

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JANUARY 8, 1996
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:01 p.m. Mayor Golding adjourned the meeting at 4:28 p.m. into Closed Session on Tuesday, January 9, 1996, at 9:00 a.m., the twelfth floor conference room to discuss existing litigation matters.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

ITEM-10: INVOCATION

Invocation was given by Pastor Art Sueltz, Point Loma Presbyterian Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wear.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding elected officials and their responsibilities and urging the City Council to support repeal of the Federal Reserve Act.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-062.)

ITEM-PC-2: REFERRED TO CITY MANAGER

Comment by "Sky" Thompson regarding the effect of drugs on children and what we can do about it. He asked the City Council to support a resolution by the Federal Government so any addict or alcoholic, including pregnant women, mothers and teenagers who wanted help could get help at an authorized facility paid for by Federal Government funds.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A063-098.)

ITEM-PC-3:

Comment by Dane Taylor regarding firearms and Assembly Bill 638.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-124.)

ITEM-PC-4: REFERRED TO CITY MANAGER

Comment by Bruce Skane regarding Police Chief Jerry Sanders and Assembly Bill 638.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A125-150.)

ITEM-PC-5:

Comment by Helma Walser regarding violent crime and citizens' rights to defend themselves.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A152-179.)

ITEM-PC-6:

Comment by Francis Skane regarding the Bill of Rights and the right to bear arms.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A183-201.)

COUNCIL COMMENT:

ITEM-CC-1:

Councilmember Stevens thanked Mayor Golding and Councilmembers Warden, McCarty and Vargas for joining him at the grand opening Saturday of the Malcolm X Library and Performing Arts Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A209-237.)

ITEM-30: APPROVED
Approval of Council Minutes for the Meetings of:
11/20/95
11/21/95
1/21/95 Special Joint Meeting
11/27/95
11/28/95

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A246-250.)

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

ITEM-31:

SUBJECT: The Century Club of San Diego Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-96-674) ADOPTED AS RESOLUTION R-286763

Recognizing and thanking the volunteers of The Century Club of San Diego for their commitment to the citizens of San Diego and the game of golf;

Proclaiming Monday, January 8, 1996 to be "The Century Club of San Diego Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A250-385.)

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

ITEM-32:

SUBJECT: Donation of Equipment by Paramedics and Presentation of Gift.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-96-647) ADOPTED AS RESOLUTION R-286764

Accepting the donation of a 12-Lead EGG unit from the San Diego Medic Association.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A300-385.)

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

* ITEM-50:

SUBJECT: Four actions related to Update of Uniform Building and Fire Codes.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on

11/27/95. (Council voted 9-0):

Subitem-A: (O-96-61) ADOPTED AS ORDINANCE O-18242 (New Series)

Amending Chapter V, Article 5 of the San Diego Municipal Code relating to the Uniform Fire Code.

Subitem-B: (O-96-63) ADOPTED AS ORDINANCE O-18243 (New Series)

Amending Chapter IX, Article 3, of the San Diego Municipal Code relating to the Plumbing and Mechanical Codes.

Subitem-C: (O-96-64) ADOPTED AS ORDINANCE O-18244 (New Series)

Amending Chapter IX, Article 2, of the San Diego Municipal Code relating to the Electrical Code.

Subitem-D: (O-96-65) ADOPTED AS ORDINANCE O-18245 (New Series)

Amending Chapter IX of the San Diego Municipal Code relating to the Uniform Building Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-B037.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Simplification of Tentative Subdivision Map Time Extensions.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on

12/4/95.

(Council voted 8-1. District 6 voted nay):

(O-96-80) ADOPTED AS ORDINANCE O-18246 (New Series)

Amending Chapter XI, Article 1, Division 10, of the San Diego Municipal Code by amending Section 111.1010, and amending Chapter XI, Article 1, Division 11, by amending Section 111.1122, relating to Tentative Subdivision Map and Related Development Permit Time Extensions.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-B037.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-52:

SUBJECT: Proposed Amendment to the San Diego Municipal Code Section 101.0510(c)(1)(n) Regarding Lodges and Lodging Facilities in the Future Urbanizing Area. ("Bougainvillea" Project.)

(Future Urbanizing Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/5/95.

(Council voted 8-1. District 6 voted nay):

(O-96-84 Cor. Copy) ADOPTED AS ORDINANCE O-18247 (New Series)

Amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code by amending Section 101.0510 relating to Conditional Use Permits.

NOTE: See Item 209 on today's docket for a companion

item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-B037.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-53:

SUBJECT: Mission Trails Industrial Park Rezone.
(RZ-88-0794. Navajo Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/28/95.

(Council voted 8-0. District 4 not present):

(O-96-59) ADOPTED AS ORDINANCE O-18248 (New Series)

Rezoning 42 acres located south of Mission Gorge Road and west of Princess View Drive, into the M-1B Zone.

FILE LOCATION: ZONE-ORD. NO.

COUNCIL ACTION: (Tape location: A390-B037.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-54:

SUBJECT: Mission Trails Regional Park Canyon Bridge and Access Easements.

(Mission Trails Regional Park Community Area.
District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
12/4/95.

(Council voted 9-0):

(O-96-96) ADOPTED AS ORDINANCE O-18249 (New Series)

Authorizing the execution of an agreement with San
Diego County Water Authority to effect the exchange of
the Canyon Bridge in Mission Trails Regional Park for
three access easements within Mission Trails Regional
Park.

FILE LOCATION: MEET CONT FY96-1

COUNCIL ACTION: (Tape location: A390-B037.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Stevens. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-
yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea,
Mayor Golding-yea.

* ITEM-55:

SUBJECT: Substitution of Letter of Credit for the \$27,235,000
City of San Diego Las Flores Apartments Bonds (1991
Issue A).

(District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
11/28/95.

(Council voted 7-1. Councilmember Harvey voted nay.
District 4 not present):

(O-96-77) ADOPTED AS ORDINANCE O-18250 (New Series)

Authorizing the execution and delivery of an amended

and restated Indenture of Trust, an amended and restated Loan Agreement, a second amended and restated Regulatory Agreement and Declaration of Restrictive Covenants, and an amended and restated Re-marketing Agent Agreement with respect to the City of San Diego variable rate demand multifamily housing refunding Revenue Bonds (Las Flores Project 1991 Issue A.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-B037.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-56:

SUBJECT: College Grove Towne Center Park and Ride Facility.

(Mid-City Community Area. Districts-4 and 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/5/95.

(Council voted 9-0):

(O-96-91) ADOPTED AS ORDINANCE O-18251 (New Series)

Approving the Acquisition Agreement between the City of San Diego and DP Partnership for Park and Ride facilities at the College Grove Shopping Center.

FILE LOCATION: MEET CONT FY96-1

COUNCIL ACTION: (Tape location: A390-B037.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-57:

SUBJECT: First Amendment to the Central Imperial Redevelopment Plan.

(District-4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/5/95. (Council voted 9-0):

(O-96-86 Cor.Copy 12/16/96) ADOPTED AS ORDINANCE O-18252
(New Series)

Approving and adopting the first amendment to the Redevelopment Plan for the Central Imperial Redevelopment Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-B037.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Three actions related to the Final Subdivision Map of Torrey View.

(A 147-lot subdivision. Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-716) ADOPTED AS RESOLUTION R-286765

Authorizing a Subdivision Improvement Agreement with Shea Homes and Douglas Allred Company, for the installation and completion of public improvements.

Subitem-B: (R-96-715) ADOPTED AS RESOLUTION R-286766

Approving the final map.

Subitem-C: (R-96-717) ADOPTED AS RESOLUTION R-286767

Authorizing a Memorandum of Agreement with AG Land Associates, providing for the construction of Torrey Reserve Heights Neighborhood Park.

FILE LOCATION: SUBD-Torrey View CONT FY96-2

COUNCIL ACTION: (Tape location: A390-B037.)

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

* ITEM-101:

SUBJECT Street Dedication - Campus Point Drive and Genesee Avenue.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-694) ADOPTED AS RESOLUTION R-286768

Accepting the grant deed of The Regents of the University of California, granting to the City an easement for public street purposes in a portion of Pueblo Lot 1316 of the Pueblo Lands of San Diego, Miscellaneous Map-36;

Dedicating and naming the same Genesee Avenue and

Campus Point Drive.

FILE LOCATION: DEED F-6643 DEED FY96-1

COUNCIL ACTION: (Tape location: A390-B037.)

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

* ITEM-102:

SUBJECT: Sewer Easement Abandonment in Lot 14 of Map-7960.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-698) ADOPTED AS RESOLUTION R-286769

Vacating the sewer easement within Lot 14 of Scripps
Miramar Ranch Park, Map-7960.

CITY MANAGER SUPPORTING INFORMATION:

The proposed sewer easement abandonment has been requested by the affected property owner in order to unencumber the land to facilitate the future development of the property. The easement encumbers 5,227 square feet and bisects the property. The abandonment of the easement would allow better use of the property. Development of the property would be governed by the rules and regulations set forth under the MIP Zone. The easement was granted to the City at no cost per Document File 17069, Book 1970, O.R., recorded January 29, 1970 and has never been used for the purpose intended. There are no plans to install a sewer line within the easement in the future. The sewer system for this area has been established, and adequate right-of-way has previously been provided for this area. Staff review of this sewer easement abandonment indicates the four required findings for abandonment can be made and that this easement may be summarily abandoned.

FILE LOCATION: DEED F-6644 DEED FY96-1

COUNCIL ACTION: (Tape location: A390-B037.)

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

* ITEM-103: CONTINUED TO JANUARY 29, 1996

SUBJECT: Transportation Enhancement Activity (TEA) Grant for State Route 75.

(Otay Mesa-Nestor Community Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-689)

Declaring that the City Council withdraws its application for a Federal Transportation Enhancement Activity grant for improvements to Palm Avenue/State Route 75 and declines any funds for the project from SANDAG.

CITY MANAGER SUPPORTING INFORMATION:

In October 1993, Council approved an application for a Federal Transportation Enhancement Activity (TEA) grant for improvements to Palm Avenue/State Route 75. This application was made jointly with the cities of Coronado and Imperial Beach, and was approved by SANDAG and the California Transportation Commission (CTC). Under the terms of the grant the City of San Diego would have received \$100,000 for the removal of two billboards and for median enhancements along Palm Avenue from Interstate 5 to 13th Street (the Imperial Beach city limit). The City committed a 20 percent match amount of \$20,000 from CIP-52-521.0 (Annual Allocation) to the project. Preliminary cost estimates for the project now indicate that the total grant amount of \$120,000 will be insufficient to fund the intended improvements, which are estimated to cost \$550,000 to \$650,000. Rather than commit \$450,000 to \$550,000 in additional funds, it is recommended that

the City of San Diego withdraw from the project and decline the grant moneys from SANDAG.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A390-B037.)

CONSENT MOTION BY MATHIS TO CONTINUE AT THE REQUEST OF COUNCILMEMBERS VARGAS AND WEAR TO GIVE THEM TIME TO HAVE THEIR QUESTIONS ANSWERED BY THE CITY MANAGER. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Troops to COPS Crime Act Grants.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-678) ADOPTED AS RESOLUTION R-286770

Authorizing the City Manager to apply for, accept and expend grant funds from the United States Department of Justice, Office of Community Oriented Policing Services, under the Crime Act of 1994 called Troops to COPS, to partially offset the training costs for qualified veterans who are also funded under COPS Crime Act hiring grants;

Authorizing the City Manager to execute all aspects of program operation, including any amendments, extensions, renewals, or future funding for the program for a period of up to five years.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-B037.)

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

* ITEM-105:

SUBJECT: Rancho Bernardo Community Park - Lighting Controls.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-704) ADOPTED AS RESOLUTION R-286771

Modifying the Fiscal Year 1996 Capital Improvements Program by adding CIP-29-831.0, Rancho Bernardo Community Park - Lighting Controls;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$40,000 from PSD Fund No. 12000 to CIP-29-831.0, Rancho Bernardo Community Park - Lighting Controls.

CITY MANAGER SUPPORTING INFORMATION:

Rancho Bernardo Community Park is a developed park located at 18045 West Bernardo Way. The park's ballfield lights must be turned on manually from a panel located in a small building about 400 feet away from the new recreation center building. A clock switch turns them off at a preset time.

The proposed new CIP project will provide equipment which will permit the ballfield lights, the irrigation system controllers and any other switches in this electric room to be controlled by telephone. If lights are not needed for the time preset on the clock switch, staff can turn them off. If rain is anticipated, staff can override the irrigation controller clocks. The system is as easy to operate as voice mail.

Aud. Cert. 9600487.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-B037.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-

yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Mt. Zion Missionary Baptist Church 100th Anniversary
Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-695) ADOPTED AS RESOLUTION R-286772

Commending Mt. Zion Missionary Baptist Church for the
100 years of dedicated and unequalled service to the
City of San Diego;

Proclaiming December 3, 1995 to be "Mt. Zion Missionary
Baptist Church 100th Anniversary Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A390-B037.)

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

* ITEM-107:

SUBJECT: Faith Chapel Church of God in Christ 10th Anniversary
Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-699) ADOPTED AS RESOLUTION R-286773

Commending Elder Roy Dixon and the members of Faith
Chapel Church of God in Christ;

Proclaiming December 9, 1995 to be "Faith Chapel Church of God in Christ 10th Anniversary Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A390-B037.)

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

* ITEM-108:

SUBJECT: Excusing Councilmember Judy McCarty from the Natural Resources, Culture and the Arts Committee Meeting of November 22, 1995.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-96-686) ADOPTED AS RESOLUTION R-286774

Excusing Councilmember Judy McCarty from attending the Committee on Natural Resources, Culture and the Arts meeting of November 22, 1995, due to illness.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-B037.)

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

* ITEM-109:

SUBJECT: Excusing Councilmember Judy McCarty from the Natural Resources, Culture and the Arts Committee Meeting of November 29, 1995.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-96-697) ADOPTED AS RESOLUTION R-286775

Excusing Councilmember Judy McCarty from attending the Committee on Natural Resources, Culture and the Arts meeting of November 29, 1995, due to illness.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-B037.)

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

* ITEM-110:

SUBJECT: Agreement with Dudek & Associates, Inc. for As-Needed Biological Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-712) ADOPTED AS RESOLUTION R-286776

Authorizing an agreement with Dudek & Associates, Inc. (San Diego), for as-needed biological services;

Authorizing the Auditor and Comptroller to transfer not to exceed \$250,000 within Sewer Fund 41509, from CIP-45-910.2, CWP Predesign & Engineering Support, to CIP-45-910.3, Program Planning & Studies;

Authorizing the expenditure of not to exceed \$250,000 from Sewer Fund 41509, CIP-45-910.3;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to reallocate

appropriation and cost to those CIP projects where costs are incurred.

CITY MANAGER SUPPORTING INFORMATION:

This agreement with Dudek & Associates, Inc. is for as-needed biological services for MWWDD projects. The agreement is for an amount not to exceed \$250,000. Work to be performed under this contract includes conducting biological field surveys and mapping, wetlands delineations, biological assessments, biological construction monitoring, revegetation monitoring, regulatory permitting, and preparation of conceptual and construction level revegetation plans, on an as-needed basis. The need for consultant services was advertised on July 20, 1995, in the San Diego Daily Transcript, La Prensa, and Voice and Viewpoint, with seven consultants responding. Four consultants were interviewed in accordance with Council Policy 300-7, and Dudek & Associates, Inc. was selected.

MBE/WBE Utilization:

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, including minorities and women, Dudek & Associates, Inc. has retained the following subconsultants as members of their engineering consultant team in connection with this project:

Certified Subconsultants:

MBE - KTU&A

WBE - Marquez & Associates

Due to the nature of as-needed projects, the percentage utilization of MBE/WBE subconsultants is dependent upon the tasks authorized by the City and the type of work required by those tasks.

Aud. Cert. 9600633.

FILE LOCATION: MEET CCONT FY96-1

COUNCIL ACTION: (Tape location: A390-B037.)

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

* ITEM-111:

SUBJECT: First Amendment to the Reimbursement Agreement - Old Mira Mesa Library Reuse-Harmonium (Mira Mesa Community Fund).

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-677) ADOPTED AS RESOLUTION R-286777

Authorizing a first amendment to the Reimbursement Agreement with Harmonium for the Old Mira Mesa Library Reuse Project (Mira Mesa Community Fund), which increases the agreement amount by \$13,731.71 to cover additional costs incurred;

Authorizing the expenditure of not to exceed \$13,731.71 to cover the cost of additional work on development/architectural reuse plans for the Old Mira Mesa Library.

CITY MANAGER SUPPORTING INFORMATION:

On November 14, 1994, City Council approved a Reimbursement Agreement for the Old Mira Mesa Library Reuse with Harmonium (Document RR-284930). This agreement allowed Harmonium to begin the process for renovation of the Old Mira Mesa Library by selecting a consultant (architect) to provide a master plan and schematic design drawings and develop a budget for renovation. The master plan/schematic design and budget are complete. Harmonium has incurred additional costs above the budget (\$40,000) contained in Document RR-284930 by authorizing meeting attendance and document preparation for submittal of an application for a Conditional Use Permit. This work was above the work program agreed upon as a part of the original reimbursement agreement. The amendment will increase the agreement amount by \$13,731.71 to \$53,731.71 to pay for the additional costs incurred. Further, the amendment restricts Harmonium from authorizing further reimbursable work until all the following are complete and have been approved by the City Council: a) the Master Plan for building renovation; b) a Business Plan to sustain the community presence in the renovated

building; c) a negotiated long term lease for the building; d) a new reimbursement agreement for renovation costs of the Old Mira Mesa Library building.

Aud. Cert. 9600587.

FILE LOCATION: MEET CONT FY96-1

COUNCIL ACTION: (Tape location: A390-B037.)

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

* ITEM-112:

SUBJECT: High Five America Agreement.

(City Heights, Skyline, South Bay and Memorial
Community Areas. Districts-3, 4 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-646) ADOPTED AS RESOLUTION R-286778

Authorizing an agreement with High Five America, Inc.,
to provide a Midnight Basketball League for high risk
young adults;

Authorizing the expenditure of an amount not to exceed
\$48,760 from Community Park & Recreation Division,
Fiscal Year 1996 operating budget, Fund No. 100, Dept.
No. 444, Org. No. 210, Object Account No. 4222, Job
Order No. 44410.

CITY MANAGER SUPPORTING INFORMATION:

High Five America has conducted a successful Midnight Basketball League for the City for the last two years. This year's program will be offered from January through May and will be comprised of eight teams offering gang and drug diversion training to 90 to 100 young men in at-risk communities.

Aud. Cert. 9600557.

FILE LOCATION: MEET CONT FY96-1

COUNCIL ACTION: (Tape location: A390-B037.)

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

* ITEM-113:

SUBJECT: Agreement with Tetra Tech for Environmental Consulting Services for the Water Repurification Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-706) ADOPTED AS RESOLUTION R-286779

Authorizing an agreement with Tetra Tech Inc. (San Diego), for environmental consulting services associated with the preparation of an Environmental Impact Report/Environmental Impact Statement for the Water Repurification Project;

Authorizing the expenditure of not to exceed \$949,260 from Fund No. 41500, CIP-70-936.0, Water Repurification Program.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has actively been pursuing the Water Repurification Program since August 1993. Water Repurification is the use of highly treated reclaimed water to supplement a surface water reservoir that is used as a potable water source. A Feasibility Study was prepared and delivered to the California Department of Health Services, Drinking Water Division (DHS) in June 1994. On August 31, 1994, DHS granted conditional approval of the project concept. During this time a Repurified Water Review Committee (RWRC), made up of local citizens, and an Independent Advisory Panel (IAP), made up of nationally recognized water treatment and public health experts, reviewed

and critiqued the study. During 1995 additional preliminary studies were performed: facility and pipeline siting analyses, unit process pilot testing, and reservoir modeling and monitoring. This provided the information necessary to proceed with the next phase of work. Design Request for Proposals (RFP) were advertised on November 9, 1995. This action is to hire an environmental consulting firm to prepare a project level EIR/EIS.

Aud. Cert. 9600635.

FILE LOCATION: WATER-Tetra Tech Inc. (San Diego), Water
Repurification Project CCONT FY96-1

COUNCIL ACTION: (Tape location: A390-B037.)

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

* ITEM-114: CONTINUED TO FEBRUARY 12, 1996

SUBJECT: Amendments to Transient Occupancy Tax Council Policy
No. 100-03.

(See City Manager Report CMR-96-01.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-404)

Amending Council Policy No. 100-03 regarding the
Transient Occupancy Tax.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A390-B037.)

CONSENT MOTION BY MATHIS TO CONTINUE AS REQUESTED BY
COUNCILMEMBERS WARDEN AND KEHOE SO THIS ITEM CAN BE ON THE
NRC&A COMMITTEE AGENDA OF JANUARY 31, 1996, FOR DISCUSSION
OF ADDITIONAL CATEGORIES AND INCONSISTENCIES ON THE FUNDING
CHART. Second by Stevens. Passed by the following vote:

Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115:

SUBJECT: Renaissance Park - Acquisition.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-577) ADOPTED AS RESOLUTION R-286780

Approving the acceptance by the City Manager of an
easement deed of Coral Cove at Carmel Del Mar
Condominium Association, granting to the City a
permanent, irrevocable easement for public park
purposes over, under, upon and across a portion of
Carmel View Road closed and vacated to public use, Map-
10710 as Carmel Valley Neighborhood 6, Unit 1, located
east of I-15, west of Carmel Creek Road and north of
Valley Center Drive;

Authorizing the expenditure of not to exceed \$137,000
from FBA Fund 79002 (CIP-29-645.0), for acquisition of
property rights and related costs.

FILE LOCATION: DEED F-6645 DEED FY96-1

COUNCIL ACTION: (Tape location: A390-B037.)

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

ITEM-116: TRAILED TO JANUARY 9, 1996

SUBJECT: Cooperative Agreement with the County of San Diego for
Construction of State Route 56.

(Carmel Valley, Rancho Pegasus, and Future
Urbanizing Community Areas. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-745)

Authorizing a Cooperative Agreement with the County of
San Diego for the construction of State Route 56.

CITY MANAGER SUPPORTING INFORMATION:

Currently the majority of State Route 56 has been constructed (or is being constructed) within the Rancho Pegasus and Carmel Valley Communities. The segment in between these two communities, in the Future Urbanizing Area, is currently in the environmental documentation phase. Design of this important roadway is expected to commence near the end of 1996 (when the Environmental Impact Report is expected to be certified) and construction is expected to begin in early 1998. Due to the importance of this roadway a cooperative effort will be necessary by all of the agencies involved, including the County of San Diego, Caltrans, SANDAG, and the City of San Diego. The subject agreement: 1) memorializes the cooperative relationship between the City and the County; 2) establishes an Advisory Committee to be made up of the Councilmembers of Districts 1 and 5 and Supervisors of County Districts 3 and 4, as well as the Caltrans District 11 Director; 3) a Technical Committee to be chaired by the Director of the City's Engineering and Capital Projects Department and staffed by all of the involved agencies; and 4) funding in the amount of \$20 million from the County with the balance to be identified by the City.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D027-097.)

TRAILED TO TUESDAY, JANUARY 9, 1996, AT THE REQUEST OF MAYOR
GOLDING FOR A REVIEW OF THE LANGUAGE OF NUMBER 3 AND 9 OF
THE COOPERATIVE AGREEMENT BETWEEN CITY AND COUNTY OF SAN
DIEGO RE: CONSTRUCTION OF SR56.

* ITEM-117:

SUBJECT: Four actions related to San Diego Unified School District Parcel Maps - 4 New School Sites.

(Mid-City, City Heights, Grant Hill Neighborhood, and Southcrest Neighborhood Community Areas. Districts-3 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-733) ADOPTED AS RESOLUTION R-286781

Approving Parcel Map WO No. 950288.

Subitem-B: (R-96-734) ADOPTED AS RESOLUTION R-286782

Approving Parcel Map WO No. 950139.

Subitem-C: (R-96-735) ADOPTED AS RESOLUTION R-286783

Approving Parcel Map WO No. 950134.

Subitem-D: (R-96-736) ADOPTED AS RESOLUTION R-286784

Approving Parcel Map ID-95-241.

CITY MANAGER SUPPORTING INFORMATION:

These actions are in support of the San Diego Unified School District development of four new school sites. The school site names are: 1) Cesar Chavez Elementary School - 38th Street and Alpha Street; 2) Rosa Parks Elementary School - 44th Street and Landis Street; 3) Kimbrough Elementary School - "K" Street and Dodson Street; 4) Monroe Clark Middle School - Fairmount Avenue and Thorn Street. The parcel maps are being recorded to consolidate existing lots, to abandon unnecessary public service easements and street right of way, and to dedicate or grant new easements or right of way as needed to serve the new school sites.

The San Diego Unified School District, as Lead Agency, has prepared Environmental Impact Reports (EIR's) SCH-92-051037, SCH-92-051038, SCH-92-051040, and SCH-92-051060. The City of San Diego as responsible agency has reviewed and considered these EIR's. The construction projects and the street vacations have been presented to the appropriate local community groups which

have endorsed them.

FILE LOCATION: SUBITEM A: SUBD-Monroe Clark Middle School
 Site
 SUBITEM B: SUBD-Kimbrough Elementary School
 Site
 SUBITEM C: SUBD-Rosa Parks Elementary School
 Site
 SUBITEM D: SUBD-Cesar Chavez Elementary
 School Site

COUNCIL ACTION: (Tape location: A390-B037.)

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

ITEM-150: CONTINUED TO JANUARY 29, 1996

SUBJECT: Joint Powers Agreement between the City of San Diego
and the County of San Diego for Tijuana River Valley
and Mission Trails Regional Parks.

(Mission Trails and Tijuana River Valley Community
Areas. Districts-7 & 8.)
(Continued from the meeting of December 4, 1995, Item
56, at the City Manager's request, for further review.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-96-60):

Introduction of an Ordinance authorizing a Joint Powers
Agreement with the County of San Diego regarding the
operation and maintenance of Tijuana River Valley Park
and Mission Trails Regional Park.

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

RULES COMMITTEE'S RECOMMENDATION:

On 11/20/95, RULES voted 5-0 to authorize the City Manager or his representative to execute a Joint Powers Agreement between the City and the County of San Diego related to the operation and maintenance of Tijuana River Valley and Mission Trails Regional Parks. (Councilmembers Kehoe, Warden, Stallings, Vargas and Mayor Golding voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The City Council adopted City Manager's Report CMR-94-74 on March 22, 1994. In that report, the Manager provided the status of consolidating certain City and County services. As it related to park and recreation functions, the report stated that City and County staff studied the feasibility of consolidation of like services in both departments. An analysis was conducted of operating efficiency, capacity, possible economies of scale, administrative and legal requirements, levels of management, supervision and staff, and relative operating efficiency. Staff determined that there could be increased integration and coordination in a number of areas. These include park reservation services, equipment back up, joint staff meetings, small capital improvement projects, joint facilities marketing, staff training and the volunteer program. In addition, it was concluded that there should be coordinated operation of Mission Trails and Tijuana River Valley regional parks through a Joint Powers Agreement. The Agreement would provide that the City should maintain and operate Mission Trails Regional Park and that the County should maintain and operate Tijuana River Regional Park. It was later agreed that separate agreements would be more practical. There was discussion between the two agencies about potential land use conflicts; the Tijuana River Valley Park area encompasses some Water Utilities land which had to be excluded from the agreement, as well as the leasehold revenue related to that acreage. Also, some property was acquired with Coastal Conservancy funds, which requires any revenue generated on those lands must go to the Conservancy. With regard to Mission Trails, the agreement requires that all revenues obtained on Mission Trails Regional Park, including antenna and use fees are to be used solely for development, operation and maintenance of Mission Trails. A similar cause is included in the Tijuana River Valley Park agreement exclusive of the Water Utilities leasehold revenues which cannot be used for the park. Once signed by the City Manager, the agreements will go to the County Board of Supervisors for approval. The agreements would be in effect for 25 years and could be extended for 25 years with joint approval. Execution of the agreements will not impact the service levels

provided at either park.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A390-B037.)

CONSENT MOTION BY MATHIS TO CONTINUE TO JANUARY 29, 1996 AS REQUESTED BY MAYOR GOLDING BECAUSE OF POTENTIAL FUTURE PROBLEMS WITH THE LANGUAGE IN THE AGREEMENT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: TRAILED TO JANUARY 9, 1996

SUBJECT: Two actions related to the San Diego Jack Murphy Stadium Expansion Financing.

(District-6.)

(Continued from the meeting of December 11, 1995, Item 601, at the Councilmember McCarty's request, for a report from the City Manager.)

TODAY'S ACTIONS ARE:

Adoption of the ordinance in Subitem A; and adoption of the resolution in Subitem B. (Subitem A was introduced on 11/20/95. Council voted 7-1. District 6 voted nay. District 5 not present):

Subitem-A: (0-96-81 Cor.Copy)

Authorizing the execution of a Facility Lease of a portion of San Diego Jack Murphy Stadium;

Authorizing the issuance and sale of Taxable Lease Revenue Bonds by the Public Facilities Financing Authority of the City of San Diego, and making certain findings concerning the proposed financing; approving the forms of the Stadium Facility Lease, Ground Lease, Indenture, Continuing Disclosure Agreement and related financing documents.

NOTE: 6 votes required. Pursuant to Section 99 of the

City Charter a notice regarding the adoption of the ordinance was published in the Daily Transcript.

Subitem-B: (R-96-696)

Authorizing and approving the form and content of the Notice of Intention to Sell Bonds;

Authorizing the City Manager, subject to the authorization and direction of the Public Facilities Financing Authority of the City of San Diego, to cause the publication of the Notice of Intention to Sell Bonds at Least 15 days prior to the sale of the Public Facilities of the City of San Diego Taxable Lease Revenue Bonds, Series 1996A (San Diego Jack Murphy Stadium).

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B039-209.)

MOTION BY MATHIS TO TRAIL TO TUESDAY, JANUARY 9, 1996.
Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Amending the San Diego Municipal Code Relating to Conditional Use Permits.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-46) INTRODUCED, TO BE ADOPTED JANUARY 29, 1996

Introduction of an Ordinance amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code by amending Section 101.0510, relating to Conditional Use Permits.

CITY MANAGER SUPPORTING INFORMATION:

During Phase I of the Zoning Code Update (ZCU) program, the

responsibility for hearing appeals to Conditional Use Permits (CUPs) for Educational Institutions was inadvertently moved from the Planning Commission to the Board of Zoning Appeals. Since this category of CUPs can include major uses such as high schools and colleges, the intent of Phase I was to provide an appeal opportunity to the Planning Commission. This matter has been researched by Development Services Department staff and Zoning Code Update staff, who concur that the intent was to place the CUP under the Hearing Officer whose decisions are appealable to the Planning Commission.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A390-B037.)

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

ITEM-202:

SUBJECT: Alvarado Filter Valves Replacement - Alvarado Filtration Plant.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-516) ADOPTED AS RESOLUTION R-286785

Awarding a contract to Orion Construction Corporation for the Construction of Alvarado Water Filtration Plant Expansion - Contract 1A - Filter Improvements in the amount of \$1,563,247, which is 11.7 percent over the City's estimate of \$1,400,000;

Authorizing the City Auditor and Comptroller to transfer \$101,624 within the Water Revenue Fund 41500 from Annual Allocation for Water Main Replacement, CIP-73-083.0, to Alvarado Filtration Plant, CIP-73-261;

Authorizing the additional expenditure of \$101,624 from

CIP-73-261.0, Alvarado Filtration Plant Upgrade and Expansion, to augment funds previously authorized by Resolution R-286552, for the Construction of Alvarado Water Filtration Plant Expansion - Contract 1A - Filter Improvements, adopted on November 20, 1995;

Authorizing the expenditure of \$81,623 from CIP-73-261.0, Alvarado Filtration Plant Upgrade and Expansion, contingent upon Council appropriating funds for this purpose in FY97 CIP, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K96037C)

CITY MANAGER SUPPORTING INFORMATION:

On November 20, 1995, Council approved plans and specifications for the replacement of the Alvarado Filter Valves and authorized award of the contract to the lowest responsible bidder estimated at \$1,400,000. A total of 17 bid packages were issued and three bidders responded to the bid call on November 29, 1995. The low bidder, SCW Contracting Corp., withdrew its bid (\$1,208,977) due to a clerical error. The second lowest bid by Orion Construction Corp. of \$1,563,247 is 11.7 percent over the engineer's estimate. The highest bid was \$1,921,300. Due to the highly specialized nature of the work, the City advertised the project on October 26, 1995, November 9 and 16, 1995 in the San Diego Daily Transcript. In addition the bid packages provided for several pre-bid meetings to address bidder questions and site tours to familiarize bidders with the project and job site. It is anticipated that readvertising will not secure a lower bid. Due to the nature of the project, staff recommends award of the contract to the second lowest bidder, Orion Construction Corp., in the amount of \$1,563,247. North Coast Electric is the subcontractor and will perform 2.9 percent of the work. International Fabrication is MBE vendors performing 5.0 percent of the work.

Aud. Cert. 9600660/9600661.
WWF-96-220.

FILE LOCATION: W.O. 183391; CONT-Orion Construction

Corporation CONT FY96-1

COUNCIL ACTION: (Tape location: A390-B037.)

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

ITEM-203:

SUBJECT: Amendment No. 2 to the Agreement with Westinghouse Electric Corporation for Additional Equipment and Engineering Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-700) ADOPTED AS RESOLUTION R-286786

Authorizing Amendment No. 2 to the Agreement with Westinghouse Electric Corporation for additional equipment and engineering services in connection with the Wastewater Operations Management System (COMNET), for an amount not to exceed \$975,703;

Authorizing the City Manager to revise contract funding phases with Westinghouse Electric Corporation for this project, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under the agreement are, or will be, on deposit in the City Treasury, to be revised as follows:

Phase	Fixed Amount	Additional Services	Subtotal
1	\$1,596,736	\$159,674	\$1,756,410
2	1,601,373	160,137	1,761,510
3	2,490,409	777,378	3,267,787
4	2,740,759	681,899	3,422,658
5	2,836,418	0	2,836,418
6	1,036,873	103,687	1,140,560
7	762,500	76,250	838,750
Total	\$13,065,068	\$1,959,025	\$15,024,093

Authorizing the expenditure of not to exceed \$975,703 from Fund 41509, CIP-45-920.0.

CITY MANAGER SUPPORTING INFORMATION:

Council Resolution No. R-284490, adopted on August 8, 1994, authorized the City Manager to execute a contract with Westinghouse Electric Corporation, the lowest responsible bidder for CIP-45-920.0. In order to meet the rapidly expanding needs of the Department and help satisfy regulatory requirements, the MWWD's Operations and Maintenance Division requires a new Maintenance Management System (MMS). This new MMS will be fully compatible with the COMNET project, and will also be provided by Westinghouse. The new MMS is an integrated maintenance management program which is consistent with current and future facility needs, and has the ability to generate the wide variety of performance information now required by MWWD facility management as well as various regulatory authorities. Westinghouse has been authorized, under Task Authorization No. 1, to proceed with Phase I (Pt. Loma Facilities) of the MMS for \$681,899. In the near future Council will be requested to authorize Phase II (North City Water Reclamation), and Phase III (Northern Sludge Processing Facilities) of the MMS. It is currently estimated that Phase II (the North City Water Reclamation Plant) will be \$1.8 million and Phase III (North City Sludge Processing Facility) will be \$500,000 respectively. It is requested from the City Council to approve the revised Phase Funding Schedule and authorization of Phase IV for this contract, which includes the following additional scope of work: additional fire alarm scope of work at North City Water Reclamation Plant (NCWRP) \$23,398; additional partnering effort \$10,068; incorporation of setpoint data into electronic media at NCWRP \$15,600; Implementation of COMNET at North City Sludge Pump Station \$244,738; and replenishing additional services with Task Authorization No. 1 (MMS Phase 1 for \$681,899):

Amendment No. 1 Phase Funding:

Phase 1: FY 95 - \$1,756,410
Phase 2: FY 95 - \$1,761,510
Phase 3: FY 96 - \$3,267,787
Phase 4: FY 96 - \$2,446,955
Phase 5: FY 96 - \$2,836,418
Phase 6: FY 97 - \$1,140,560
Phase 7: FY 97 - \$ 838,750

Amendment No. 2 Phase Funding Requested by Council:

Phase 1: FY 95 - \$1,756,410
Phase 2: FY 95 - \$1,761,510
Phase 3: FY 96 - \$3,267,787
Phase 4: FY 96 - \$3,422,658
Phase 5: FY 96 - \$2,836,418
Phase 6: FY 97 - \$1,140,560
Phase 7: FY 97 - \$838,750

Total \$14,048,390

Total \$15,024,093

Aud. Cert. 9600600.

FILE LOCATION: WATER-Westinghouse Electric Corporation
CCONTFY96-1

COUNCIL ACTION: (Tape location: A390-B037.)

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

ITEM-204:

SUBJECT: Amendment No. 3 to the Agreement with Westinghouse
Electric Corporation for the Fiesta Island Replacement
Project Pump Station.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-713) ADOPTED AS RESOLUTION R-286787

Authorizing Amendment No. 3 to the Agreement with
Westinghouse Electric Corporation for an amount not to
exceed \$1,748,057 in connection with the Fiesta Island
Replacement Project Pump Station;

Authorizing the Auditor and Comptroller to transfer not
to exceed \$234,000 from CIP-45-920.0, Wastewater
Operations Management Network (COMNET), to CIP-46-
055.0, FIRP Pump Station at Point Loma;

Authorizing the expenditure of not to exceed \$1,748,057
from Clean Water Sewer Fund 41509, CIP-46-055.0, FIRP
Pump Station;

Authorizing the City Manager to revise contract funding
phases with Westinghouse Electric Corporation for the
above project, based on the actual low bid submitted,

provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under the agreement are, or will be, on deposit in the City Treasury, to be revised as follows:

Current Contract Phase Funding of COMNET (CIP-45-290.0)	Proposed Phase Funding of Amendment No. 3 FIRP PS (CIP-46-055.0)	Total Phase Funding of Amendment No. 3
Phase 1: FY 95 \$1,756,410	Phase 1: FY 95 \$0	Phase 1: FY 95 \$1,756,410
Phase 2: FY 95 \$1,761,510	Phase 2: FY 95 \$0	Phase 2: FY 95 \$1,756,510
Phase 3: FY 96 \$3,267,787	Phase 3: FY 96 \$0	Phase 3: FY 96 \$3,267,787
Phase 4: FY 96 \$3,422,658	Phase 4: FY 96 \$349,610	Phase 4: FY 96 \$3,772,268
Phase 5: FY 96 \$2,836,418	Phase 5: FY 96 \$874,030	Phase 5: FY 96 \$3,710,448
Phase 6: FY 97 \$1,140,560	Phase 6: FY 97 \$524,417	Phase 6: FY 97 \$1,664,977
Phase 7: FY 97 \$838,750	Phase 7: FY 97 \$0	Phase 7: FY 97 \$838,750
Total Amount: \$15,024,093	Total Amount: \$1,748,057	Total Amount: \$16,772,150

Increasing the Phase 4 Fiscal Year 1996 funding for this project by an amount not to exceed \$349,610.

CITY MANAGER SUPPORTING INFORMATION:

Council Resolution No. R-284490, adopted on August 8, 1994, authorized the City Manager to execute a contract with Westinghouse Electric Corporation, the lowest responsible bidder, for Wastewater Operations Management Network (COMNET), CIP-45-920.0. On January 31, 1995 the City Council authorized advertising and award of Construction of Fiesta Island Replacement Project (FIRP) Sludge Pump Station, CIP-46-055.0. The COMNET system for the FIRP Sludge Pump Station was identified in the original contract. However, since the design of the Pump

Station was only in the early stages when the bids were taken for COMNET, a complete scope of work and its associated pricing could not be included in the original contract. The design of the Pump Station has now been completed, and Westinghouse's scope of work has been completely defined and the price negotiated. The amount of Amendment No. 3 is \$1,748,057, which includes a fixed amount of \$1,456,714 and an additional services amount of \$291,343. It is requested that the City Council approve the transfer of \$156,473 for the fixed amount and \$77,527 for additional services, for a total transfer of \$234,000 from COMNET (CIP-45-920.0) to FIRP Pump Station at Point Loma, CIP-46-055.0, for installation of COMNET instrumentation and controls at FIRP Pump Station.

Aud. Cert. 9600632.

FILE LOCATION: WATER-Westinghouse Electric Corporation
CONFY96-1

COUNCIL ACTION: (Tape location: A390-B037.)

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

ITEM-205:

SUBJECT: Ordering Foreclosure Action Against Delinquent Parcels
of Land.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-690) ADOPTED AS RESOLUTION R-286788

Ordering action to be brought in San Diego County Superior Court to foreclose assessment liens against 35 delinquent parcels of land located in Assessment District Nos. 4011 and 4021 (De La Fuente Business Park, Inc., Phases I and II).

CITY MANAGER SUPPORTING INFORMATION:

The assessment installments on 35 parcels of land located in Assessment District Nos. 4011 and 4021 and owned by De La Fuente Business Park Inc., (collectively, the "Delinquent Parcels"), originally became delinquent on December 10, 1993. The City subsequently initiated judicial foreclosure proceedings against the Delinquent Parcels and on February 21, 1995 a judgement in favor of the City was entered by the Superior Court (the "Foreclosure Judgement") and the Delinquent Parcels were ordered to be sold by the County Marshall on September 19, 1995. The Foreclosure Judgement included all delinquent assessment installments to the date of entry of the judgement but did not include the assessment installment which became delinquent on April 10, 1995 (the "April Installment Delinquency").

Leading up to the foreclosure sale date, City staff had ongoing discussions with Banque Nationale de Paris, holder of the first trust deed on the Delinquent Parcels (the "Bank"), regarding the Bank's possible satisfaction of the Foreclosure Judgement to avoid the foreclosure sale of the Delinquent Parcels. In discussions with the Bank, staff understood that the Bank, while not obligated to do so to satisfy the Foreclosure Judgement, would also pay the April Installment Delinquency if they elected to pay the amount of the Foreclosure Judgement. On September 8, 1995 the Bank notified the City that it would pay the amount necessary to satisfy the Foreclosure Judgement and requested a letter from the City which was provided to the Bank setting forth the amount required to cure the April Installment Delinquency. On September 15, 1995 the Bank apparently changed its position regarding the payment of the April Installment and elected to pay only the amount necessary to satisfy the Foreclosure Judgement and avoid the foreclosure sale of the Delinquent Parcels. The apparent position of the Bank is that the Bank will pay only the amount necessary to avoid a future foreclosure sale resulting from a subsequent foreclosure judgement entered against the Delinquent Parcels. Consequently the April Installment remains unpaid and the City Council is now being asked to again authorize the initiation of judicial foreclosure proceedings against the Delinquent Parcels listed below:

646-120-30-00 646-120-39-00 646-210-01-00 646-210-05-00 646-
210-06-00 646-210-07-00 646-210-08-00 646-210-09-00 646-210-
10-00 646-210-11-00 646-210-12-00 646-210-13-00 646-210-14-00
646-210-15-00 646-210-16-00 646-210-19-00 646-210-20-00 646-
210-21-00 646-210-22-00 646-210-23-00 646-210-24-00 646-210-
25-00 646-210-26-00 646-210-30-00
646-210-31-00 646-210-32-00 646-210-33-00 646-210-34-00 646-

210-35-00 646-261-01-00 646-261-02-00 646-261-03-00 646-261-04-00 646-261-05-00 646-261-07-00

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-B037.)

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

ITEM-206:

SUBJECT: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage from Tijuana, Mexico.
(San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-728) ADOPTED AS RESOLUTION R-286789

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

SUPPORTING INFORMATION:

For more than 60 years, raw sewage from the Republic of Mexico has flowed unabated into the United States plaguing the residents of San Diego. This flow is a serious threat to the region, creating health hazards, forcing the closure of beaches and impacting local businesses. For this reason, the City Council has continued to declare a State of Emergency in the Tijuana River Valley. The solution to this long standing problem is the construction of the International Treatment Facilities. The facilities consist of a 25 million gallon per day (mgd) secondary treatment plant in the United States, canyon collectors in Goat Canyon and Smuggler's Gulch to collect renegade sewage, and the South Bay Ocean Outfall. The status of these projects is as follows:

SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT

- A. Construction Contract 1 (CC-1) - Site Preparation.
Construction: Completed February 23, 1995 at a cost of \$4,873,615.
- B. Construction Contract 2 (CC-2) - Advanced Primary Facilities. Construction: June 1995 - February 1997. The construction is proceeding on schedule. Rebar placement, electrical conduit installation, and formwork are ongoing for all major structures; concrete foundations and lower walls have been poured for many of the structures. The foundation and a portion of the lower walls have been poured at the headworks sump area. At the primary influent gallery, the foundation and 70 percent of the lower south wall have been poured. At the primary sedimentation tanks, 12 of the 20 slab on grade panels have been poured. The foundation, walls, and deck for the nonpotable water pump station have been poured. At the primary skimmings pump station, lime silos, grit chamber, and sludge fee pump station, the foundations have been poured. The foundation and column footings have been poured at the sludge dewatering building. The 48" HDPE foul air line has been installed for the sludge dewatering building. The 20' drain line from the Canyon del Sol interceptor is being installed in Monument Road. The foundation for approximately 300' of the perimeter fence has been poured along the northwest perimeter of the site.
- C. Construction Contract 3 (CC-3) - Secondary Treatment Facilities.
Design: December 1993 - January 1996
Construction: On-hold

This project is on hold pending the completion of a Supplemental Environmental Impact Statement (SEIS) and a decision on the best alternative method for secondary treatment. A draft SEIS is expected to be released for public review in Spring 1996.

- D. Construction Contract 4 (CC-4) - Collection System.
Design: December 1993 - March 1996
Bid Solicitation: April 1996 - July 1996
Construction: August 1996 - August 1997
Design is proceeding.

SOUTH BAY OCEAN OUTFALL

On June 29, 1995, the Surfriders Foundation initiated a lawsuit against the City of San Diego requesting that the City Council's May 22, 1995 approval of the Environmental Impact Report for the South Bay Ocean Outfall be set aside. The law firm of McCutcheon Doyle is handling this lawsuit for the City. A trial is set for January 11, 1996.

A. Package 1 - Special Structures.

Design: Completed May 12, 1995
Revised Design: Completed October 17, 1995
Bid Solicitation: November 2, 1995 - December 7, 1995
Construction: April 1996 - July 1997

The bids for this project are scheduled to be opened on December 19, 1995.

B. Package 2 - Tunnel.

Construction Contractor: Traylor Brothers/Obayashi
Bid: \$88,285,000
Construction: September 1995 - May 1998
Startup: June 1998

Construction mobilization is currently underway; supplies, materials, trailers and storage containers are being delivered to the staging area. The contractor has performed some additional geotechnical investigations in order to gather more data for the ground freezing operation for the drop shaft. Storm water pollution prevention measures and security measures are being implemented.

C. Package 3 - Marine Works.

Construction Contractor: Fletcher General, Inc.
Bid: \$36,442,000
Construction: November 1995 - October 1997.

A notice of intent to award was issued on November 29, 1995. Notice to proceed was issued on January 5, 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-B037.)

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

ITEM-207:

SUBJECT: Approval of Ballot Measure Arguments for the March 26, 1996 Election.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-96-742) ADOPTED AS RESOLUTION R-286790

Approving the ballot argument in favor of the Proposition amending the City's Progress Guide and General Plan to redesignate certain parcels of land from Future Urbanizing to Urbanized, which is to be voted upon at the March 26, 1996 election;

Designating the Mayor and/or Councilmember(s) to sign the adopted language on behalf of the City;

Directing the City Clerk to submit the ballot argument to the County Registrar of Voters to be published in the ballot pamphlet for the March 26, 1996 election.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B209-440.)

MOTION BY WEAR TO ADOPT THE RESOLUTION APPROVING THE BALLOT ARGUMENT WITH A CHANGE TO THE SECOND SENTENCE IN PRAGRAPH 2 OF THE BALLOT ARGUMENT IN FAVOR OF PROPOSITION D TO READ AS FOLLOWS: "HOWEVER, BECAUSE THE TEXT OF THE GENERAL PLAN DEFINES THE AREAS IN WHICH THE NAVAL TRAINING CENTER, THE MARINE CORPS RECRUITING DEPOT, HARBOR ISLAND, AND LINDBERGH FIELD ARE LOCATED AS 'URBANIZED' AN INCONSISTENCY WAS CREATED BETWEEN THE MAPS AND THE TEXT." TO DESIGNATE MAYOR GOLDING TO SIGN THE ADOPTED LANGUAGE ON BEHALF OF THE CITY AND TO DIRECT THE CITY CLERK TO SUBMIT THE BALLOT ARGUMENT TO THE COUNTY REGISTRAR OF VOTERS TO BE PUBLISHED IN THE BALLOT PAMPHLET FOR THE MARCH 26, 1996 ELECTION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-208:

SUBJECT: Approval of Ballot Measure Arguments for the March 26, 1996 Election.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-741) ADOPTED AS RESOLUTION R-286791

Approving the ballot argument in favor of the Proposition amending the City's Progress Guide and General Plan within Subarea IA and Subarea V of the North City Future Urbanizing Area Framework Plan to authorize the City Council to consider issuance of conditional use permits for a hotel in each of the two subareas, which is to be voted upon at the March 26, 1996 election;

Designating the Mayor and/or Councilmember(s) to sign the adopted language on behalf of the City;

Directing the City Clerk to submit the ballot argument to the County Registrar of Voters to be published in the ballot pamphlet for the March 26, 1996 election.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B441-C510, D117-142.)

MOTION BY MATHIS TO APPROVE PUTTING THIS ON THE BALLOT, TO DESIGNATE MAYOR GOLDING TO SIGN THE ADOPTED LANGUAGE ON BEHALF OF THE CITY, AND TO DIRECT THE CITY CLERK TO SUBMIT THE BALLOT ARGUMENT TO THE COUNTY REGISTRAR OF VOTERS TO BE PUBLISHED IN THE BALLOT PAMPHLET FOR THE MARCH 26, 1996 ELECTION.

DELETE THE WORDS "TO AGREE" FROM THE PROPOSED ARGUMENT IN FAVOR OF PROPOSITION C AS REQUESTED BY CRAIG ADAMS OF THE SIERRA CLUB AND AGREED TO BY MAYOR GOLDING. CLARIFY PARAGRAPH (2) (A) OF ORDINANCE O-18239 (New Series) ADOPTED ON DECEMBER 5, 1995, WITH THE FOLLOWING NON-SUBSTANTIVE CHANGES AS AGREED TO BY MAYOR GOLDING:

ELIMINATE THE WORDS "WHICH COULD SUPPORT BONDING" AS

REQUESTED BY JAN FUCHS REPRESENTING CARMEL VALLEY PLANNING BOARD.

ADD THE WORDS "THE MONEY SHALL BE USED FOR ACQUISITION AND COULD BE USED FOR BONDING" AS REQUESTED BY CRAIG ADAMS REPRESENTING THE SIERRA CLUB.

MAKE IT CLEAR TO THE COUNCIL THAT THE LANGUAGE USED IN ORDINANCE O-18239 MEANS PERTAINING TO THE COMMERCIAL SITE IN SUBAREA 1A, MEANS ACCESSORY USE THAT IS DEFINITELY TIED TO A HOTEL SO WE DO NOT HAVE SOMETHING COMPLETELY SEPARATE WHICH MAY BE UNRELATED TO A HOTEL AS A COMMERCIAL USE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-209:

SUBJECT: Proposal to amend Section 101.0510 of the San Diego Municipal Code relating to a right to apply for a conditional use permit for a non-profit lodge in Subarea 1A of the North City Future Urbanizing Area Framework Plan.

(District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution and introduce the ordinance:

Subitem-A: (R-96-819) ADOPTED AS RESOLUTION R-286792

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-95-0673, Addendum to DEP-91-0809, 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 pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-96-97) INTRODUCED

Introduction of an Ordinance amending the San Diego Municipal Code.

SUPPORTING INFORMATION: The City Council on December 5, 1995, after discussing an amendment relating to the "Bougainvillea" project, directed staff to docket an amendment to the Municipal Code amending the prohibition of non-profit lodging facilities within Subarea 1A of the North City Future Urbanizing Area Framework Plan. The City Manager is recommending that the City Council adopt the following (underlined) amendment to Section 101.0510(c) (1) (n) of the San Diego Municipal Code:

" Private clubs, lodges and fraternal organizations, except fraternities and sororities. Private clubs, lodges, and fraternal organizations shall not be permitted in A-1 zoned areas of the coastal zone subject to the FPF (Floodplain Fringe) Overlay Zone or in the Future Urbanizing Area. *The prohibition concerning lodges and lodging facilities within the Future Urbanizing Area (FUA) within this paragraph and Section 101.0510(c) (3) (O) of the Municipal Code shall not be applicable to any application which was submitted to the City prior to December 10, 1990 for a Conditional Use Permit to implement non-profit lodge(s) in that portion of the FUA located outside of the City's Local Coastal Program nor to any application for a Conditional Use Permit for a non-profit lodge(s) in connection with proposed development of a golf course in Subarea 1A of North City Future Urbanizing Area Framework Plan."

*This language has been introduced and may be adopted on January 8, 1996, but will not be effective for 30 days. In adopting the proposed amendment to the San Diego Municipal Code (as identified in the preceding paragraph), the City Manager is also recommending that the City Council certify the Addendum (DEP-95-0673) to the Environmental Impact Report (EIR-91-0809) completed for this application. This code amendment proposal is a companion item to a similar action taken by the Council on December 5, 1995, amending Section 101.0510(c) (1) (n) of the Municipal Code, which authorized the processing of non-profit lodging facilities within the Subarea V portion of the NCFUA Framework Plan (i.e. "Bougainvillea" project), contingent upon future discretionary approval of a Conditional Use Permit (Council Report P-95-175).

Subarea 1A basically consists of the "Black Mountain Ranch" (BMR) project (TM/PRD/CUP/RPO-90-0332), which was approved by the City Council in November, 1992. The approved BMR project encompasses

approximately 4,677 acres, which represents 99 percent of the total acreage inclusive of Subarea 1A. Physical elements of the approved BMR project (as amended by the City Council on October 31, 1995) consist of a maximum of 1,121 residential dwelling units, two 18-hole golf courses and various other on-site and off-site facilities.

The proposed ordinance would amend Chapter 10, Division 5 of the Municipal Code (i.e. Zoning Ordinance) to authorize consideration of issuance of a Conditional Use Permit (Process 4) for the development of non-profit lodging facilities within Subarea 1A of the NCFUA when an application for such facilities is submitted in connection with proposed development of a golf course within the subarea.

NOTE: See Item 52 on today's docket for a companion item.

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

COUNCIL ACTION: (Tape location: C511-659.)

Hearing began at 4:02 p.m. and halted at 4:12 p.m.

Testimony in favor by Allen Haynie.

Testimony in opposition by David Abrams and Craig Adams.

MOTION BY MATHIS TO ADOPT SUBITEM A AND INTRODUCE SUBITEM B, BASED ON THE INTENT OF COUNCIL THAT THIS IS NOT AN OPTION IF THE BALLOT MEASURE PASSES. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

NONE

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:28 p.m. in honor of the memory of:

John Taylor as requested by Councilmember Kehoe;

Larry Haden as requested by Mayor Golding and City Attorney Witt;

David Tamayo as requested by Mayor Golding;

Mary Cruse as requested by Councilmember Stallings;
Commander James J. Holian as requested by Councilmember Stallings; and

Hal Boaz as requested by Councilmember McCarty.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D140-203).