necessary action to amend the City's Local Coastal Program.

Subitem-G: (O-99-67) ADOPTED AS ORDINANCE O-18615 (New Series)

Adoption of the Ordinance which was introduced on December 1, 1998, to rescind Ordinance No. O-17977 requiring discretionary permits for most projects in the Linda Vista Community.

(Introduced on 12-1-98, Item 330F. Council voted 6-0. Councilmembers Mathis, Stevens, and Mayor Golding not present.)

Subitem-H: (O-99-68) ADOPTED AS ORDINANCE O-18616 (New Series)

Adoption of the Ordinance which was introduced on December 1, 1998, to amend the Mission Valley Planned District Ordinance within the Linda Vista Community Plan area.
(Introduced on 12-1-98, Item 330G.. Council voted 6-0. Councilmembers Mathis, Stevens, and Mayor Golding not present.)

FILE LOCATION: Subitems A-H: LAND - Progress Guide and General Plan Linda Vista, Clairemont Mesa Communities (09)

COUNCIL ACTION: (Tape location: B241-268; H239-368.)

Hearing began at 11:15 a.m. and recessed at 11:17 a.m.

Motion by Warden to adopt the resolutions and ordinances and to approve staff's recommendation on the parking overlay and the sidewalk requirements from the Pacific Highway Corridor as discussed with Mr. Gleason. Delete the extension of Mesa College Drive from both the Clairemont Mesa and the Linda Vista Community Plans and request that further studies for a dedicated entrance to Mesa College be conducted for the objective of better circulation of traffic.

Trailed to afternoon session for discussion.

Hearing resumed at 5:17 p.m. and halted at 5:26 p.m.

MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES, AND TO ADOPT THE RESOLUTIONS APPROVING STAFF'S RECOMMENDATION ON THE PARKING OVERLAY AND SIDEWALK REQUIREMENTS IN THE PACIFIC HIGHWAY CORRIDOR AS DISCUSSED WITH MR. GLEASON OF EVANS PROPERTIES, AND TO DELETE THE EXTENSION OF MESA COLLEGE DRIVE FROM BOTH THE CLAIREMONT MESA AND LINDA VISTA COMMUNITY PLANS. TO REQUEST FURTHER STUDIES FOR A DEDICATED ENTRANCE TO MESA COLLEGE WITH THE OBJECTIVE FOR BETTER CIRCULATION THERE, AND TO DIRECT CITY STAFF TO WORK WITH MESA COLLEGE AND THE COMMUNITY REGARDING THAT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500: Third Amendment to Unified Port District Agreement.

(Continued from the meeting of January 11, 1999, Item 118, at the City Manager's request, for further review.)

RETIREMENT BOARD'S RECOMMENDATION:

Adopt the following resolution:

(R-99-685) ADOPTED AS RESOLUTION R-291195

Authorizing the City Manager to enter into a third amendment to the agreement with the Port District, to clarify the definition of the term "compensation" as it relates to the Port District's participating employees, exclude part-time Port District employees from participating in SDCERS, and confirm that the Port District may hire persons who have retired from City service, subject to certain conditions.

CITY MANAGER SUPPORTING INFORMATION:

The City and the District entered into a Retirement Agreement "Agreement" on February 11, 1964, to provide retirement benefits to the District's employees through participation as general members in the San Diego City Employees' Retirement System ("SDCERS"). On May 26, 1992, the City and the District entered into a first amendment to the Agreement allowing designated District employees to participate in SDCERS as safety members.

The City and the District entered into a second amendment to the Agreement on March 17, 1997, to provide benefits different from some of the benefits provided under the Manager's Proposal to District employees participating in SDCERS. (The Agreement, and the first and second amendments thereto, are on file in the office of the San Diego City Clerk as Document Nos. 667149, RR-279991 and RR-288414.) The City and District now wish to enter into a third amendment to the Agreement, allowing the District to: (1) implement a different definition of "Compensation" for the calculation of retirement benefits than the one currently contained in San Diego Municipal Code section 24.0103; (2) exclude part-time District employees from participating in SDCERS, because these individuals are covered under Social Security; and (3) clarify that the District may, notwithstanding SDMC section 24.1000, hire persons retired from City service, who shall not make contributions to, nor be active members in, SDCERS.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A578-B085.)

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

ITEM-S501: Two actions related to Wastewater System Financing Program.

(See City Manager Report CMR-98-239.)

(Continued from the meeting of January 11, 1999, Item 209, at Mayor Golding's request, to allow time for staff to answer questions.)

NOTE: The public portion of the hearing is closed. Public testimony was taken on 1/11/99.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-99-708 Cor. Copy) ADOPTED AS AMENDED AS RESOLUTION R-291210

Directing the City Manager to increase sewer service charges by five percent on March 1, 1999, by five percent on July 1, 1999 and by five percent on July 1, 2000, in order to meet public health and safety needs, as well as mandated construction schedules, as outlined in City Manager Report CMR-98-239, consistent with the Sewer Revenue and Financing Plan previously adopted by City Council on October 10, 1995.

Subitem-B: (O-99-83 Cor. Copy 2) INTRODUCED, TO BE ADOPTED FEBRUARY 1, 1999

Introduction of an Ordinance pursuant to Section 99 of the Charter of the City of San Diego approving the form of a Fifth Supplemental Indenture and approving the form and authorizing the execution and delivery of a purchase contract, a 1999-1 Supplement to the Master Installment Purchase Agreement relating to an Installment Purchase Financing and approving certain other agreements and actions in connection therewith.

NOTE: Six votes required for Subitem B pursuant to Section 99 of the City Charter.

FILE LOCATION: SUBITEM A: MEET; SUBITEM B: NONE

COUNCIL ACTION: (Tape location: H365-J630.)

Hearing began at 5:26 p.m. and halted at 7:18 p.m.

MOTION BY WARDEN TO INTRODUCE THE ORDINANCE AND TO ADOPT THE RESOLUTION AS AMENDED APPROVING ALTERNATIVE 1 FOR THREE YEARS, AND FOR THE RATES TO BECOME EFFECTIVE TWO MONTHS FROM THE DAY OF THIS ACTION. FURTHER, DIRECT THE CITY MANAGER TO:

1. NOT SPEND ANY MONIES FROM THE BENEFICIAL REUSE PROJECT ON THE WATER REPURIFICATION PROJECT UNTIL COUNCIL IS IN THE POSITION TO TAKE OFFICIAL ACTION ON THIS ISSUE.

2. IN THE INTERIM, ANY DECISIONS REGARDING THE 19.1 MILLION DOLLARS FROM THE BENEFICIAL REUSE PROJECT WILL BE USED AS NEEDED FOR ANY OF THE FOLLOWING: RATE STABILIZATION FUNDS, MEETING OUR DEBT SERVICE, AND INFRASTRUCTURE PROJECTS FOR UPGRADES TO THE SEWER SYSTEM.

3. TO INVESTIGATE AND RECOMMEND THE IMPLEMENTATION OF A CITIZENS TASK FORCE REGARDING ANALYSIS AND OVERSIGHT ON SEWER RATES AND THE EXPANSION OF INFRASTRUCTURE.

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 7:20 p.m. in the honor of:

Norma Sanders as requested by Council Member Vargas.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: J630.)