

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 21, 1995
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 10:03 a.m. Mayor Golding recessed the meeting at 10:16 a.m. to convene the Redevelopment Agency. Mayor Golding reconvened the regular meeting at 10:18 a.m. with Council Member Warden not present. The meeting was adjourned by Mayor Golding at 12:19 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Mathis-present
 - (2) Council Member Harvey-present
 - (3) Council Member Kehoe-present
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Fishkin (mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:
(M) Mayor Golding-present

- (1) Council Member Mathis-present
- (2) Council Member Harvey-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-not present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-7: REFERRED TO CITY MANAGER

Comment by Tim Nichols regarding his dispute with the Parking Management Division when he was accused and convicted of violating Municipal Code Section 81.10. He appealed to the City Council to overturn his conviction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A029-059.)

ITEM-PC-8:

Comment by Don Stillwell regarding the United Nations, God and family.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A060-086.)

ITEM-PC-9:

Comment by Eric Bowlby regarding the Mission Valley Flood Plain Development.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A091-118.)

COUNCIL COMMENT:

None.

ITEM-119: CONTINUED TO MARCH 27, 1995

SUBJECT: Two actions related to the First Amendment to the Reimbursement Agreement for Hage Neighborhood Park. (Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1274)

Authorizing an amendment to the reimbursement agreement of April 23, 1990, with Pardee Construction Company, for the design and construction of Hage Neighborhood Park;

Authorizing the reimbursement of an amount not to exceed \$1,000,000 from FBA Fund 79006, CIP-29-292.0.

Subitem-B: (R-95-1275)

Stating for the record that the information contained in Environmental Negative Declaration DEP-87-0456, has been reviewed and considered by the Council for the City as Lead Agency in connection with Hage Neighborhood Park.

CITY MANAGER SUPPORTING INFORMATION:

The City Council, on April 23, 1990, approved a Reimbursement Agreement with Pardee Construction Company (Pardee) for design and construction of five acres of nine acre Hage Neighborhood Park (Project). The estimated cost was \$500,000, payable in FBA credits or cash. Pardee has completed the project and the actual total project cost is \$1,000,000 due to revisions which significantly increased the scope of work. The approved General Development Plan (GDP) for the entire nine acre site was redesigned three times at different phases of the project based on input from public hearings. The changes that were requested by planning agencies and public groups required revisions to the plans and specifications needed for construction of the project. The project construction plans were completely redrawn to provide a joint use parking lot with Hage Elementary School, requiring a reconfiguration of the park layout, and increasing the project

area and work to be done. The project construction cost of \$650,000 alone exceeded the original total project estimate of \$500,000. The balance of \$350,000 was expended for professional services and project administration costs.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A119-134.)

MOTION BY WARDEN TO CONTINUE TO MARCH 27, 1995, UNTIL SHE CAN RECEIVE A WRITTEN RESPONSE FROM THE PARK AND RECREATION DEPARTMENT REGARDING THE COST FOR HAGE PARK. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: 1991-98 Housing Element Update of the City's Progress Guide and General Plan.
(See Housing Commission Report HCR-95-004CC
(Continued from the meeting of March 7, 1995, Item 335, at the City Manager's request, for proper noticing.)

HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1245) ADOPTED AS RESOLUTION R-285508

Adopting the 1991-98 Housing Element Update, covering the period July 1, 1991 to June 30, 1998, as an amendment to the City's Progress Guide and General Plan;
Directing that notice and a copy of the Housing Element Update document be forwarded to the California Coastal Commission recommending that the amendment to the City's Progress Guide and General Plan be incorporated into the Local Coastal Program;
Declaring that the San Diego Housing Commission has responsibility for any future updates or annual reports pertaining to the Housing Element;
Directing the San Diego Housing Commission and affiliated agencies to pursue activities described within the 1991 Housing Element Update, including those

which require presentation of policy recommendations to the City Council for consideration.

SUPPORTING INFORMATION:

On July 1, 1991, in accordance with State law, the City was required to update the Housing Element of its General Plan. In April 1992, the City Council authorized submission of a draft of the 1991 Housing Element Update to the State Department of Housing and Community Development (HCD). In June 1992, HCD responded to the City's submission with a list of findings. Between June 1992 and November 1994, the City, with the Planning Department as the lead, worked with HCD to address the findings. In Fall 1994, because the San Diego Housing Commission is responsible for preparing the City's federally-mandated housing plan, it was also given responsibility for the City's Housing Element. In November 1994, a civil suit was filed in Superior Court of the State of California, County of San Diego (Case No. 68290, Kevin Hoffmaster et al. v. City of San Diego et al.) on behalf of homeless persons claiming that San Diego is in violation of State law because it does not have a certified 1991 Housing Element Update thus, it was argued, the City has not demonstrated, pursuant to Government Code Section 65580, that it has sufficient sites to accommodate the housing needs of all income groups, particularly the homeless. On December 16, 1994, the judge, pursuant to Government Code Section 65754, ordered the City to bring its Housing Element into compliance with State law within 120 days. In response to the court order, the City Council, on January 17, 1995, directed the San Diego Housing Commission to submit a revised draft of the City's 1991 Housing Element Update to HCD. The document was received by HCD on January 23, 1995 and, pursuant to Government Code Section 65754, HCD was given 45 days from that date, or until March 9, to complete a review. On February 24, 1995, HCD notified the San Diego Housing Commission that it has certified the City's 1991 Housing Element Update as substantially complete. This action clears the way for City Council adoption of the 1991 Housing Element.

ENVIRONMENTAL IMPACT:

On January 18, 1995, the City completed an Initial Study of the 1991 Housing Element Update, pursuant to Government Code Section 65759. The results of the study determined that the Housing Element, while identifying the housing needs of existing and future residents, does not, in and of itself, result in the development of specific housing projects. Therefore, it is determined that no significant environmental impact would result from adoption of the City's 1991 Housing Element Update.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A186-B109.)

Hearing began at 10:18 a.m. and halted at 10:53 a.m.

Testimony in opposition by Ann Fathy, Tim Cohelan and Bernadette Probus.

Testimony in favor by Craig Benedetto, Jim Omsberg, Phil Walling, Paul Tryon, Kathy Riser and Ian Gill.

MOTION BY McCARTY TO ADOPT. ACCEPT MAYOR GOLDING'S RECOMMENDATION TO DIRECT THE CITY MANAGER TO MEET WITH THE COUNTY TO DISCUSS THEIR RESPONSIBILITY TO MEET THE NEEDS THAT HAVE NOT BEEN MET FOR THOSE THAT ARE HOMELESS FOR WHATEVER REASON, WITHIN THE CITY OF SAN DIEGO. THE CITY DOES NOT RECEIVE FUNDING DIRECTLY FOR THESE PROGRAMS, AS THE COUNTY DOES. IT IS THE COUNTY AND THE BOARD OF SUPERVISORS' RESPONSIBILITY TO PROVIDE THE NEEDS OF THE HOMELESS WITHIN THE CITY OF SAN DIEGO AS WELL AS WITHIN OTHER CITIES THROUGHOUT THE COUNTY OF SAN DIEGO. THIS MEETING SHOULD BRING TOGETHER THE EFFORTS OF THE CITY AND COUNTY SO THAT THERE IS NO DUPLICATION AND SO THAT THE COUNTY FULFILLS ITS RESPONSIBILITY TO THE CITIZENS OF SAN DIEGO. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: CONTINUED TO MAY 2, 1995

SUBJECT: Construction of a New Central Library and Improvements to Branch Libraries to Implement Proposition N.
(See City Manager Report CMR-95-62.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1041)

Approving the proposed financing and construction of a new Central Library and improvements to certain branch libraries, through the issuance of General Obligation

Bonds;

Directing the City Attorney and City Manager to take action as necessary, including the selection of bond counsel and financial advisors, to prepare the necessary documentation for Council consideration at the time the election ordinance for the September 1995 Special Election ballot is considered;

Approving the contribution of \$10 million from the Redevelopment Agency for the Central Library to be sited downtown.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B110-D137.)

Hearing began at 10:54 a.m. and halted at 12:18 p.m.

Testimony in favor by Jim Dawe, Betty Sherman, Debra Blum, Carlyn Wolcott Kelley, Soloman Rosenbaum, Patrick Flynn, Martha Nielsen, Craig Adams and Ian Gill.

Testimony in opposition by Don Stillwell and Scott Barnett.

MOTION BY McCARTY TO CONTINUE TO MAY 2, 1995. IF COUNCIL DECIDES TO PUT THE LIBRARY ON AS A SPECIAL ELECTION, THEY WILL TRY TO OFFSET THE COST WITH PRIVATE SOLICITATION. DIRECT THE CITY MANAGER TO PROVIDE THE FOLLOWING INFORMATION AT THE EARLIEST POSSIBLE MOMENT:

1. AGGRESSIVELY PURSUE THE TWO OPTION POSSIBILITIES THAT WERE PRESENTED TO COUNCIL BY PETER HALL AND BARRY MCCOMMICK FOR AN INTERJURISDICTIONAL PARTNERSHIP BETWEEN CCDC, THE PORT AND THE CITY IN THE FOLLOWING TWO WAYS: A) LOOK AT WHETHER WE CAN BE SPECIFIC ENOUGH TO KNOW THAT IT WILL HAPPEN BEFORE THE END OF MAY, AND I WOULD URGE BEFORE THE FIRST OF MAY; B) SEE WHAT PORTION OF THE COSTS COULD BE DEFRAYED BY A PUBLIC/PRIVATE PARTNERSHIP SO THAT COUNCIL WILL HAVE A BETTER IDEA OF WHAT THE BOND MEASURE WILL CONSIST OF SHOULD THEY CHOOSE TO PUT A BOND MEASURE ON IT FOR EITHER 1995 OR 1996;
2. ASK THE CHAIR OF THE LIBRARY COMMISSION TO HOLD PUBLIC HEARINGS WITH REGARD TO THE LIST OF BRANCHES. A PUBLIC HEARING WILL THEN BE HEARD IN COMMITTEE BEFORE IT RETURNS TO COUNCIL.
3. PROVIDE THE FOLLOWING: 1) THE CRITERIA, REASONS, AND COMPARISON OF ABUSES ON THE LIBRARIES SELECTED IN CASE COUNCIL WISHES TO MAKE ANY CHANGES; 2) THE COST OF THE SPECIFIC SITES THAT WE ARE LOOKING AT; 3) A BREAKDOWN OF THE

COST OF THE ELECTRONIC CAPABILITIES OF THE CENTRAL LIBRARY VERSUS THE COST OF THE ACTUAL CONSTRUCTION OF THE LIBRARY; AND 4) A BREAKDOWN OF THE COST TO HOOK UP THE BRANCHES ELECTRONICALLY AND TO IMPROVE THEM.

4. PROPOSE A WAY THAT WE CAN PAY FOR STAFF, FURNITURE, FIXTURES AND OPERATION OF THE NEW BRANCHES.

5. THE REPORT REFERS TO THE ACQUISITION OF PROPERTY FOR \$1.5 MILLION WITH REGARD TO SERRA MESA. IF THAT IS ALREADY CITY PROPERTY, THE \$1.5 MILLION NEEDS TO BE REPROGRAMMED. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: San Ysidro Redevelopment Project.
(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1289) ADOPTED AS RESOLUTION R-285509

Approving a Representative Project Area Committee for the San Ysidro Redevelopment Project Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A135-162.)

The hearing began at 10:15 a.m. and halted at 10:16 a.m.

CONSENT MOTION BY MATHIS TO ADOPT ITEMS 332 AND S500. Second by Stallings. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500:

SUBJECT: Approval of the Housing Authority's Issuance of Housing Refunding Bonds for Hillside Gardens Apartments.
(See Housing Commission Report dated 3/3/95; Housing

Commission Report HCR-95-042. District-7.)

HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1321 Cor. 03/16/95) ADOPTED AS RESOLUTION R-285510

Approving the issuance by the Housing Authority of housing refunding bonds to refinance the Hillside Gardens Apartments located at 5802 University Avenue and 5655 Andros Place.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A135-162.)

Hearing began at 10:15 a.m. and halted at 10:16 a.m.

CONSENT MOTION BY MATHIS TO ADOPT ITEMS 332 AND S500.
Second by Stallings. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 12:19 p.m. in honor of the memory of Timothy Flint as requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D143-154.)