

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 18, 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 10:06 a.m. Mayor Golding convened the Redevelopment Agency at 10:07 a.m. to meet simultaneously with the Council. The meeting was recessed by Mayor Golding at 11:41 a.m. to meet in Closed Session in the 12th floor Conference Room to discuss pending litigation matters.

The meeting was reconvened by Mayor Golding at 2:07 p.m. Mayor Golding adjourned the meeting at 5.45 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-Abdelnour (ew/pr)

FILE LOCATION: MINUTES

ITEM-300:

ROLL CALL

Clerk Abdelnour 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-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-330:

SUBJECT: This is the second of two public hearings regarding the annual assessments for the Downtown Maintenance District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

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

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolution:

(R-95-1585 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-286111

Considering the protests, approving the modified map,

confirming the assessments, and ordering the proposed maintenance in the matter of the Downtown Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Downtown Maintenance Assessment District which was formed in January of 1972 by Council resolution. The district provides specialized services such as litter and graffiti control, street tree maintenance and sidewalk cleaning to five zones within the district as well as maintaining a system of open space/parks (zone 6) for the benefit of all properties within the boundaries of the district. The total amount proposed to be assessed to the district for FY '96 is \$685,491, compared with \$689,141 for FY'95. A current and prior year cost breakdown for each of the six zones is as follows:

Zone	Street Trees (1)	C St. Mall (2)	Litter/ Graffiti (3)	Horton Plaza (4)	East Broadway (5)	Open/Space Parks (6)	Total
FY96	\$108,036	\$117,215	\$346,548	\$39,941	\$27,051	\$46,700	\$685,491
FY95	\$108,066	\$131,914	\$348,476	\$51,729	\$34,388	\$14,568	\$689,141

Five of the six zone cost estimates have decreased from FY '95. The one zone with an estimated cost increase in FY '96 is the open space/parks zone. The estimated cost to this zone is higher than in FY '95 as a result of community requested additional landscaping improvements in the "linear park" adjacent to the Metropolitan Transit Development Board (MTDB) and Santa Fe right-of-way along Harbor Drive between "G" Street and Eighth Avenue. This area also includes the Martin Luther King Promenade which is now maintained by the District. The Gaslamp Square Park, which was incorporated into the open space/parks zone in FY '95, is not expected to be functional until May of 1995. Therefore, the estimated FY '96 costs of \$12,017 for this facility have been reduced by \$11,371 to reflect the amount of benefit which the district paid for but did not receive in FY'95.

FILE LOCATION: STRT M-342

COUNCIL ACTION: (Tape location: A083-474.)

Hearing began at 10:13 a.m. and halted at 10:41 a.m.

Testimony in opposition by Chuck Barnes, J. Brockway Clark, and John Benson.

MOTION BY HARVEY TO APPROVE THE CITY MANAGER'S RECOMMENDATION FOR ZONES 1 THROUGH 5, NOT TO APPROVE AN INCREASE IN ZONE 6, AND DIRECT THE CITY MANAGER TO PROVIDE COUNCIL WITH A REPORT ON THE LITTER AND GRAFFITI CONTROL FOR ZONE 3 IN THE DOWNTOWN MAINTENANCE DISTRICT. Second by Kehoe. 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:

SUBJECT: This is the second of two public hearings regarding the annual assessments for the Mira Mesa Landscape Maintenance District.

Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolution:

(R-95-1526 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-286112

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Mira Mesa Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the FY 1996 assessments for the Mira Mesa Landscape Maintenance District (LMD). The District was established in July 1983 to provide maintenance of landscaped medians, slopes and streetscapes for Zones 1 and 3. Zone 2 assessments will start in FY '96. The Fiscal Year 1996 proposed maintenance costs for the district are as

follows:

	Zones 1,2 & 3	Zone 3 Only	Total
Contractual Maintenance	\$ 550,000	\$ 50,000	\$ 600,000
Personnel	53,770	10,242	64,012
Utilities	38,500	26,500	65,000
Incidentals	193,482	20,843	214,325
Total Expenses	\$835,752	\$107,585	\$943,337
Reserve	586,958	251,359	838,317
Total	\$1,422,710	\$358,944	\$1,781,654
Less Carry-Over & Interest	(107,109)	(234,751)	(341,860)
Less City Contribution	(40,354)	0	(40,354)
Assessed to District	\$1,275,247	\$124,193	\$1,399,440

The FY '95 and FY '96 assessments per equivalent dwelling unit are tabulated below:

	Zone 1	Zone 2	Zone 3
FY '96	\$52.00	\$52.00	\$125.18
FY '95	\$ 3.83	\$ 0.00	\$ 77.01

Table 1 in the Engineer's Report includes assessment methodology regarding residential, commercial, and industrial property for each zone. The total assessment to the district in FY '95 was \$250,901, and will be \$1,399,440 in FY '96.

FILE LOCATION: STRT M-343

COUNCIL ACTION: (Tape location: A475-C156.)

Hearing began at 10:42 a.m. and halted at 11:40 a.m.

Testimony in opposition by Deyan Petackovich, Mike Fagan, Maria Fullerton, Pam Kuhns, Joyce Jones, David Wheeler, Horst Moehrke, Anthony Ballis, Phil Bunde, and Fred Buenavista.

Testimony in favor by Brenda Bowman, Bruce Brown, J. Allan Ruhman, Allison Skire, Marjorie Pierce, Jeff Stevens, Pamela Stevens, and Marvin Miles.

MOTION BY WARDEN TO KEEP THE CURRENT ASSESSMENT AT \$3.83 BASED ON THE 1994 ENGINEER'S REPORT, ACCEPT MAYOR GOLDING'S RECOMMENDATION TO DIRECT THE CITY MANAGER TO TAKE THE FOLLOWING AREAS RECOMMENDED BY MAYOR GOLDING AND

COUNCILMEMBER WARDEN AND DIRECT THEM TO THE RULES COMMITTEE, AND TO DIRECT THE CITY MANAGER TO DO THE FOLLOWING: 1) WORK WITH THE CITY CLERK AND THE CITY ATTORNEY TO EXAMINE HOW WE CAN RESCHEDULE A BINDING COMMUNITY ELECTION IN MIRA MESA NEXT YEAR WHICH ALLOWS MIRA MESA PROPERTY OWNERS TO VOTE IN FAVOR OR AGAINST A COMPROMISE LMD FEE NEXT YEAR; 2) REVIEW THE CITY'S PROCEDURE FOR LMD HEARING CITYWIDE AND TO RECOMMEND CHANGES IN THE PROCESS THAT PROVIDES PROPERTY OWNERS WITH PREADRESS RETURN POSTACARDS ALLOWING THEM TO VOTE FOR OR AGAINST THE LMD FEE AND TO RETURN TO THE LU&H COMMITTEE WITH THESE AND OTHER RECOMMENDATIONS FOR CHANGE ON OCTOBER 2ND; AND 3) WORK WITH THE COMMUNITY LEADERSHIP OF MIRA MESA TO REVIEW ALL OF THE FUNDS AVAILABLE TO THE COMMUNITY. THIS INCLUDES THE EXISTING LMD REVENUES, THE FBA FUNDS, AND THE MIRA MESA COMMUNITY TRUST FUND FROM DEVELOPER AGREEMENTS, TO IDENTIFY POSSIBLE WAYS TO FUND NEW LANDSCAPE IMPROVEMENT PROJECTS, TO REPAIR AND BUILD THE PARK FACILITIES, AND TO IMPROVE PARK MAINTENANCE. Second by McCarty. 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: This is the second of two public hearings regarding the annual assessments for the San Diego Street Light Maintenance District No. 1. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolutions:

Subitem-A: (R-95-1581) CONTINUED TO JULY 25, 1995

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the San Diego Street Light Maintenance District No. 1.

Subitem-B: (R-95-1582) ADOPTED AS RESOLUTION R-286123

Authorizing the City Manager to execute a contract with

San Diego Gas and Electric Company, for furnishing electrical energy for the San Diego Street Light Maintenance District No. 1.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the FY 1996 assessments for the San Diego Street Light Maintenance District No. 1 (District). The District provides funding for the energy and maintenance costs for lighting levels above standard "City safety" lighting to 55 subdistricts. New areas are added to the District by annexation. Approximately 40 percent of the street lights within the District are required for safety lighting. The City pays for this obligation by providing in-kind maintenance service and cash to the District. As a part of this action it is proposed to annex the following into the District:

- property to be known as the Robinhood Creek subdistrict
- property to be known as the Ocean Beach #2 subdistrict
- property to be known as the Plaza Boulevard subdistrict

All property owners in the above areas to be annexed will be notified of the proposed annexation hearings and their rights regarding protest of the proposed actions. The proposed assessment to the District for FY '96 is \$564,144 compared with \$420,000 for FY '95. The increase is a result of:

- a) an electrical energy rate increase of approximately 7 percent;
- b) higher energy usage due to the use of high pressure sodium vapor (HPSV) street lights and increased levels of lighting in certain subdistricts;
- c) a smaller City contribution of in-kind services and Gas Tax funds; and
- d) the operation and maintenance of more street lights in areas annexed in FY '95. Assessment costs vary for each subdistrict depending on the number and type of lights. Subdistrict costs are divided by the amount of assessable street frontage within each subdistrict to calculate a rate for each subdistrict.

FILE LOCATION: STRT M-344 CONFY96-1

COUNCIL ACTION: (Tape location: D006-E130; H463-560)

Hearing began at 2:08 p.m. and halted at 2:59 p.m.

Item reconsidered. Hearing resumed at 5:25 p.m. and halted at 5:45 p.m.

Testimony in favor by Ron Oliver.

Testimony in opposition by John Emery, Devore Smith, Paul Grey, and John Benson.

MOTION BY McCARTY TO APPROVE THE CITY MANAGER'S RECOMMENDATION FOR SUBITEM A EXCEPT THE PORTION OF LINDA VISTA. CONTINUE LINDA VISTA PORTION TO JULY 25, 1995, FOR FURTHER REVIEW OF ASSESSMENTS; ADOPT SUBITEM B. Second by Vargas. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

MOTION BY STEVENS TO RECONSIDER ITEM 332, SUBITEM A, AND TO CONTINUE EMERALD HILLS PORTION TO JULY 25, 1995, FOR FURTHER REVIEW OF ASSESSMENTS. Second by Harvey. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: This is the second of two public hearings regarding the annual assessments for the Miramar Ranch North Landscape Maintenance District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

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

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolution:

(R-95-1537) ADOPTED AS RESOLUTION R-286113

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Miramar Ranch North Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes annual assessments for FY 1996 through FY 2000 for the Miramar Ranch North Landscape Maintenance District (LMD). The district was established in 1987 but maintenance of landscaped medians, slopes and streetscapes has been provided by the developer through FY 1995. The Fiscal Year 1996 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$85,000
Personnel	12,803
Utilities	26,500
Incidentals	37,400
Total Expenses	161,703
Reserve	15,178
Total	\$176,881
Less Carry-over and Interest	(7,079)
Less City Contribution	(2,024)
Assessed to District	\$167,778

The proposed assessment for Fiscal Year 1996 is \$31.95 per equivalent dwelling unit (EDU). Substantial landscape maintenance of slopes and medians will be added to the LMD after FY 1996. Property owner assessments are projected not to exceed \$150 per dwelling unit through FY 2000. If assessments are proposed to exceed the \$150 amount, then all affected property owners would be noticed and a public hearing would be set.

FILE LOCATION: STRT M-345

COUNCIL ACTION: (Tape location: A020-068.)

Hearing began at 10:07 a.m. and halted at 10:10 a.m.

MOTION BY McCARTY TO ADOPT ITEMS -333, -334, -338, -339, AND -340. Second by Vargas. 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-334:

SUBJECT: This is the second of two public hearings regarding the annual assessments for the Mid-City Landscape and Lighting Maintenance District. Following public

testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Mid-City & Greater North Park Community Areas.
Districts-2 & 3.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolution:

(R-95-1633) ADOPTED AS RESOLUTION R-286114

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Mid-City Landscape and Lighting Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1996 assessments for the ten subdistricts in the Mid-City Landscape and Lighting Maintenance District. The district provides for maintenance of street trees, landscaped medians, benches and street lights. The Fiscal Year 1996 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$86,050
Personnel	24,585
Utilities	14,780
Incidentals	42,392
Total Expenses	\$167,807
Reserve	57,878
Total	\$225,685
Less Carry-over and Interest	(100,256)
Less City Contribution	(3,279)
Assessed to District	\$122,150

The assessments per frontage foot of parcel for each subdistrict are tabulated below:

Zone	1	2	3	4	5	6	7	8
9	10							
FY96	\$9.34	\$6.99	\$18.78	\$5.14	\$5.25	\$22.65	\$10.53	\$9.44
	\$4.31	\$0.00						

FY95 \$9.34 \$6.99 \$18.78 \$5.14 \$5.25 \$22.65 \$10.53 \$6.74
\$4.31 \$4.60

%increase 0 0 0 0 0 0 0 0 40.0
0 0

The increase of assessment in Zone 8 is due to providing energy for additional street lights requested by area constituents for crime prevention and safety.

FILE LOCATION: STRT M-355

COUNCIL ACTION: (Tape location: A020-068.)

Hearing began at 10:07 a.m. and halted at 10:10 a.m.

MOTION BY McCARTY TO ADOPT ITEMS -333, -334, -338, -339, AND -340. Second by Vargas. 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-335:

SUBJECT: This is the second of two public hearings regarding the annual assessments for the San Ysidro Boulevard Landscape Maintenance District No. 2. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolution:

(R-95-1685 Rev.1 Cor.Copy 8/11/95) DISTRICT ABANDONED,
ADOPTED AS RESOLUTION R-
286119

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the San Ysidro Boulevard Landscape Maintenance District No. 2.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1996 assessment for the San Ysidro Boulevard Landscape Maintenance District No. 2. The district was established in July 1994 to provide maintenance for the streetscapes along San Ysidro Boulevard between I-805 and Front Street. The improvement of the streetscapes along this section of San Ysidro Boulevard is currently under way. Completion of construction is scheduled for mid-July 1995. The contractor will be responsible for maintenance of the landscaping for a 90-day period following its acceptance by the City. The San Ysidro Boulevard Landscape Maintenance District will assume maintenance responsibility after this period. Fiscal Year 1996 is the first year assessments are being levied for this district. The Fiscal Year 1996 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$17,500
Personnel	5,120
Utilities	2,175
Incidentals	11,009
Total Expenses	\$35,804
Reserve	4,184
Total	\$39,988
Less Carry-Over & Interest	(996)
Less City Contribution	(32)
Assessed to District	\$38,960

The proposed amount to be assessed to the district for Fiscal Year 1996 is \$7.86 per frontage foot.

FILE LOCATION: STRT M-357

COUNCIL ACTION: (Tape location: A069-082.)

Hearing began at 10:11 a.m. and halted at 10:12 a.m.

MOTION BY VARGAS TO NOT SUPPORT THIS ITEM SINCE IT IS A 72.4% PROTEST BY THE PROPERTY OWNERS. Second by McCarty. 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-336:

SUBJECT: This is the second of two public hearings regarding the annual assessments for the Washington Street Landscape Maintenance District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Mission Hills Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolution:

(R-95-1642 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-286124

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Washington Street Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1996 assessments for the Washington Street Landscape Maintenance District. The maintenance district was established in July 1993 for the purpose of maintaining the landscaping improvements on the Washington Street center islands approximately 380 feet west of the University Avenue overpass to Hawk Street. The landscaping improvements will consist of various types of trees, shrubs and ground cover. Fiscal Year 1996 is the first year that assessments are being levied for this district. The Fiscal Year 1996 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 8,000
Personnel	5,120
Utilities	3,350
Incidentals	8,265
Total Expenses	\$24,735
Reserve	12,339
Total	\$37,074
Less Carry-over & Interest	(664)
Less City Contribution	(1,080)
Assessed to District	\$35,330

The proposed amount to be assessed to the district for Fiscal Year 1996 is \$10 per equivalent dwelling unit.

FILE LOCATION: STRT M-353

COUNCIL ACTION: (Tape location: E133-G202.)

Hearing began at 3:00 p.m. and halted at 4.27 p.m.

Testimony in favor by Max Zaker, Arlene Cichan, John Lomac, Eugene Price, and Kay Camphuis.

Testimony in opposition by Ralph Standrige, Arlene Van de Wetering, Jean Karp, Carol Adams, Angus Blench, Sterling Judson, Miriam McIver, Dr. Raymond Cullene, Charles Rezek, Mike McLaughlin, Otto Emme, Thalia Considine, John Nevara, Jacob Schmidt, Douglas Rushfeldt and Lewis Karp.

MOTION BY HARVEY TO ADOPT THE RESOLUTION AS AMENDED TO APPROVE THE CITY MANAGER'S RECOMMENDATION REGARDING THE MODIFIED MAP AND THE CONFIRMATION OF THE ASSESSMENTS AND ORDERING OF PROPOSED MAINTENANCE OF THE DISTRICT WITH THE FOLLOWING QUALIFIERS: 1. THAT THE COUNCIL EXPRESS ITS INTENT TO CAP THE ASSESSMENT AT \$7.00 FOR FIVE YEARS; 2. THAT WE ENSURE THAT THE LANDSCAPE MAINTENANCE DISTRICT MAINTAIN ONLY A PRUDENT RESERVE. THAT THE FEES WILL BE USED FOR AGREED UPON LANDSCAPING MAINTENANCE. AND, IF THE RESERVE CONTAINS A SURPLUS, THAT SUCH SURPLUS WOULD GO TOWARD LANDSCAPING AND MAINTENANCE, THEREBY FORESTALLING ANY POTENTIAL FEE INCREASE UNTIL IT CAN BE JUSTIFIED; 3. THAT THE MISSION HILLS BUSINESS IMPROVEMENT DISTRICT NEGOTIATE WITH THE CITY TO POSSIBLY ADMINISTER THE LANDSCAPE MAINTENANCE DISTRICT BEGINNING IN FY '96 IN ORDER TO ELIMINATE SOME OF THE CITY OVERHEAD CHARGES, THAT IS THE \$5,120, AND A PORTION OF SOME OF THE INCIDENTAL COSTS OVER \$8,000; 4. THAT THE BUSINESS IMPROVEMENT DISTRICT SHALL ESTABLISH AN OVERSIGHT COMMITTEE, INCLUDING COMMUNITY REPRESENTATIVES WHO OPPOSE THE PROPOSED ASSESSMENT DISTRICT, WITH THE GOAL OF DEVELOPING GREATER COMMUNITY CONSENSUS AND ACCEPTANCE, AND FINALLY; 5. THAT THE CITY'S POLICY THAT COUNTS A NON-RESPONSE FROM A DISTRICT RATEPAYER AS APPROVAL OF THE ASSESSMENT DISTRICT BE REVIEWED IN ORDER TO DETERMINE A MORE EQUITABLE METHOD OF DETERMINING COMMUNITY SENTIMENT REGARDING SUCH ASSESSMENTS. Second by Kehoe. AMENDMENT TO THE MOTION BY MATHIS TO ROLL THE ASSESSMENT BACK IF THERE IS ANY SURPLUS. ACCEPTED BY HARVEY. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337:

SUBJECT: Remington Hills, Planned Residential Development Permit, Resource Protection Overlay Permit, Hillside Review Overlay Permit, Rezone 93-0140.

(TM/PRD/RPO/HRP/RZ-93-0140. District-8.)

CITY MANAGER'S RECOMMENDATION:

Do not certify the EIR (Subitem A); deny the Rezoning (Subitem B); and adopt Subitems C and D to deny the map and permits:

Subitem-A: (R-96-8) ADOPTED AS AMENDED AS RESOLUTION R-286125

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-93-0140 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, feasibility or project alternatives, statement of overriding considerations, and mitigation monitoring and reporting program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-96-1) INTRODUCED, TO BE ADOPTED ON JULY 31, 1995

Introduction of an Ordinance for R1-5000 (HR) Zoning.

Subitem-C: (R-96-185) ADOPTED AS AMENDED AS RESOLUTION R-286126 GRANTING THE MAP

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

Subitem-D: (R-96-186) ADOPTED AS AMENDED AS RESOLUTION R-286127 GRANTING THE PERMIT

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

action.

OTHER RECOMMENDATIONS:

Planning Commission voted 4-1 to deny.

Ayes: Neils, Anderson, Bernet, Quinn.

Nays: Skorepa.

Not present: McElliott and White.

The Otay Mesa Community Planning Group has recommended approval of the project.

The Otay Mesa-Nestor Community Planning Group has recommended approval of the project.

SUPPORTING INFORMATION:

The proposed project would subdivide 76.5-acres into 254 single-family residential lots on a vacant parcel and rezone the property from A-1-10 (HR) to R1-5000 (HR). The residential lots and streets would cover 42.91 acres. The remaining 33.59 acres would be divided into a 9.59 acre open space parcel to be deeded to the City and 24.00 acres which would be retained and maintained by the homeowners association. A 1.1 acre in-holding which is not a part of the proposed project, is located in the southwest portion of the project site. The subject property is located east of I-805 between SR-905 and Otay Mesa Road in the Otay Mesa Community Plan area.

LEGAL DESCRIPTION:

The subject property is further described as a portion of Section 31, Township 18 South, Range 1 West and Section 36, ownship 18 South, Range 2 West.

FILE LOCATION: SUBITEMS A & D: PERM - TM/PRD/RPO/HRP/RZ-93-0140;
SUBITEM B: NONE; SUBITEM C: SUBD -
REMINGTON HILLS

COUNCIL ACTION: (Tape location: G205-H463.)

Hearing began at 4:27 p.m. and halted at 5.24 p.m.
Testimony in opposition by David Gomez, Gene Driscoll,
Michael Freedman, Andrea Skorepa, Robert Stewart, Bruce
Tabb, Allen Haynie, and Houshmand Aftahi.

MOTION BY VARGAS TO CERTIFY THE EIR NO. 93-0140 TO INCORPORATE FINDINGS, FACTS, AND STATEMENTS OF OVERRIDING CONSIDERATION AS SUBMITTED BY THE APPLICANT. Second by McCarty. (See Applicant's Submittal Below.)

MOTION BY VARGAS TO APPROVE REZONING OF THE PROPERTY FROM A110-HR TO R1-5000 (HR) ZONING. Second by McCarty.

MOTION BY VARGAS TO ADOPT THE RESOLUTION AS AMENDED APPROVING PRD, RPO, HILLSIDE REVIEW PERMIT NO. 93-0140 TO INCORPORATE FINDINGS AND CONDITIONS CIRCULATED TO EACH COUNCIL OFFICE BY APPLICANT, AND AGREED TO BY STAFF AND APPLICANT. Second by McCarty. (See Applicant's Submittal Below.)

MOTION BY VARGAS TO ADOPT THE RESOLUTION APPROVING THE TENTATIVE MAP NO.93-0140. Second by McCarty.

Motions passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not-present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

THE PROPOSED REVISIONS TO CONDITIONS FOR REMINGTON HILLS PROJECT AS SUBMITTED BY APPLICANT IS AS FOLLOWS:

" 1. REVISE THE CONDITIONS OF THE PRD,RPO, HILLSIDE REVIEW PERMITS NO. 93-0140, WHICH IS ATTACHMENT 7, PAGES 1 THROUGH 17, TO THE STAFF REPORT, AS FOLLOWS:

A. REVISE CONDITION 2.A TO READ: "A TOTAL OF 254 SINGLE-FAMILY LOTS;"

B. REVISE CONDITION 2.3 TO READ AS FOLLOWS IN ORDER TO BE CONSISTENT WITH CONDITION 34: "SIXTEEN OPEN SPACE LOTS (24 ACRES) TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION OR OTHER CITY APPROVED MECHANISM."

C. DELETE CONDITION 3.

D. REVISE THE FIRST TWO SENTENCES OF CONDITION 14 AS FOLLOWS: "FIVE HUNDRED AND EIGHT (508) TOTAL PARKING SPACES SHALL BE PROVIDED AT A RATIO OF 2 TO 1 PER DWELLING UNIT. IN ADDITION, TWO HUNDRED AND FIFTY-FOUR (254) CURBSIDE PARKING SPACES SHALL BE PROVIDED FOR GUESTS AT A RATIO OF 1 TO 1 PER DWELLING UNIT."

E. DELETE CONDITION 16 (THIS IS COVERED BY CONDITION 33 AS REVISED BELOW).

F. REVISE THE LAST TWO LINES OF CONDITION 30 TO READ AS FOLLOWS IN ORDER TO BE CONSISTENT WITH CONDITION 34: "HOMEOWNER'S ASSOCIATION OR OTHER CITY APPROVED MECHANISM THAT WILL ASSUME RESPONSIBILITY FOR THE LANDSCAPE MAINTENANCE."

G. ADD THE FOLLOWING SUBPARAGRAPH TO CONDITION 33: "F. NO MANUFACTURED SLOPES SHALL BE STEEPER THAN A RATIO OF 2.1."

H. REVISE CONDITION 35 - DELETE ALL OF THE LANGUAGE AFTER THE WORDS "LETTER OF INTENT FOR WIDENING OTAY MESA ROAD" IN LINES 8 AND 9 OF THE CONDITION.

I. REVISE CONDITION 38 A. - REPLACE THE FIRST FULL PARAGRAPH ON PAGE 10 WITH THE FOLLOWING PARAGRAPH: "A POTENTIAL OFF-SITE ACQUISITION AREA HAS BEEN IDENTIFIED WITHIN THE O'NEAL CANYON LAND BANK OF THE ENVIRONMENTAL TRUST (FIGURE 5 OF APPENDIX G OF THE FINAL EIR). THIS PROPOSED OFF-SITE ACQUISITION AREA SATISFIES THE BIOLOGICAL MITIGATION REQUIREMENTS OUTLINED IN THE FINAL EIR. IN THE EVENT THAT THE APPLICANT ELECTS NOT TO FINALIZE ACQUISITION OF THE ACQUISITION AREA WITHIN THE O'NEAL CANYON LAND BANK, THE FOLLOWING ALTERNATIVE BIOLOGICAL MITIGATION PROGRAM COULD BE IMPLEMENTED TO SATISFY THE REQUIREMENTS IN THE FINAL EIR."

J. REPLACE CONDITION 43 WITH THE FOLLOWING LANGUAGE: "PRIOR TO RECORDATION OF THE FIRST FINAL MAP, A SCHOOL MITIGATION AGREEMENT WHICH PROVIDES FOR SCHOOL FACILITIES SHALL BE ENTERED INTO AND APPROVED BY THE AFFECTED SCHOOL DISTRICT AND THE SUBDIVIDER. DOCUMENTATION OF THE AGREEMENT SHALL BE PROVIDED TO THE PRINCIPAL PLANNER OF THE EAS."

K. DELETE CONDITION 46.

L. ADD THE FOLLOWING AS CONDITION 58: "APPLICANT SHALL CONSTRUCT A PRIVATE TOT LOT, WITH A MINIMUM LOT SIZE OF 10,000 SQUARE FEET, AT THE LOCATION OF LOTS 187 AND 30 OF TENTATIVE MAP NO. 93-0140. THE TOT LOT SHALL BE IMPROVED WITH LANDSCAPING AND EQUIPMENT AND SHALL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION OR OTHER CITY APPROVED MECHANISM."

2. REVISE THE CONDITIONS OF TENTATIVE MAP NO. 93-0140, WHICH IS ATTACHMENT 8, PAGES 1 THROUGH 16, OF THE STAFF REPORT, AS FOLLOWS:

A. CHANGE THE SECOND LINE OF THE FIRST WHEREAS CLAUSE TO READ: "ENGINEERING, ENGINEER, FILED AN APPLICATION FOR A 271-LOT TENTATIVE MAP AND A REQUEST FOR".

B. REVISE THE FIRST SENTENCE OF FINDING 1 TO READ: "THE MAP PROPOSES THE SUBDIVISION OF A 76.7 ACRE SITE INTO 272 LOTS (254 RESIDENTIAL, 18 OPEN SPACE) FOR RESIDENTIAL DEVELOPMENT."

C. DELETE THE LAST SENTENCE OF CONDITION 20.

D. CHANGE THE FIRST SENTENCE OF CONDITION 22 TO: "CUL-DE-SAC "E," CUL-DE-SAC "F," CUL-DE-SAC "G," AND CUL-DE-SAC "K" ARE CLASSIFIED AS LOCAL RESIDENTIAL STREETS WITHIN 56-FOOT-WIDE RIGHTS-OF-WAY."

E. DELETE CONDITION 27 (THIS ISSUE IS COVERED BY CONDITION 42).

F. REVISE CONDITION 42 - DELETE ALL OF THE LANGUAGE AFTER THE WORDS "LETTER OF INTENT FOR WIDENING OTAY MESA ROAD" IN LINES 5 AND 6 OF THE CONDITION. 6. DELETE CONDITION 43 IN ITS ENTIRETY. (THESE ARE MITIGATION MEASURES THAT ALREADY ARE CONTAINED IN THE CONDITIONS OF THE PRD/RPO PERMITS. FINDING 2D AND CONDITION 2 OF THE TENTATIVE MAP MAKE THE TENTATIVE MAP SUBJECT TO THE CONDITIONS OF THE PRD/RPO PERMITS. TO AVOID AMBIGUITY AND A POTENTIAL CONFLICT OF LANGUAGE, CONDITION 43 SHOULD BE ELIMINATED AS A TENTATIVE MAP CONDITION.)"

ITEM-338:

SUBJECT: Two actions related to the Expansion of the Mid-City Police Substation.

(See City Manager Report CMR-95-139. Mid-City Community Area. District-3.)

(Continued from the meeting of June 27, 1995, Item 346,

at the City Manager's request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1845) ADOPTED AS RESOLUTION R-286115

Accepting the United States Department of Housing and Urban Development (HUD) Section 108 Interim Loan issued on May 10, 1995, in the amount of \$1,760,000, for the development of the Mid-City Police Substation;
Accepting the HUD Section 108 Interim Loan approving the estimated loan repayment schedule;

Authorizing the expenditure of \$1,760,000 for the acquisition of real and personal property and related costs related to the expansion of the Mid-City Police Substation project;

Amending the Capital Improvements Budget by increasing CIP-36-057.0, Mid-City Area Station, by \$1,760,000.

Subitem-B: (R-95-1847 Cor.Copy) ADOPTED AS RESOLUTION R-286116

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 requires the construction, operation and maintenance of the expansion of the Mid-City Police Substation project to enable the City to provide a full service police station to the area which will reduce response times and locate the officers charged with protecting City Heights and the adjacent communities that they serve in the City; declaring that the expansion of the Mid-City Police Substation will require the acquisition of real property located in the City Heights area; declaring that the proposed project is planned in a manner that will be most compatible with the greatest public good and the least private injury; declaring the intention of the City 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.

NOTE: 6 votes required for Subitem B.

Aud. Cert. 9501208.

FILE LOCATION: MEET F-6867, F-6868, F-6869

COUNCIL ACTION: (Tape location: A020-068.)

Hearing began at 10:07 a.m. and halted at 10:10 a.m.

MOTION BY McCARTY TO ADOPT ITEMS -333, -334, -338, -339, AND -340. Second by Vargas. 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-339:

SUBJECT: Fund Reallocation and Associated Actions - Mercado Apartments Project.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-36) ADOPTED AS RESOLUTION R-286117

Reallocating and transferring Fiscal Year 1996 Community Development Block Grant Funds to the Redevelopment Agency of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

On May 16, 1995, the Redevelopment Agency approved the Third implementation Agreement between the Agency and Mercado Apartments, L.P., and increased the total agency loans to the project to \$3,423,440. An error in accounting caused the Agency to utilize \$101,000 previously authorized and unexpended for this project in essence double counting these funds. In order to reconcile this oversight, the Agency is proposing to use savings in FY 1996 CDBG funds allocated to the Mercado Commercial Project Section 108 repayment (from Council District 8 only) and transfer \$101,000 to FY 1996 CDBG funds to be allocated to the Mercado

Apartments Project. In addition, the Redevelopment Agency will be amended to accept the loan of the \$101,000 in CDBG allocation and the funds authorized for expenditure.

Aud. Cert. 9600035.

NOTE: See the Redevelopment Agency Agenda of Tuesday, July 18, 1995 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A020-068.)

MOTION BY McCARTY TO ADOPT ITEMS -333, -334, -338, -339, AND -340. Second by Vargas. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-340:

SUBJECT: Budget Actions for the Proposed Fiscal Year 1996 Budget Reloans.

(See Memorandum from Southeastern Economic Development Corporation.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1881) ADOPTED AS RESOLUTION R-286118

Accepting a \$336,000 loan repayment from the Mount Hope Redevelopment Project Area, and appropriating \$336,000 to be loaned back to the Redevelopment Agency of the City of San Diego;

Accepting a \$320,000 loan repayment from the Gateway Center West Redevelopment Project Area, and appropriating \$320,000 to be loaned back to the Redevelopment Agency of the City of San Diego.

Aud. Cert. 9600012.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A020-068.)

MOTION BY McCARTY TO ADOPT ITEMS -333, -334, -338, -339, AND -340. Second by Vargas. 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-CS-1: (R-95-1935) ADOPTED AS RESOLUTION R-286120

A Resolution adopted by the City Council in Closed Session on July 18, 1995:

Authorizing the City Manager to pay the total sum of \$48,549.02 in settlement of each and every claim against the City, its agents and employees, resulting from the property damage to Brenda Todd; authorizing the City Auditor and Comptroller to issue one check in the amount of \$48,549.02 made payable to Luth & Turley, Inc., in full settlement of all claims.

Aud. Cert. 9501282

FILE LOCATION: MEET

ITEM-CS-2: (R-95-1923) ADOPTED AS RESOLUTION R-286121

A Resolution adopted by the City Council in Closed Session on July 18, 1995:

Authorizing the City Manager to pay the total sum of \$400,000.00 in settlement of each and every claim against the City, its agents and employees, which also includes the purchase of the 25-unit apartment complex located at 4078 51st Street. The facts of this litigation is more fully set forth in Superior Court Case No. 679802, Quintana v. City of San Diego, et al., resulting from continual flooding damage; authorizing the City Auditor and Comptroller to provide funds for the relocation of tenants of 4078 51st Street at the approximate total cost of \$150,000.00; authorizing the City Auditor and Comptroller to issue one check in the amount of \$400,000.00 made payable to First American Title Company.

Aud. Cert. 9600024

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:45 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H463-466).