

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 12, 1993
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:18 a.m. Mayor Golding convened the Redevelopment Agency to meet jointly with the Council at 11:19 a.m. Mayor Golding recessed the meeting at 12:07 p.m. to reconvene at 1:30 p.m. in Closed Session in the 12th floor conference room to discuss pending litigation.

The meeting was reconvened by Mayor Golding to meet jointly with the Redevelopment Agency at 2:11 p.m. with all Council Members present. Mayor Golding recessed the meeting at 3:23 p.m. to meet in Closed Session in the 12th floor conference room to discuss pending litigation. The meeting was reconvened by Mayor Golding at 3:52 p.m. with Council Member Hartley not present. Mayor Golding requested prayers for Pam Kelly, a staff member of the Fire Department, who was struck by a vehicle while jogging at Hawthorne and India Streets. The meeting was adjourned by Mayor Golding at 6:08 p.m. to the next regular City Council meeting of Monday, October 25, 1993 at 2:00 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Fishkin (ll/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

(M) Mayor Golding-present

(1) Council Member Wolfsheimer-not present

(2) Council Member Roberts-present

(3) Council Member Hartley-present

(4) Council Member Stevens-present

(5) Council Member Behr-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-6:

Comment by Al Strohlein regarding the streamlining of regulations as they pertain to the City's Zoning Code update project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A023-049.)

COUNCIL COMMENT:

None.

ITEM-116:

SUBJECT: Amendment to Lease Agreement - Catamaran Pier.

(District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-468 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-
282798

Authorizing the execution of an amendment to the lease with Braemar Partnership, to allow the leaseholder's interest in the Catamaran Pier in Mission Bay Park to be used as security for a loan.

CITY MANAGER SUPPORTING INFORMATION:

In December of 1992, Council approved a 10-year lease with Braemar Partnership, Anne L. Evans, general partner, for the Catamaran Pier which is located in the northwest corner of Mission Bay. The lease provides for beach rentals, boat storage and mooring for Catamaran Hotel guests and the public. Braemar Partnership, at the request of its lender, proposes to encumber the pier lease to provide additional security for a loan it obtained on the Catamaran Hotel. The pier lease needs to be amended to allow for the encumbrance. The Bahia Hotel was encumbered in July, also in conjunction with the loan on the Catamaran Hotel. (The Bahia Hotel is leased to Bahia Hotel Associates, Anne L. Evans, general partner, by the City.) As consideration for approval of the loan, the lessee agreed to pay the City an additional percentage rent of approximately \$50,000 for each year that the Bahia is encumbered.

FILE LOCATION: LEAS - Braemar Partnership - Catamaran
Pier in Mission Bay Park LEASFY94-1

COUNCIL ACTION: (Tape location: H355-416.)

MOTION BY ROBERTS TO ADOPT AS AMENDED TO: 1) PROCEED WITH THE APPROVAL OF THE LEASE CHANGES TO ALLOW FOR THE ENCUMBRANCE OF THE CATAMARAN PIER; AND 2) REQUEST THE CITY MANAGER TO WORK WITH THE OWNERS OF THE LEASEHOLD TO SEE THAT THE DIFFERENCE IN THE RENT FOR THE FIRST YEAR, IS PLACED INTO THE IMPROVEMENT FUND FOR THAT PROPERTY AND THAT \$50,000 PER YEAR BE PLACED INTO THE SAME FUND, THEREAFTER, FOR THE TERM OF THE LEASE. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-ineligible.

ITEM-203: CONTINUED TO OCTOBER 26, 1993

SUBJECT: Creation of The Centre for Organization Effectiveness.

(Continued from the meeting of September 27, 1993, Item 201, at Mayor Golding's request, to allow time for the City Manager to delineate in detail what part of this program is going to actually be a business, and what part is not, and how it will operate.)

(See City Manager Report CMR-93-275.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-396)

- 1) Authorizing the City Manager to establish The Centre for Organization Effectiveness for the purpose of developing, marketing, and distributing organization development, management development, training, and other products and services, which may include publishing related materials;
- 2) Authorizing the Auditor and Comptroller to establish The Centre for Organization Effectiveness Fund (The Centre Fund);
- 3(a) Authorizing the transfer of not to exceed \$75,000 from the Entrepreneurial Program and not to exceed \$15,000 from the Special Training Fund into The Centre Fund for the start up costs for this new venture;
- (b) Authorizing the appropriation of \$90,000 from the above two sources, plus any additional revenue, including interest, and receivables generated by The Centre, and any other monies received by The Centre for The Centre's Fiscal Year 1994 Budget;
- (c) Authorizing the Auditor and Comptroller to reimburse the Entrepreneurial Program for not to exceed \$75,000 and to reimburse the Special Training Fund for not to exceed \$15,000 from The Centre Fund by the end of Fiscal Year 1997 as follows: 1) an annual amount to be transferred from The Centre Fund to the Entrepreneurial Program and Special Training Fund, in an amount to be determined by the Financial Management Department; and 2) any excess carryover monies from the prior year including interest earned by The Centre Fund may be appropriated and expended for the purposes for which

the Fund was created or, upon direction of the
Financial Management Department, may be transferred by
the Auditor and Comptroller to the General Fund;

- 4) Authorizing the City Manager to establish fees to charge for services provided by The Centre, as outlined in Attachment B of the City Manager's Report;
- 5) Authorizing the City Manager to execute contractual obligations for not to exceed \$50,000 per contract as necessary for The Centre to deliver services requested;
- 6) Authorizing the City Manager to apply for, accept and expend, and authorizing the Auditor and Comptroller to appropriate, grants and other contributions for The Centre.

Aud. Cert. 9400298.

FILE LOCATION:

COUNCIL ACTION: (Tape location: H417-450.)

MOTION BY BEHR TO CONTINUE TO OCTOBER 26, 1993. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: US West Cellular Conditional Use Permit (CUP-93-0143) and San Ysidro Development Permit for modification of an existing cellular communications facility.

(CUP/SYDP-93-0143. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A and Subitem B to grant the permit:

Subitem-A: (R-94-602) ADOPTED AS RESOLUTION R-282787

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-93-0143 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-94-603) ADOPTED AS RESOLUTION R-282788
GRANTING THE PERMIT

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

SUPPORTING INFORMATION:

Consideration of a Conditional Use Permit (CUP-93-0143) and San Ysidro Development Permit to replace four existing 20-foot high antennas with one 60-foot high pole containing eight panel antennas to an existing cellular communications facility located at 128 West San Ysidro Boulevard in the CSR-2 Zone of the San Ysidro Implementation Overlay Zone. The 17,944 square-foot site is occupied by three existing structures totaling 3,288 square-feet and includes a commercial building with a variety of retail uses along San Ysidro Boulevard with a single family dwelling unit on the second story, a one-story garage, and a storage building in the rear of the site. The storage building contains the equipment room for the existing cellular facility.

LEGAL DESCRIPTION:

The subject property is more particularly described as Lots A31 and A32 of Map-1174.

FILE LOCATION: PERM-CUP-93-0143

COUNCIL ACTION: (Tape location: A080-105.)

Hearing began 10:26 a.m. and halted 10:27 a.m.

MOTION BY McCARTY TO ADOPT THE RESOLUTIONS AND GRANT THE PERMIT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Acquisition of 13.45 Acres for Open Space - Mission Valley Hillsides D Extension.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-176) ADOPTED AS RESOLUTION R-282789

Considering the protests and determining that is in the public interest to acquire 13.45 acres of Mission Valley Hillside D Extension, for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-282571, adopted September 13, 1993;

Authorizing the expenditure of an amount not to exceed \$85,000 as payment for the property and related costs from the Open Space Park District Bond Fund 79103;

Authorizing the City Manager to accept the deed to the property without further Council action.

CITY MANAGER SUPPORTING INFORMATION:

The County of San Diego has given the City of San Diego the opportunity to purchase a tax-defaulted parcel located on the south side of Mission Valley east of I-805. This 13.45 acre parcel is a portion of Mission Valley Hillside D, which is number 42, in Category B, of the Council's adopted open space retention list. It is adjacent on the west to City owned open space. This parcel also was a priority for acquisition in the 1990 Park and Open Space Bond issue, which failed by a narrow margin.

Aud. Cert. 9400118.

FILE LOCATION: STRT OS-38

COUNCIL ACTION: (Tape location: A080-105.)

Hearing began 10:26 a.m. and halted 10:27 a.m.

MOTION BY McCARTY TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Acquisition of 18.72 Acres for Open Space - Los
Penasquitos Canyon Preserve - North No. 8.

(See City Manager Report CMR-93-172. North City Future Urbanizing Area. District-1.)

PUBLIC FACILITIES AND RECREATION COMMITTEE'S RECOMMENDATION:
On 6/9/93 PFR voted 5-0 to recommend adoption of the following resolution: (Councilmembers Hartley, Behr, Stallings, McCarty and Vargas voted yea).

(R-94-173) ADOPTED AS RESOLUTION R-282790

Considering the protests and determining that is in the public interest to acquire 18.72 acres of Los Penasquitos Canyon Preserve - North No. 8, for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-282467, adopted on August 9, 1993;

Authorizing the expenditure of an amount not to exceed \$675,000 as payment for the property and related costs from the Open Space Park District Bond Fund 79104;

Authorizing the City Manager to accept the deed to the property without further Council action.

COMMITTEE ACTION: Reviewed by PFR on 6/9/93. Recommendation to approve the City Manager's recommendation. Districts 3,5,6,7 and 8 voted yea.

CITY MANAGER SUPPORTING INFORMATION:

Los Penasquitos Canyon Preserve is priority number one on the Council's adopted open space retention list. It is also identified as "high priority for acquisition" in Manager's Report P-92-253 addressing preservation of the Del Mar Mesa in the North City Future Urbanizing Area.

This 18.72 acre parcel is at the end of a large finger canyon northeast of the Newland tradeland property, and consists mainly of canyon slope, bottom and mesa. On September 15, 1986, Council approved an acquisition plan for this and other land, along with funds to have it appraised for purposes of acquisition for open space. Further, on June 1, 1987, Council established priorities for the acquisition plan which identified this area as the number eight priority. Since available funds are not adequate to proceed with all of the parcels included in this priority, we are returning to Council for approval of funds in order of established priorities. Funding is now available for the

acquisition of this parcel. Also, this parcel is intended to serve as the first parcel in a "mitigation bank," which is an open space acquisition strategy discussed in Report P-92-253.

Acquisition and management costs would be calculated on a per acre basis, and future applicants needing off-site mitigation would reimburse the "bank" for their prorated share. An existing interest-bearing account would hold the funds collected until sufficient funds have accrued for another parcel acquisition. No further public funding will be needed for the "mitigation bank." This request is for \$675,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs.

Aud. Cert. 9300577.

FILE LOCATION: STRT OS-23

COUNCIL ACTION: (Tape location: A080-105.)

Hearing began 10:27 a.m. and halted 10:28 a.m.

MOTION BY McCARTY TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Three actions related to the Rancho Penasquitos Facilities Benefit Assessment.

(See City Manager Report P-93-165; "Rancho Penasquitos Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 1994 - Revised August 1993"; memorandum from Maureen Stapleton dated 6/11/93; City Manager Report CMR-93-65. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following resolutions:

(Based on the City Council's action on August 3, 1993, Item 334. Council voted 6-2 to approve the FBA as proposed by the community, reset the hearing, and revise the plan. Councilmembers Roberts, Hartley, Stevens, McCarty, Vargas and Mayor Golding voted yea; Councilmembers Wolfsheimer and Stallings voted nay; Councilmember Behr not present).

Subitem-A: (R-94-274) ADOPTED AS RESOLUTION R-282791

Approving the document entitled "Rancho Penasquitos Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 1994 - Revised August, 1993."

Subitem-B: (R-93-1454 Cor. Copy) ADOPTED AS RESOLUTION R-282792

Designating an area of benefit in Rancho Penasquitos;

Confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program;

Confirming the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and

Ordering the proposed Public Facilities Project in the matter of the Rancho Penasquitos Facilities Benefit Assessment Area.

Subitem-C: (R-93-1455) ADOPTED AS RESOLUTION R-282793

Declaring the assessment fee schedule contained in the Rancho Penasquitos Financing Plan and Facilities Benefit Assessment to be an appropriate and applicable development impact fee for all properties within the Rancho Penasquitos Community that have either never been assessed under the Rancho Penasquitos Public Facilities Financing Plan or have not otherwise agreed to the payment of the Facilities Benefit Assessment fees.

FILE LOCATION: STRT FB-13

COUNCIL ACTION: (Tape location: A122-283.)

Hearing began 10:29 a.m. and halted 10:41 a.m.

Testimony in opposition by Ed Shea.

Testimony in favor by Tom Steinke, Kevin McNamara, Corey Buckner.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Stevens-not present, Behr-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Amending Ordinance O-17904 N.S., relating to the
pipeline provision for the Pacific Beach Rezoning.

(District-2.)

COUNCILMEMBER ROBERTS' RECOMMENDATION:

Introduce the following ordinance:

(O-94-26) INTRODUCED, TO BE ADOPTED OCTOBER 25, 1993

Amending Section 5 of Ordinance O-17904 N.S., adopted
April 12, 1993, relating to the pipeline provision for
the Pacific Beach Rezoning.

SUPPORTING INFORMATION: This amendment proposes to read:
"Within the Coastal Zone, no permits for development inconsistent
with provision of this ordinance shall be issued unless release
from the provisions of the Single Family Protection ordinance was
denied prior to November 20, 1990, or application for development
was submitted prior to November 20, 1990. No permits for
development inconsistent with provisions of this ordinance shall
be issued unless a coastal development permit for the project is
applied for prior to ninety days following the certification of
this ordinance as a local coastal program amendment by the
California Coastal Commission. In the event more than five
applications for permits are filed pursuant to the provisions of
this ordinance, the City Manager is hereby directed to
immediately bring the issue back to the City Council and Coastal
Commission for additional review and consideration. "The
proposed amendment also constitutes an amendment to the City of
San Diego's Local Coastal Program. If approved by the City
Council, the proposed Local Coastal Program amendment must be
submitted to the California Coastal Commission for review and
final approval. The proposed Local Coastal Program amendment
would not become effective until after approval by the California
Coastal Commission.

In April, 1993, the City Council amended a Pacific Beach rezoning ordinance to allow certain projects, the owners of which had applied for development rights or been denied a release from the provisions of the single family protection ordinance prior to November 20, 1990, to proceed under the zoning which existed in 1990.

The April, 1993 ordinance contained a deadline of September 30, 1993, for acquiring permits. Because the April, 1993 ordinance could not become effective until approved by the California Coastal Commission, which approval has not yet been obtained, and because of time and cost constraints involved in processing applications through City departments, it has been infeasible for project owners to take advantage of the window of opportunity provided by the April, 1993 ordinance.

This ordinance will amend the April, 1993 ordinance to provide additional time for project owners to file applications, with the deadline being 90 days following certification of the ordinance as a local coastal program amendment by the California Coastal Commission.

It is anticipated that not more than three potential projects meet the criteria contained in the ordinance. However, the ordinance also contains a provision that if applications for more than five projects are received by the City Manager, the Manager shall bring the issue back to the City Council for additional review.

FILE LOCATION: LAND-Pacific Beach Community Plan

COUNCIL ACTION: (Tape location: A285-457.)

Hearing began 10:42 a.m. and halted 10:53 a.m.

Testimony in Favor by Kathy Evans, Henry Baum, Iris Pearlman.

Testimony in Opposition by Al Strohlein.

MOTION BY ROBERTS TO INTRODUCE. Second by Stallings.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: CONTINUED TO OCTOBER 26, 1993

SUBJECT: Two actions related to Regulatory Relief.

(See memorandum from Maureen Stapleton dated 9/27/93; memorandum from the Planning Department dated 9/15/93; and memorandum from Maureen Stapleton dated 9/20/93.)

(Continued from the meeting of August 10, 1993, Item 344, Subitems X and AA.)

CITY MANAGER'S RECOMMENDATION:

- (1) Return Subitem X back to staff to revise the ordinance pursuant to the memo from Maureen Stapleton dated 9/20/93 and Council direction on 8/10/93; and
- (2) Introduce Subitem AA:

Subitem-X: (O-93-195)

Amending Chapter X, Article 1, Division 5 of the San Diego Municipal Code, by amending Section 101.0500, relating Storage of Moved Buildings.

Subitem-AA: (O-93-149 Cor. Copy)

Introduction of an Ordinance amending Chapter VI, Article 9, Division 2 of the San Diego Municipal Code, by amending Sections 69.0208, 69.0211 and 69.0212, relating to the Procedures for Implementation of CEQA and the State CEQA Guidelines, by changing the periods set aside for public review of addenda and final environmental documents.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A461-B211.)

Hearing began 10:53 a.m. and halted 11:19 a.m.

Testimony in opposition by Al Strohlein, Scott Andrews, Opal Trueblood, Dave O'Dell, Linda Michael, Norma Sullivan, Barbara Massey, Reynaldo Pisano, Anna Major.

MOTION BY McCARTY TO CONTINUE TO OCTOBER 26, 1993 TO HEAR TESTIMONY ON THE OTHER SIDE OF THE ISSUE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea,

Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

SUBJECT: Eight actions related to the College Community
Redevelopment Project.

(See City Manager Reports CMR-93-285 and CMR-93-233.
College Community Area. District-7.)

(Subitems B, C, G and H were continued from the meeting
of August 10, 1993, Item 340, at the City Manager's
request, because the Redevelopment companion item was
also continued.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A,B,D,G and H; introduce Subitems C,E and F:

Subitem-A: (R-94-473) ADOPTED AS RESOLUTION R-282799

Certifying the Final Environmental Impact Report for
the College Community Redevelopment Project as it
pertains to the proposed amendment to the College Area
Community Plan, the various rezones to accommodate the
Redevelopment Plan, the new Land Use Entitlements
Process utilizing a Master Project Plan, and making
certain findings regarding the environmental impacts of
the proposed actions;

Adopting a Reporting and Monitoring Program, and a
Statement of Overriding Considerations.

Subitem-B: (R-94-155) ADOPTED AS RESOLUTION R-282800

Adopting an amendment to the College Area Community
Plan.

Subitem-C: (O-94-19) INTRODUCED, TO BE ADOPTED
OCTOBER 25, 1993

Introduction of an Ordinance rezoning various
properties within the College Area Community Plan Area,
from the R1-5000, R-1000 and R-400 Zones to the R1-
40000 Zone; from the R1-5000, R-3000, R-1000, R-400 and
CN Zones to the R-600 Zone; from the R-400 Zone to the
CN Zone; from the R1-40000 Zone to the CV Zone; and
from the R1-5000 and CP Zones to the CO Zone; and,

removing various properties within the College Area
Community Plan Area, from the Community Plan
Implementation Overlay Zone.

Subitem-D: (R-94-472) ADOPTED AS RESOLUTION R-282801

Adopting the College Community Redevelopment Project Master Project Plan which sets out the conditions, policies, and development and design guidelines, along with the procedures and conditions governing Phased Project Redevelopment Permits for the College Community Redevelopment Project.

Subitem-E: (O-94-33) INTRODUCED, TO BE ADOPTED
OCTOBER 25, 1993

Introduction of an Ordinance amending Chapter X, Article 1, Division 9 of the San Diego Municipal Code by adding a new section 101.0940, entitled "Master Project Plan and Phased Project Redevelopment Permits for the College Community Redevelopment Project Area."

Subitem-F: (O-94-32) INTRODUCED, TO BE ADOPTED
OCTOBER 25, 1993

Introduction of an Ordinance amending Chapter XI, Diagram Two, of the San Diego Municipal Code, by adding new text under the Planning Development Section relating to Decision Levels.

Subitem-G: (R-94-123) ADOPTED AS RESOLUTION R-282802

Adoption of a Resolution approving the College Area Public Facilities Financing Plan.

Subitem-H: (R-94-121) ADOPTED AS RESOLUTION R-282803

Rescinding the existing development impact fees for the College Area Community; establishing new development impact fees for all properties within the College Area Community as described in the College Area Public Facilities Financing Plan of June 1993.

NOTE: See Item 601 on the Special Joint Meeting Docket and the Redevelopment Agency Agenda of October 12, 1993 for companion items.

FILE LOCATION: LAND-College Area Community Plan

COUNCIL ACTION: (Tape location: B215-C296; D005-F041.)

Hearing began 11:19 a.m. and recessed 12:07 p.m.

Testimony in opposition by Eleanor Hertzman, Barbara Greene, Majorie Campbell, Pauline Graves.

Testimony in favor by Kipland Howard, Tom Carter, Amy Giberson, Michael Ashworth, Patrick Gallaher.

Hearing resumed at 2:12 p.m. and recessed at 3:23 p.m.

Hearing resumed at 3:52 p.m. and halted at 4:08 p.m.

Testimony in opposition by Rich Robinson.

Testimony in favor by Norman D. Self, Barbara Barrow, Robert Trovaten, Anthony Navoy, Gary Debusschere, Alice Buck and E. James Boggus.

MOTION BY McCARTY TO ADOPT SUBITEMS A, B, D, G AND H, INTRODUCE SUBITEMS C, E AND F, AND DIRECT STAFF TO: 1) HAVE WARING ROAD AS NUMBER ONE, THE LIBRARY AS NUMBER TWO AND MOVE THE WIDENING OF COLLEGE AVENUE TO THE BOTTOM OF THE PRIORITY LIST; AND 2) ADD THE TROLLEY PROJECT TO THE PUBLIC FACILITIES FINANCING PLAN AS AN UNFUNDED PROJECT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337:

SUBJECT: Tax Allocation Bonds for the Centre City Redevelopment Project.

(See CCDC memo dated 9/20/93. Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-94-466) ADOPTED AS RESOLUTION R-282804

Approving the issuance by the Redevelopment Agency of approximately \$58,000,000 aggregate principal amount of tax allocation bonds in one or two series to finance a portion of the cost of as the Centre City Redevelopment

Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F047-417.)

Hearing began at 4:09 p.m. and halted at 4:38 p.m.

Testimony in favor by Bob Breitbard and Tom Nettles.

Motion by Behr to approve the issuance of the bonds, but do not allocate expenditures of funds from these bond series for the municipal gym. No second.

MOTION BY BEHR TO APPROVE THE ISSUANCE OF THE BONDS. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338:

SUBJECT: Two actions related to Redevelopment Agency Funds Trade.

(See City Manager Report CMR-93-284. Districts-2,4,7,8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-464) ADOPTED AS RESOLUTION R-282794

Accepting loan repayments from the Centre City and Mount Hope Redevelopment Projects;

Amending the FY 1994 budgets of the contribution to the Redevelopment Agency Fund and the CDBG Program Income Fund to accept the repayments;

Authorizing reloans to Agency Projects of the Funds repaid.

Subitem-B: (R-94-465) ADOPTED AS RESOLUTION R-282795

Reprogramming and transferring FY 1994 CDBG Funds to the Redevelopment Agency.

Aud. Certs. 9400348/9400349/9400350.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A102-114.)

MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339:

SUBJECT: A Planned Commercial Development Permit, Rezone, Tentative Map and amendments to Stonecrest Specific Plan, Stonecrest Development Agreement and the Progress Guide and General Plan for the Stonecrest Square - WalMart project.

(Case-92-0738. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A, F, and G; Adopt Subitems B, and C to grant the Map and the permit; and introduce Subitems D, and E:

Subitem-A: (R-94-483) ADOPTED AS RESOLUTION R-282805

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-92-0738 (EAS-92-0652) has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-94-621) MAP GRANTED, ADOPTED AS RESOLUTION R-282806

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

Subitem-C: (R-94-620) PERMIT GRANTED, ADOPTED AS AMENDED

AS RESOLUTION R-282807

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

Subitem-D: (O-94-39) INTRODUCED, TO BE ADOPTED
OCTOBER 25, 1993

Introduction of an Ordinance for CA and CA/HR Zoning.

Subitem-E: (O-94-38) INTRODUCED, TO BE ADOPTED
OCTOBER 25, 1993

Introduction of an Ordinance amending the development agreement.

Subitem-F: (R-94-484 Cor. Copy) ADOPTED AS RESOLUTION R-
282808

Adoption of a Resolution amending the Specific Plan and General Plan.

Subitem-G: (R-94-485 Cor. Copy) ADOPTED AS RESOLUTION R-
282809

Adoption of a Resolution approving the Memorandum of Understanding between the City Manager and Gatlin Development Company, (Project Applicant) regarding City payments for certain public facilities and other related matters.

SUPPORTING INFORMATION:

The project proposes to allow construction of a 436,349 square-foot retail commercial development on a 60-acre site within the Stonecrest Specific Plan area. The proposal would allow rezoning from R-1-40,000 and M-1A/HR to CA and CA/HR.

LEGAL DESCRIPTION:

The subject property is located south of Aero Drive and west of Interstate 15 in the Kearny Mesa community and is described as a portion of Rosedale Maps-825 and 826 and a portion of Rancho Mission, Map-330.

CITY MANAGER SUPPORTING INFORMATION:

This action adopts an amendment to the Stonecrest Development Agreement which was adopted January 9, 1989. Section 410 Equal Opportunity of the original agreement, which also covers this amendment, obligates the developer to comply with and cause its

contractors to comply with the City's Equal Opportunity Program. Further, the owner has contractually agreed to submit semi-annual reports describing both efforts and success in including minorities and women as employees and business participants in the construction of the project.

The developer will be asked to submit a Work Force Report for its own staff and, if under-represented with respect to women or targeted ethnic groups, an Equal Employment Plan to address any identified deficiencies.

FILE LOCATION: Subitems A, F & G: LAND - Stonecrest
 Specific Plan; Subitem B: SUBD -
 Stonecrest Square; Subitem C: PERM -
 PCD-92-0738; Subitems D & E: --

COUNCIL ACTION: (Tape location: F420-H208.)

Hearing began at 4:39 p.m. and halted at 5:49 p.m.

Testimony in favor by Mike McDade, Jerry Alford, Peggy Lacy, and Kathy Gausted.

MOTION BY STALLINGS TO ADOPT ITEM 339, INTRODUCING THE ORDINANCES AND APPROVING THE RESOLUTIONS AS AMENDED TO INCLUDE THE FOLLOWING REVISIONS AS STATED BY STAFF: 1) REVISE CONDITION NO. 44 OF THE PERMIT TO READ: "THE APPLICANT SHALL CONTRIBUTE \$100,000 TO THE IMPROVEMENTS OF THE SERRA MESA LIBRARY. THE APPLICANT SHALL PAY \$100,000 TO THE CITY PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT"; 2) REVISE CONDITION NO. 45 OF THE PERMIT TO READ: "PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT, THE APPLICANT SHALL PAY TO THE CITY \$20,000 TO BE DEPOSITED BY THE CITY INTO A SERRA MESA COMMUNITY FUND FOR THE CONSTRUCTION OF SUCH PUBLIC IMPROVEMENTS OR IMPROVEMENTS WITHIN THE SERRA MESA COMMUNITY AS RECOMMENDED BY THE SERRA MESA COMMUNITY PLANNING GROUP. ALL PROJECTS AND EXPENDITURES OF FUNDS SHALL BE APPROVED BY THE CITY COUNCIL". Second by McCarty.

MOTION BY VARGAS TO ADOPT ITEM 340, INTRODUCING THE ORDINANCE AND APPROVING THE RESOLUTIONS AS AMENDED TO: 1) ADD A NEW CONDITION, AS STATED BY STAFF, WHICH IS CONSISTENT WITH THE MEMORANDUM OF UNDERSTANDING THAT READS: "APPLICANT SHALL DESIGN AND CONSTRUCT A PUBLIC RESTROOM FACILITY AT PALMRIDGE NEIGHBORHOOD PARK TO THE SATISFACTION OF THE PARK AND RECREATION DIRECTOR PRIOR TO ISSUANCE OF ANY CERTIFICATE

OF OCCUPANCY AT THE PALM PROMENADE PROJECT SITE"; 2) MAKE THE NECESSARY REVISIONS TO THE MAP AND PERMIT CONDITIONS AND TO CLARIFY TIMING ISSUES AS LISTED IN THE LETTER DISTRIBUTED BY STAFF FROM THE GATLIN DEVELOPMENT COMPANY TO THE MAYOR AND COUNCIL DATED OCTOBER 12, 1993; AND

3) INCLUDE IN THE MEMORANDUM OF UNDERSTANDING A COMMITMENT BY GATLIN DEVELOPMENT COMPANY TO: A) PROVIDE FUNDING FOR 38 PALM TREES TO BE PLACED IN THE MIDDLE DIVIDER ALONG I-805/PALM AVENUE INTERCHANGE; B) PROVIDE FUNDING OF APPROXIMATELY \$3,000 PER YEAR FOR THE MAINTENANCE OF THE TREES FOR A DURATION OF NINE YEARS; AND C) FILL THE JOBS THAT WILL BE AVAILABLE WITH PEOPLE FROM THE SAN DIEGO COMMUNITY RATHER THAN HAVING PEOPLE BROUGHT IN FROM OTHER TOWNS. Second by Roberts.

MOTION BY STALLINGS TO ADOPT ITEMS 339 AND 340, INTRODUCING THE ORDINANCES AND APPROVING THE RESOLUTIONS AS AMENDED TO INCLUDE THE REVISIONS AS STATED AND TO ADOPT ITEM S501. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340:

SUBJECT: Conditional Use, Planned Commercial Development, Resource Protection Ordinance and Land Development Permits; a Tentative Map; Rezone & amendments to the Otay Mesa Community and General Plan for the Palm Plaza - Walmart project.

(Case-92-0736. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A, E, and F; Adopt Subitems B and C to grant the map and permits; and introduce Subitem D:

Subitem-A: (R-94-469) ADOPTED AS RESOLUTION R-282810

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-92-0736 (EAS-92-0647) has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the report has been reviewed and considered by the Council and has adopted findings of mitigation, and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-94-604) MAP GRANTED, ADOPTED AS AMENDED AS
RESOLUTION R-282811

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

Subitem-C: (R-94-605) PERMITS GRANTED, ADOPTED AS AMENDED AS RESOLUTION R-282812

Adoption of a Resolution granting or denying the CUP/PCD/RPO/LDP permits, with appropriate findings to support Council action.

Subitem-D: (O-94-37) INTRODUCED, TO BE ADOPTED OCTOBER 25, 1993

Introduction of an Ordinance for CA Zoning.

Subitem-E: (R-94-470 Cor. Copy) ADOPTED AS RESOLUTION R-282813

Adoption of a Resolution amending the Otay Mesa Community Plan and the General Plan.

Subitem-F: (R-94-471 Cor. Copy) ADOPTED AS AMENDED AS RESOLUTION R-282814

Adoption of a Resolution approving the Memorandum of Understanding between the City Manager and Gatlin Development Company, (Project Applicant) regarding City payments for certain public facilities and other related matters.

SUPPORTING INFORMATION:

This project is for the construction, operation and maintenance of a regional commercial retail center, (consisting of a maximum total of 617,000 square feet of gross floor area), including two major anchor tenants, various smaller retail tenant development pads, related site landscaping, off-street parking facilities and other public and private improvements. In addition to required multiple discretionary permits (Tentative Map, Land Development Permit, Planned Commercial Development, Conditional Use and Resource Protection Ordinance Permits), implementation of the proposed development will require City Council approval of a Rezone from A-1-10 to CA (Commercial) and an associated amendment to the Otay Mesa Community Plan and City of San Diego General Plan and Progress Guide to redesignate the site for the proposed commercial retail land uses.

LEGAL DESCRIPTION:

The subject property is located on portions of a vacant 54-acre site located at the southeast corner of Palm Avenue and I-805 in the A-1-10 Zone and is described as portions of Section 25, Township 18 South, Range 2 West, SBBM.

FILE LOCATION: Subitem A & F: PERM - CUP-92-0736;
 Subitem B: SUBD - Palm Plaza; Subitem
 C: PERM - CUP/PCD/RPO/LDP-92-0736;
 Subitem D: --; Subitem E: LAND - Otay
 Mesa/Nestor Community Plan

COUNCIL ACTION: (Tape location: F420-H208.)

Hearing began at 4:39 p.m. and halted at 5:49 p.m.

Testimony in favor by Mike McDade, Ruth Scheider, Phyllis McHone, Lee Mowery, Lorraine Voight, Lyle Branch, Luz Camacho and Wesley Hysten.

Testimony in opposition by Robert Leiter.

MOTION BY STALLINGS TO ADOPT ITEM 339, INTRODUCING THE ORDINANCES AND APPROVING THE RESOLUTIONS AS AMENDED TO INCLUDE THE FOLLOWING REVISIONS AS STATED BY STAFF: 1) REVISE CONDITION NO. 44 OF THE PERMIT TO READ: "THE APPLICANT SHALL CONTRIBUTE \$100,000 TO THE IMPROVEMENTS OF THE SERRA MESA LIBRARY. THE APPLICANT SHALL PAY \$100,000 TO THE CITY PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT"; 2) REVISE CONDITION NO. 45 OF THE PERMIT TO READ: "PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT, THE APPLICANT SHALL PAY TO THE CITY \$20,000 TO BE DEPOSITED BY THE CITY INTO A SERRA MESA COMMUNITY FUND FOR THE CONSTRUCTION OF SUCH PUBLIC IMPROVEMENTS OR IMPROVEMENTS WITHIN THE SERRA MESA COMMUNITY AS RECOMMENDED BY THE SERRA MESA COMMUNITY PLANNING GROUP. ALL PROJECTS AND EXPENDITURES OF FUNDS SHALL BE APPROVED BY THE CITY COUNCIL". Second by McCarty.

MOTION BY VARGAS TO ADOPT ITEM 340, INTRODUCING THE ORDINANCE AND APPROVING THE RESOLUTIONS AS AMENDED TO: 1) ADD A NEW CONDITION, AS STATED BY STAFF, WHICH IS CONSISTENT WITH THE MEMORANDUM OF UNDERSTANDING THAT READS: "APPLICANT SHALL DESIGN AND CONSTRUCT A PUBLIC RESTROOM FACILITY AT PALMRIDGE NEIGHBORHOOD PARK TO THE SATISFACTION OF THE PARK AND RECREATION DIRECTOR PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY AT THE PALM PROMENADE PROJECT SITE"; 2) MAKE

THE NECESSARY REVISIONS TO THE MAP AND PERMIT CONDITIONS AND TO CLARIFY TIMING ISSUES AS LISTED IN THE LETTER DISTRIBUTED BY STAFF FROM THE GATLIN DEVELOPMENT COMPANY TO THE MAYOR AND COUNCIL DATED OCTOBER 12, 1993; AND 3) INCLUDE IN THE MEMORANDUM OF UNDERSTANDING A COMMITMENT BY GATLIN DEVELOPMENT COMPANY TO: A) PROVIDE FUNDING FOR 38 PALM TREES TO BE PLACED IN THE MIDDLE DIVIDER ALONG I-805/PALM AVENUE INTERCHANGE; B) PROVIDE FUNDING OF APPROXIMATELY \$3,000 PER YEAR FOR THE MAINTENANCE OF THE TREES FOR A DURATION OF NINE YEARS; AND C) FILL THE JOBS THAT WILL BE AVAILABLE WITH PEOPLE FROM THE SAN DIEGO COMMUNITY RATHER THAN HAVING PEOPLE BROUGHT IN FROM OTHER TOWNS. Second by Roberts.

MOTION BY STALLINGS TO ADOPT ITEMS 339 AND 340, INTRODUCING THE ORDINANCES AND APPROVING THE RESOLUTIONS AS AMENDED TO INCLUDE THE REVISIONS AS STATED AND TO ADOPT ITEM S501. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500:

SUBJECT: Two actions related to San Ysidro Boulevard - Smythe Avenue to Border Village Road Condemnation.

(See City Manager Report CMR-93-279. San Ysidro Community Area. District-8.)

(Continued from the meeting of October 5, 1993, Item 331, at Councilmember Wolfsheimer's request, because 6 votes are required to adopt the condemnation.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-428) ADOPTED AS RESOLUTION R-282815

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION.

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the construction, operation and maintenance of

a public street or streets with right-of-way for the right of ingress and egress over, under, along, and across, portions of parcels lying between San Ysidro Boulevard (formerly Tijuana Boulevard) and Bolton Hall Road;

Declaring that the public interest, convenience and necessity demand the acquisition of fee title to the property for right-of-way required for construction of San Ysidro Boulevard - Smythe Avenue to Border Village Road;

Declaring the intention of the City of San Diego to acquire the property under eminent domain proceedings;

Directing the City Attorney to commence an action in the Superior Court of the State of California, for the purpose of condemning and acquiring the property and easements.

Subitem-B: (R-94-85) ADOPTED AS RESOLUTION R-282816

Authorizing the expenditure of not to exceed \$496,922 from CIP-52-166.1, San Ysidro Boulevard - Smythe Avenue to Border Village Road, Prop. A Fund 30300, as contingency funds for condemnation and related costs of litigation;

Declaring that the funds are a reallocation of a portion of the funds previously authorized for the project by Resolution R-282048, adopted June 1, 1993.

Aud. Cert. 9400044.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H209-354.)

Hearing began at 5:50 p.m. and halted at 5:59 p.m.

Testimony in opposition by A. Vassiliadis, Scott Dale and Rebecca Heldt.

MOTION BY VARGAS TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S501:

SUBJECT: Six actions related to transfer of funds for MOU for Stonecrest and Palm Promenade Development.

(Stonecrest Specific Plan Area and Otay Mesa Community Area. Districts-6 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-532) ADOPTED AS RESOLUTION R-282817

Modifying the Fiscal Year 1994 Capital Improvements Program budget by adding CIP-52-578.0, Gatlin Projects Street Improvements.

Subitem-B: (R-94-533) ADOPTED AS RESOLUTION R-282818

Amending the Fiscal Year 1994 Capital Improvements program budget by reducing CIP-52-436.0, National Avenue - SR 15 by the amount of \$2,375,000 (Transp) and reducing CIP-52-347.0, Division Street, by the amount of \$50,000 (Transp).

Subitem-C: (R-94-534) ADOPTED AS RESOLUTION R-282819

Authorizing the reimbursement of the amount of \$2,422,037 to the General Fund from Transnet Funds in lieu of Gas Tax Funds from eligible expenditures, in place of Gas Tax Funding.

Subitem-D: (R-94-535) ADOPTED AS RESOLUTION R-282820

Authorizing the reimbursement of the amount of \$2,963 from Transnet Funds in place of Gas Tax Funding.

Subitem-E: (R-94-536) ADOPTED AS RESOLUTION R-282821

Authorizing the transfer of an amount not to exceed \$2,425,000 of Gas Tax, including \$2,963 from CIP-52-521.0, Annual Allocation - City Assisted Local Street Improvements, to CIP-52-578.0, Gatlin Projects Street Improvements.

Subitem-F: (R-94-537) ADOPTED AS RESOLUTION R-282822

Authorizing the expenditure of an amount not to exceed \$2,425,000 from CIP-52-578.0, Gatlin Projects Street Improvements, to provide funds for the Memorandum of Understanding with Gatlin Development Company.

Aud. Cert. 9400372.

FILE LOCATION: PERM - PCD-92-0736; PCD-92-0738

COUNCIL ACTION: (Tape location: F420-H208.)

Hearing began at 4:39 p.m. and halted at 5:49 p.m.

MOTION BY STALLINGS TO ADOPT ITEM 339, INTRODUCING THE ORDINANCES AND APPROVING THE RESOLUTIONS AS AMENDED TO INCLUDE THE FOLLOWING REVISIONS AS STATED BY STAFF: 1) REVISE CONDITION NO. 44 OF THE PERMIT TO READ: "THE APPLICANT SHALL CONTRIBUTE \$100,000 TO THE IMPROVEMENTS OF THE SERRA MESA LIBRARY. THE APPLICANT SHALL PAY \$100,000 TO THE CITY PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT"; 2) REVISE CONDITION NO. 45 OF THE PERMIT TO READ: "PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT, THE APPLICANT SHALL PAY TO THE CITY \$20,000 TO BE DEPOSITED BY THE CITY INTO A SERRA MESA COMMUNITY FUND FOR THE CONSTRUCTION OF SUCH PUBLIC IMPROVEMENTS OR IMPROVEMENTS WITHIN THE SERRA MESA COMMUNITY AS RECOMMENDED BY THE SERRA MESA COMMUNITY PLANNING GROUP. ALL PROJECTS AND EXPENDITURES OF FUNDS SHALL BE APPROVED BY THE CITY COUNCIL". Second by McCarty.

MOTION BY VARGAS TO ADOPT ITEM 340, INTRODUCING THE ORDINANCE AND APPROVING THE RESOLUTIONS AS AMENDED TO: 1) ADD A NEW CONDITION, AS STATED BY STAFF, WHICH IS CONSISTENT WITH THE MEMORANDUM OF UNDERSTANDING THAT READS: "APPLICANT SHALL DESIGN AND CONSTRUCT A PUBLIC RESTROOM FACILITY AT PALMRIDGE NEIGHBORHOOD PARK TO THE SATISFACTION OF THE PARK AND RECREATION DIRECTOR PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY AT THE PALM PROMENADE PROJECT SITE"; 2) MAKE THE NECESSARY REVISIONS TO THE MAP AND PERMIT CONDITIONS AND TO CLARIFY TIMING ISSUES AS LISTED IN THE LETTER DISTRIBUTED BY STAFF FROM THE GATLIN DEVELOPMENT COMPANY TO THE MAYOR AND COUNCIL DATED OCTOBER 12, 1993; AND 3) INCLUDE IN THE MEMORANDUM OF UNDERSTANDING A COMMITMENT BY GATLIN DEVELOPMENT COMPANY TO: A) PROVIDE FUNDING FOR 38 PALM TREES TO BE PLACED IN THE MIDDLE DIVIDER ALONG I-805/PALM

AVENUE INTERCHANGE; B) PROVIDE FUNDING OF APPROXIMATELY \$3,000 PER YEAR FOR THE MAINTENANCE OF THE TREES FOR A DURATION OF NINE YEARS; AND C) FILL THE JOBS THAT WILL BE AVAILABLE WITH PEOPLE FROM THE SAN DIEGO COMMUNITY RATHER THAN HAVING PEOPLE BROUGHT IN FROM OTHER TOWNS. Second by Roberts.

MOTION BY STALLINGS TO ADOPT ITEMS 339 AND 340, INTRODUCING THE ORDINANCES AND APPROVING THE RESOLUTIONS AS AMENDED TO INCLUDE THE REVISIONS AS STATED AND TO ADOPT ITEM S501. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-94-580) ADOPTED AS RESOLUTION R-282796

A Resolution adopted by the City Council in Closed Session on Tuesday, October 12, 1993:

Authorizing the City Auditor and Comptroller to transfer the sum of \$1,125,000.00 from the Sewer Fund Unallocated Reserve (Fund 41506, Prog. Elem. 70697) to CIP 46-121.0, Sewer Pump Stations 11,14 and 16.)

Authorizing the City Manager to pay the following sums: \$129,943.18 to Elliott and Dorothy Green; \$95,000 to Richard and Ruth Cohen; \$162,753.19 to Barbara Lefton; \$175,788.12 to Donald and Barbara Cox; \$244,766.80 to William and Margaret Treiger; and \$316,748.71 to Barbara Lefton in settlement of each and every claim against the City of San Diego, its agents and employees.

Authorizing the City Auditor and Comptroller to issue six checks in the following amounts: \$129,943.18 payable to Elliott and Dorothy Green, and G. Greg Aftergood, their attorney of record; \$95,000 payable to Richard and Ruth Cohen, and Robert L. Kenny, their attorney of record; \$162,753.19 payable to Barbara Lefton and G. Greg Aftergood, her attorney of record; \$175,788.12 payable to Donald and Barbara Cox, and G. Greg Aftergood, their attorney of record; \$244,766.80 payable to William and Margaret Treiger, and G. Greg Aftergood, their attorney of record; and \$316,748.71 payable to Barbara Lefton, and G. Greg Aftergood, her attorney of record as a full and final

settlement of the above-referenced lawsuits.

A.C. No. 9400384-389.

FILE LOCATION: MEET

ITEM-CS-2: (R-94-579) ADOPTED AS RESOLUTION R-282797

A Resolution adopted by the City Council in Closed Session on Tuesday, October 12, 1993:

Authorizing the City Manager to pay the total sum of \$24,943.24 in settlement of each and every claim against the City of San Diego, its agents and employees to Phillip Quintero resulting from personal injury. Authorizing the City Auditor and Comptroller to issue one check in the amount of \$24,943.24 made payable to Phillip Quintero and his attorney, Aubrey Boyd in full settlement of the lawsuit and all its claims.

A.C. No.: 9400418

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:08 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H493.)