

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 16, 1996
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. City Manager Jack McGrory announced that Anna Maria Jaramillo, Council Liaison for the City Manager will be returning to the Economic Development Services Department and will be replaced by Cindy Kodama, a property agent in the Real Estate Assets Department. Ms. Kodama is a San Diego State University graduate and has been with the City for nine years. Council Member George Stevens announced that Laura Williams of his district turned 108 years old. The meeting was adjourned by Mayor Golding at 11:12 a.m.

ATTENDANCE DURING THE MEETING:

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

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Philip Aoufan of the St. George Antiochian Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vargas.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by David Bieber and Kim Joecken regarding the "March of Dimes for Babies" event.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A034-083.)

COUNCIL COMMENT:

None.

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

12/04/95 Special Meeting
12/04/95
12/05/95
12/05/95 Special Joint Meeting
12/11/95 Special Meeting
12/11/95 Adjourned
12/12/95 Adjourned
12/18/95 Adjourned
12/19/95 Adjourned
12/25/95 Adjourned
12/26/95 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A092-097.)

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

* ITEM-100:

SUBJECT: Three actions related to the Final Subdivision Map of Rancho La Cresta - Unit No. 2.

(A 158-lot subdivision located on the south side of Scripps Poway Parkway. Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-739) ADOPTED AS RESOLUTION R-286800

Authorizing a Subdivision Improvement Agreement with Kaufman and Broad of San Diego, Inc., for the installation and completion of public improvements.

Subitem-B: (R-96-738) ADOPTED AS RESOLUTION R-286801
Approving the final map.

Subitem-C: (R-96-740) ADOPTED AS RESOLUTION R-286802

Authorizing an agreement with Kaufman and Broad of San Diego, Inc., for the maintenance and monitoring of manufactured slopes.

CITY MANAGER SUPPORTING INFORMATION:

On April 27, 1992 the City Council of the City of San Diego adopted Resolution R-279851, approving City Council conditions for Vesting Tentative Map VTM-88-0767 and Resolution R-279852, approving Planned Residential Development Permit PRD-88-0767 and Hillside Review Permit HRP-88-0767.

Condition No. 35 of Planned Residential Development Permit and Hillside Review Permit HRP-88-0767 requires that a three-year landscape maintenance and monitoring program be implemented by the developer to ensure successful revegetation of all manufactured slopes. The program shall include irrigation, plant replacement, and maintenance. Performance bonds in the amounts of \$33,190.80 for maintenance of the irrigation and landscaping and \$23,737.40 for monitoring of the irrigation and landscaping have been posted.

FILE LOCATION: SUBD - Rancho La Cresta, Unit No. 2
CONFY96-1

COUNCIL ACTION: (Tape location: A098-224.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.
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: Two actions related to the Adams Avenue Maintenance District.

(Normal Heights/Kensington Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-709) ADOPTED AS RESOLUTION R-286803

Resolution of Intention to annex territory to the district and to levy and collect assessments on the Adams Avenue Landscape Maintenance District.

Subitem-B: (R-96-710) ADOPTED AS RESOLUTION R-286804

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION:

This action proposes the following: (1) Annex the area on the Adams Avenue from Mansfield Street to 39th Street and from Terrace Drive to Vista Street to existing Adams Avenue Landscape Maintenance District (Felton Street to Mansfield Street) as Zone 2; (2) Delete the areas on Adams Avenue from 33rd Street to Felton Street (Subdistrict 3) and 30th Street to Boundary Street (Subdistrict 7) from the Mid-City Landscape and Lighting Maintenance District and annex them to the existing Adams Avenue Landscape Maintenance District as Zones 3 and 4, respectively; (3) Establish a new street light subdistrict to include the area from 36th Street to 39th Street and Terrace Drive to Vista Street, to be named Adams Avenue #2 Subdistrict of City of San Diego Street Light District #1; and (4) Delete the area between 30th Street and Boundary Street from existing Mid-City Landscape and Lighting Maintenance District #7 and incorporate it into the new Adams Avenue #3 Subdistrict of City of San Diego Street Light District #1.

The Adams Avenue Landscape Maintenance District, from Felton Street to Mansfield Street, was established in May 1994 and is administered by the Adams Avenue Business Association (AABA). The facilities to be maintained by the expanded district include landscaping and irrigation facilities. It is proposed that all

areas of landscaping in the proposed expanded district be administered by the AABA, with appropriate amendments to the existing agreement between the City and the AABA to be approved as part of this action. The new street light subdistricts will be maintained by the City of San Diego, Streets Division, Electrical Section. The proposed FY'97 maintenance costs for the expanded Adams Avenue Landscape Maintenance District, Zones 1, 2, 3, and 4, and Adams Avenue #2 and #3 Subdistricts of City of San Diego Street Light District #1 are as follows:

LANDSCAPE MAINTENANCE DISTRICT		STREET LIGHT DISTRICT			
	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ADAMS AVE.
SUBDIST.2	SUBDIST.3				
Contractual Maint.	\$1,400.00	\$ 8,640.00	\$3,614	\$3,600	Energy & Maint.
	\$3,296.64	\$1,294.80			
Utilities Costs	\$ 900.00	\$ 5,300.00	\$ 350	\$ 778	Admin.
	\$1,071.40	\$ 420.81			
Incidentals	\$1,217.70	\$ 2,462.50	\$1,616	\$1,720	
	TOTALS	\$4,517.70	\$16,402.50	\$5,580	\$6,098
	\$4,368.04	\$1,715.61			

Proposed landscape assessments are based on the assessable frontage of benefitting property owners along Adams Avenue and certain side streets, as follows: Zone 1 - 2,053.5 linear feet; Zone 2 - 6,561 linear feet; Zone 3 - 558 linear feet; Zone 4 - 1,219.6 linear feet. The proposed unit assessment for FY'97 for Zone 1 is the same as FY'96, or \$2.20 per frontage foot or parcel; for Zone 2 it is \$2.50 per frontage foot; for Zones 3 and 4 it is reduced from FY'96 to \$10 and \$5 per frontage foot of parcel, respectively. The proposed street light assessment is based on the frontage of benefitting property owners along Adams Avenue only. Adams Avenue #2 is 4,279 linear feet. Adams Avenue #3 is 1,219.6 linear feet. The unit assessments per frontage foot are \$1.02 and \$1.40 respectively.

FILE LOCATION: STRT - M-346

COUNCIL ACTION: (Tape location: A098-224.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe. 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: Slope Easement Abandonment in Lot 14, Block 46, of Map-352.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-753) ADOPTED AS RESOLUTION R-286805

Vacating the excess portion of the slope easement located within Lot 14, Block 46 of Map-352.

CITY MANAGER SUPPORTING INFORMATION:

The proposed slope easement abandonment has been requested by the applicant to accommodate the redevelopment of Lot 14, Block 46, Map-352. Development of this site is regulated by Coastal Development Permit CDP-90-0835, which proposes construction of a single family residence on Lot 14. The Coastal Development Permit was approved by the Planning Commission on January 9, 1992, by a vote of 5-0. A Mitigated Negative Declaration (DEP-90-0835) was also certified by the Planning Commission. The slope easement was granted to the City per document recorded on February 25, 1952 as Book 4381, Page 48 of Official Records. The area proposed for abandonment is considered excess to City needs since the right-of-way (Torrey Pines Road) is built to its ultimate width. Staff review of this abandonment indicates that the four required findings for the abandonment can be made and that this easement may be summarily abandoned.

FILE LOCATION: DEED F-6655 DEEDFY96-1

COUNCIL ACTION: (Tape location: A098-224.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe. 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:

SUBJECT: High Intensity Drug Trafficking Area (HIDTA)
Grant/California Border Alliance Group (CBAG) Single
Fiscal Agency.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-743) ADOPTED AS RESOLUTION R-286806

Authorizing the City Manager to accept and expend funds from the Office of National Drug Control Policy for the purpose of supporting operations of, and supplies and equipment for use by regional CBAG members;

Authorizing the City Auditor and Comptroller to establish a High Intensity Drug Trafficking Area (HIDTA) fund for receipt and expenditure of funds in connection with the grant, and a separate fund for the receipt and expenditure of funds paid from other agency subgrants for fiscal agency services provided by the San Diego Police Department;

Authorizing the Chief of Police to approve expenditures for operations of and supplies and equipment for use by the regional CBAG task force members;

Authorizing the City Manager to execute all aspects of grant operation including any amendments, extensions, renewals, or future funding for a period of up to five years, provided funding is made available by the United States Department of the Treasury or the Office of National Drug Control Policy.

CITY MANAGER SUPPORTING INFORMATION:

The United States Department of the Treasury, in cooperation with local law enforcement, the State of California, and various federal agencies, has formed the High Intensity Drug Trafficking Area (HIDTA), Southwest Border Region, which extends along the Mexican-American border from the Pacific Ocean to the Gulf of Mexico.

The HIDTA is subdivided into five sub-regions, of which San Diego

and Imperial Counties are one. This sub-region is known as the California Border Alliance Group (CBAG). Federal funding is available from the Office of National Drug Control Policy to fund drug-trafficking interdiction initiatives within the CBAG sub-region. An alliance of federal, state and local law enforcement agencies within the sub-region has formed a task force for the purposes of these initiatives. The federal government directly funds the federal agency participants and the Office of National Drug Control Policy provides grant funding for the state and local agency participants. Participating state and local agencies include the San Diego Police Department, Chula Vista Police Department, San Diego Port Authority Harbor Police, San Diego County Sheriff's Department, San Diego County District Attorney, Imperial County Sheriff's Office, California Highway Patrol, California Bureau of Narcotics Enforcement, and the California Department of Justice. The San Diego Police Department has been requested by HIDTA management to become the lead agency and to act as a single fiscal agent for CBAG. Under this program, the City of San Diego will receive the master grant for all participating state and local agencies. This grant will be administered by the San Diego Police Department, which will coordinate all fiscal matters between the federal granting agency and the participating state and local law enforcement agencies. This will be done under memoranda of understanding with each participating agency, which have already been developed and accepted by those agencies. Police Department staff has indicated both the willingness and the ability to perform this function for the joint agency operation. The City will be compensated for the Police Department's special efforts by receiving 1.5 percent of each participating agency's sub-grant, which will be placed in a segregated fund to compensate both the City Auditor and the Police Department for efforts expended on behalf of the task force. The City Auditor will also be provided with a computer system which will allow the City to obtain federal reimbursements for this program within 48 hours. Other High Intensity Drug Trafficking Area regions have been established in other parts of the United States. They have longevity history of up to twelve years and are still operating. For this reason the request is being made to allow continuous application for, acceptance of and expenditure of federal funds for this purpose.

Aud. Cert. 9600700.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A098-224.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.
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: Department of Boating and Waterways - Rescue Boat
Operations and Marine Fires Classes.

(Mission Bay Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-714) ADOPTED AS RESOLUTION R-286807

Authorizing the City Manager to accept two federal grants totaling \$15,140 from the State of California Department of Boating and Waterways to provide public safety training classes entitled, "Rescue Boat Operations" and "Marine Fires" for the Fire and Life Safety Department, Lifeguard Services Division;

Authorizing the expenditure of an amount not to exceed \$15,140 (\$7,700 from Fund 18705, Account No. 9544 - Rescue Boat Operations and \$7,440 from Fund 18706, Account No. 9544 - Marine Fires).

CITY MANAGER SUPPORTING INFORMATION:

The California Department of Boating and Waterways (DBW) currently offers 5 forty hour modules of training in the area of Boating Rescue and Enforcement. These courses are approved by the Port Captains and Harbor Masters Association. The modules are Rescue Boat Operations, Marine Fires, Boating Safety and Enforcement, Navigation, and Basic Boat Operations. DBW requested that the City of San Diego host two classes: Rescue Boat Operations and Marine Fires. Classes are open to agencies involved in boating safety, rescue and enforcement, including lifeguards, harbor patrolpersons and law enforcement officers. By hosting this class, San Diego staff members will be able to attend without having to incur the cost of travel. DBW will

reimburse the City of San Diego for the cost of the classes up to \$15,140. Two Certifications of Appropriations in the amounts of \$7,700 and \$7,440 have been received from the Department of Boating and Waterways.

Aud. Certs. 9600598 and 9600599.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A098-224.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.
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: Settlement of the Personal Injury Claim of Robert Nugez.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-751) ADOPTED AS RESOLUTION R-286808

A Resolution approved by the City Council in Closed Session on Tuesday, December 5, 1995 by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor-yea.

Authorizing the City Manager to pay the total sum of \$35,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Robert Nugez (Superior Court Case No. 693029, Robert Nugez v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$35,000 made payable to Robert Nugez and his attorney of record, Tom Adler, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Robert Nugez against the City of San Diego, its agents and employees, as a result of an incident which occurred on July 31, 1994.

Aud. Cert. 9600718.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A098-224.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.
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: Firefighter/Paramedic Personnel Exchange Program Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-730) ADOPTED AS RESOLUTION R-286809

Authorizing an agreement for an exchange of firefighter/paramedic personnel with the City of Carlsbad.

CITY MANAGER SUPPORTING INFORMATION:

On September 18, 1990, the City Council authorized the City Manager to initiate a Fire Department paramedic program through the training of firefighters to the paramedic skill level and to place such designated firefighter/paramedics on board Fire Department engines to supplement the present City of San Diego paramedic delivery system. On October 1, 1991, the firefighter/paramedics began providing paramedic level care to the citizens in the northern and southern portions of the City. Today the program has expanded to include 21 paramedic engine companies. On April 20, 1992, the City Council authorized the City Manager to execute an agreement with the cities of El Cajon, Escondido, and Poway to exchange firefighter/paramedic personnel.

On October 26, 1992, this program was expanded to include the City of Santee. Since that time, firefighter/paramedics have had an opportunity to work with the other agencies maintaining their Advanced Life Support (ALS) skills as part of their regular on-duty shift. Positive feedback has been received from all participating agencies. The Carlsbad City Council has approved their participation in this exchange program. Their firefighter/paramedics are all qualified to work on assessment or transport units. With their participation in the program, a greater number of the existing seventy-nine San Diego firefighter/paramedics could maintain their skill level during regular on-duty shifts.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A098-224.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.
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: False Alarm Issue in the City of San Diego.
(See City Manager Report CMR-95-167.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-731) ADOPTED AS RESOLUTION R-286810

Approving the recommendation of the City Manager to form a non-binding Alarm Advisory Committee to investigate the problem of false alarms in the City, to be chaired by a representative of the City's Office of Small Business and comprised of community members, industry representatives, and Police Department and City staff selected by the City Manager, as set forth in City Manager Report CMR-95-167;

Declaring that the committee shall meet for a one-year period and provide an update of its work to the Public Safety and Neighborhood Services Committee within six

months of its first meeting.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 9/20/95, PS&NS voted 4-0 to approve the City Manager's recommendation to form a non-binding Alarm Advisory Committee. The Committee will be chaired by a representative from the City's Office of Small Business (O.S.B) and will meet for a one-year period and return to the Public Safety and Neighborhood Services Committee in six months to provide an update on its work. (Councilmembers Kehoe, Stevens, Stallings, and McCarty voted yea. Councilmember Vargas ineligible.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A098-224.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.
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: Father Joseph A. O'Hare Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-766) ADOPTED AS RESOLUTION R-286811

Proclaiming Tuesday, January 16, 1996 to be "Father Joseph A. O'Hare Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A098-224.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.
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:

SUBJECT: Sanctions for Non-Compliance with Public Pay Telephone Regulations.

(See City Attorney's 12/21/95 Report; City Attorney's 12/4/95 Report; City Manager Report CMR-95-156; and S.D. Payphone Association's 12/5/95 memorandum.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-96-6 Rev.1 Cor.Copy) INTRODUCED, TO BE ADOPTED ON
JANUARY 29, 1996

Introduction of an Ordinance amending Chapter V, Article 4, Division 5, of the San Diego Municipal Code by repealing existing Section 54.0501 and adding New Section 54.0501; repealing existing Section 54.0502 and adding New Section 54.0502; repealing existing Section 54.0503 and adding New Section 54.0503; repealing existing Section 54.0504 and adding New Section 54.0504; repealing existing Section 54.0505 and adding New Section 54.0505; repealing existing Section 54.0506 and adding New Section 54.0506; repealing existing Section 54.0507 and adding New Section 54.0507 and adding Sections 55.0508 and 55.0509, relating to Public Pay Telephone Regulations, Sanctions for Non-Compliance and Enforcement Procedures.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 12/6/95, PS&NS voted 5-0 to approve the Ordinance as recommended by the City Attorney with the following amendment: Require a 30-day notice by the Chief of Police to the pay telephone owner prior to filing any criminal charges for any violation of the ordinance or removal of headsets from pay telephones. (Councilmembers Wear, Kehoe, Stevens, McCarty and Vargas voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A098-224.)

CONSENT MOTION BY McCARTY TO INTRODUCE. Second by Kehoe. 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-151:

SUBJECT: Selection of Vendor for Parking Citation Data Processing System.

(See memorandum from Deputy City Manager George Loveland dated 9/19/95 and City Manager Report CMR-95-174.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-96-417) ADOPTED AS RESOLUTION R-286812

Authorizing the City Manager to negotiate, for and on behalf of the City, a contract for the provision of Parking Citation Data Processing Services with the Vendor selected by the City Council.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 8/2/95, PS&NS voted 3-0 to adopt the City Manager's recommendation contingent upon City Attorney opinions on the legality of the contract in light of State Law and whether proceeding with the contract award would violate the RFP process and on PTS indemnifying the City against any lawsuit arising from awarding the contract to PTS. (Councilmembers Kehoe, Stevens, and Stallings voted yea. Councilmembers McCarty and Vargas not present).

CITY MANAGER SUPPORTING INFORMATION:

At the August 2, 1995 Public Safety and Neighborhood Services Committee meeting, the Committee approved the City Manager's recommendation to authorize contract negotiations with PTS Processing Center and referred the matter to the full City Council. The Committee directed the City Attorney's Office to

prepare a response to questions asked by Committee members and the responses to those questions will be provided in a separate report from the Attorney to the Mayor and City Council. The Committee also requested that the Manager revise the Attachments to Manager's Report CMR-95-174 to: a) Reflect cost comparisons for the "System Only" alternatives; b) Not include the "Full Service" Alternative; and c) To include cost adjustments to the Lockheed IMS proposal by Lockheed IMS to the Committee and Manager's Office.

The Committee also requested PTS Processing Center to provide a "Hold Harmless Statement" if the contract were to be awarded to PTS. The revisions to the Alternatives and the "Hold Harmless Statement" were included as exhibits to a memorandum to the Mayor and City Council from the Manager's Office dated September 19, 1995.

Aud. Cert. 9600440.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A098-224.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.
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:

SUBJECT: Amended San Diego Gas and Electric License - Fiber Optic Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-413) ADOPTED AS RESOLUTION R-286813

Granting a license to San Diego Gas and Electric for five years for MCIMetro Access Transmission Services, Inc. (MCIM) to use excess capacity on SDG&E's fiber optic network, located in areas covered by the Franchises, in order to further the implementation of a fiber optic telecommunications superhighway within the

City which is in the public interest;

Declaring that the City does not waive any right it has now or may have in the future to take a different position with regard to use of non-telecommunications franchises for telecommunications purposes;

Declaring that SDG&E's agreement with MCIM for the use of portions of SDG&E's fiber optic network that are located in areas covered by the Franchises and are not then presently necessary or useful for the provision of gas and electric service, are not in contravention or violation of the Franchises and will not require the payment of additional franchise fees from SDG&E to City;

Declaring that as consideration for this license agreement, SDG&E agrees to pay the City 5 percent of gross revenues it receives from MCIM for the use of its fiber optic network located in the City's franchise area for the period of this license agreement. Gross revenues shall not include the fees SDG&E pays to City pursuant to this Resolution.

CITY MANAGER SUPPORTING INFORMATION:

On January 10, 1994, the City Council adopted R-283256 which amended San Diego Gas & Electric's (SDG&E) license to permit SDG&E to use excess capacity on SDG&E's fiber optic network located in the City's Franchise area for rental to Teleport Communications Group, San Diego (TCG) in order to further the implementation of a fiber optic telecommunications superhighway within the City. In consideration for this authorization by the City, SDG&E agreed to pay the City 5 percent of the revenue it receives from TCG for the use of its fiber optic network. On August 28, 1995, SDG&E notified the City that TCG has since completed its own fiber network and will no longer be using SDG&E fiber. The company requested the City to further amend the license to allow SDG&E to lease the available fiber to MCIMetro Access Transmission Services. The proposed resolution substitutes MCIM for TCG.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A098-224.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.

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-330:

SUBJECT: Proposal to implement a residential subdivision (Montana Mirador) consisting of a total of 575 units and related improvements, dedications and facilities on portions of a vacant 635-acre site.

(VTM/RZ/PRD/HRP/RPO-87-0925. District-1.)
(Continued from the meetings of October 11, 1994, Item 330; November 15, 1994, Item 331; February 14, 1995, Item 330; May 16, 1995, Item 331; and September 12, 1995, Item 330; last continued at the request of John Potts, Managing Director of the American Land Development Company, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and C; introduce the ordinance in Subitem B; and adopt Subitems D and E approving the map and the permits:

Subitem-A: (R-95-407) ADOPTED AS RESOLUTION R-286814

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-87-0925 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 the Findings and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-95-21) INTRODUCED, TO BE ADOPTED ON
JANUARY 29, 1996

Introduction of an Ordinance to rezone the subject property to R1-5000, A-1-10 (portions in the Hillside Review Overlay).

Subitem-C: (R-95-408) ADOPTED AS RESOLUTION R-286815

Adoption of a Resolution approving the Community Benefits Agreement and associated exemption from the Pegasquitos East Transportation Phasing Plan No. 87-0925.

Subitem-D: (R-96-826) GRANTED MAP, ADOPTED AS RESOLUTION R-286816

Adoption of a Resolution granting or denying the Vesting Tentative Subdivision Map No. 87-0925, with appropriate findings to support Council action.

Subitem-E: (R-96-827) GRANTED PERMITS, ADOPTED AS AMENDED AS RESOLUTION R-286817

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

SUPPORTING INFORMATION:

The project design features site grading, interior streets, open space and landscape areas, a ten-acre elementary school site, and two neighborhood park sites. The subject property is located on the west side of I-15, between Carmel Mountain Road and Penasquitos Drive in Zone A-1-10 (portions in Hillside Review Overlay) of the Rancho Penasquitos Community Plan area. A change of zone from A-1-10 to R1-5000 over a portion of the site is required to implement the proposed residential element. The development application also incorporates a Community Benefit Agreement, Consideration of Interim Habitat Loss and request for Brush Management (Alternative Compliance) per the City of San Diego Landscape Ordinance.

LEGAL DESCRIPTION:

The project site is located on the southern slopes of Black Mountain, west of I-15 and north of Carmel Mountain Road in the Penasquitos East Community Plan area. It is more particularly described as a subdivision of a portion of Rancho de Los Penasquitos; a portion of the northeast quarter of fractional Section 7, Township 14 South, Range 2 West, SBBM.

FILE LOCATION: Subitems A & C: PERM-PRD-87-0925;

Subitem B: NONE;
Subitem D: SUBD - Montana Mirador;
Subitem E: PERM - RPO/HRP/PRD-87-0925

COUNCIL ACTION: (Tape location: A225-508.)

Hearing began at 10:25 a.m. and halted at 10:44 a.m.

Testimony in opposition by George Gray.

Testimony in favor by John Potts.

MOTION BY MATHIS TO ADOPT THE RESOLUTIONS FOR SUBITEMS A, C, D, AND E AND INTRODUCE THE ORDINANCE FOR SUBITEM B, APPROVING THE CITY MANAGER'S RECOMMENDATION TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT NO. 87-0925 AND ADOPT THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM PREPARED FOR THE PROJECT.

APPROVE THE PROPOSED REZONE FROM A-1-10 TO A-1-10, R1-5000 FOR PORTIONS IN THE HILLSIDE REVIEW OVERLAY. APPROVE THE ASSOCIATED COMMUNITY BENEFITS AGREEMENT AND EXEMPTION FROM THE PENASQUITOS EAST TRANSPORTATION PHASING PLAN, SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN ATTACHMENT 15 OF THE CITY MANAGER'S REPORT NO. P-96-001.

APPROVE THE HILLSIDE REVIEW, PLANNED RESIDENTIAL DEVELOPMENT, RESOURCE PROTECTION OVERLAY ZONE PERMIT AND ASSOCIATED VESTING TENTATIVE MAP NO. 87-0925, SUBJECT TO THE CONDITIONS IN ATTACHMENT 7 AND 8 OF THE CITY MANAGER'S REPORT NO. P-96-001, WHICH ARE AGREEABLE TO ALL PARTIES.

ACCEPT MAYOR GOLDING'S RECOMMENDATION THAT THE MOTION BE CONTINGENT ON THE SATISFACTORY COMPLETION OF THE MOU AND/OR DEVELOPMENT AGREEMENT. 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-331: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the formation of the College Area Business Improvement District. Council will take action at the

subsequent hearing scheduled for February 6, 1996 at 10:00 a.m. Public testimony will also be taken at that meeting. (See memorandum from Marcus Thomas, Office of Small Business, dated 11/1/95. Mid-City and College Community Areas. District-7.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled for February 6, 1996 at 10:00 a.m.

RULES COMMITTEE'S RECOMMENDATION:

On 11/6/95, RULES voted 5-0 to waive mail ballot election requirement and move directly to public meetings. (Councilmembers Kehoe, Warden, Stallings, Vargas and Mayor Golding voted yea.)

FILE LOCATION: STRT - L-14

COUNCIL ACTION: (Tape location: A098-224.)

Hearing began at 10:14 a.m. and halted at 10:24 a.m.

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

ITEM-332: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the formation of the Diamond Area Business Improvement District. Council will take action at the subsequent hearing scheduled for February 6, 1996 at 10:00 a.m. Public testimony will also be taken at that meeting.

(See memorandum from Marcus Thompson, Office of Small Business, dated 11/1/95. District-4.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled for February 6, 1996 at 10:00 a.m.

RULES COMMITTEE'S RECOMMENDATION:

On 11/6/95, RULES voted 5-0 to waive mail ballot election requirement and move directly to public meetings. (Councilmembers Kehoe, Warden, Stallings, Vargas and Mayor Golding voted yea.)

FILE LOCATION: STRT - L-15

COUNCIL ACTION: (Tape location: A098-224.)

Hearing began at 10:14 a.m. and halted at 10:24 a.m.

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

ITEM-333:

SUBJECT: Appeal of Randy Berkman from the decision of the Planning Commission in approving a Conditional Use Permit to allow reconfiguration of the existing Stardust Golf Course. (CUP-94-0563. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A certifying the Mitigated Negative Declaration; and adopt Subitem B denying the appeal and granting the permit:

Subitem-A: (R-96-925) ADOPTED AS RESOLUTION R-286818

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-94-0563 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council, California Public Resources Code Section 21081.

Subitem-B: (R-96-924) DENIED APPEAL, GRANTED PERMIT,
ADOPTED AS AMENDED AS RESOLUTION
R-286819

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

SUPPORTING INFORMATION:

The Conditional Use Permit will allow reconfiguration of the existing Stardust Golf Course from two 18 hole courses and one driving range, to three 9 hole courses and two driving ranges, addition of a new club house/pro-shop, golf cart storage and maintenance building and other improvement, between Hotel Circle North and Friars Road west of Fashion Valley Road.

LEGAL DESCRIPTION:

The subject 216-acre property is located along Fashion Valley Road between Friars Road and Hotel Circle North and is described as a portion of Pueblo Lots 1103, 1104, and 1105 in the City of San Diego, County of San Diego, State of California according to Miscellaneous Map-36, filed in the Office of the County Recorder of San Diego County, November 14, 1921 and more particularly described as that portion of Pueblo Lot 1104 lying southerly of Friars Road, a portion of five acre Lots 5, 6, 7 and 8 of Pueblo Lot 1103, Lot 1 of Pueblo Lot 1105, Map made in Superior Court Civil Case No. 1029 excepting portion lying southerly of northerly boundary of the land described in Book 5846, page 414, 10 acre Lots 3 and 4 of Pueblo Lot 1103 and portion of Pueblo Lot 1103, Map-36 northerly of 10 acre Lots 3 and 4 lying easterly of easterly line of Goshen Street, Map-271 excepting portions lying northerly of Friars Road. The MV-M, SP, FW, FPF zoned site is within the Mission Valley Community Planning Area.

FILE LOCATION: PERM - CUP-94-0563

COUNCIL ACTION: (Tape location: A509-B230.)

Hearing began at 10:45 a.m. and halted at 11:10 a.m.

MOTION BY STALLINGS TO ADOPT THE RESOLUTION FOR SUBITEM A, CERTIFYING THE MITIGATED NEGATIVE DECLARATION. ADOPT THE

RESOLUTION FOR SUBITEM B, DENYING THE APPEAL AND GRANTING THE PERMIT, WITH THE FOLLOWING CONDITIONS: 1) THAT PHOTOMETRIC ANALYSIS IN A PLAN VIEW BE REQUIRED SO THAT WHEN THE BUILDING PLANS ARE SUBMITTED, STAFF WILL KNOW WHAT TYPE OF LIGHT PATTERNS ARE GOING TO BE FALLING ON THE PROPERTY. THIS WOULD BE REQUIRED BEFORE THE INSPECTION PHASE OF THE PROJECT AND BEFORE THEY CAN OCCUPY THEIR BUILDINGS; 2) INCLUDE LANGUAGE STIPULATING THAT THE APPLICANT CONFORM WITH LIGHT MITIGATION SIMILAR TO THE TECHNOLOGY THAT HAS BEEN SUCCESSFUL AT VIEWS WEST PARK IN RANCHO PENASQUITOS. KEEP IN MIND THAT THE PERMIT IS GOOD TO THE YEAR 2087, SO LANGUAGE SHOULD STILL GIVE THEM THE FLEXIBILITY TO IMPROVE WITH CHANGING TECHNOLOGY; AND 3) INCLUDE LANGUAGE STIPULATING THAT THE APPLICANT MEET WITH THE COMMUNITY LEADERS AT LEAST ONCE DURING A FIVE YEAR PERIOD, OR WITHIN SIX MONTHS AFTER A CHANGE OF OWNERSHIP, AS RECOMMENDED BY MAYOR GOLDING AND COUNCIL MEMBER McCARTY. 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-CS-1: (R-96-783) ADOPTED AS RESOLUTION R-286820

A Resolution adopted by the City Council in Closed Session on January 16, 1996:

Authorizing the City Manager to pay the sum of \$15,954.69 in the settlement of each and every claim against the City of San Diego, and its agents and employees, for the property damage claim of Emilia Gonzalez, as a result of an incident which occurred on September 1, 1994; authorizing the City Auditor and Comptroller to issue two checks; one in the amount of \$14,766.56, payable to Wawanesa Insurance Company, and one check in the amount of \$1,188.13 payable to Mercedes Benz of San Diego in the full settlement of all claims.

Aud. Cert. 9600720.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 11:12 a.m. in honor of the memory of:

M. Larry Lawrence, as requested by Mayor Golding;

Martin Conley, as requested by Council Member Warden;
and

Edward DaRosa, as requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B231-272.)