

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 10, 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 10:11 a.m. Mayor Golding recessed the regular meeting at 10:26 a.m. to convene the Special Joint Council Meeting with the Redevelopment Agency and the Redevelopment Agency simultaneously, and to convene the Housing Authority thereafter. The regular meeting was reconvened by Mayor Golding at 10:28 a.m. with all Council Members present. Mayor Golding acknowledged and welcomed students from Alcott Elementary School. Several students addressed Council requesting that their Safety Patrol be reinstated. Mayor Golding announced that a Special Meeting will be held in the Council Chambers at 3:00 p.m. to discuss the possibility of an inclement weather shelter. Deputy Mayor Warden adjourned the regular meeting at 11:52 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-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-300: 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

PUBLIC COMMENT:

ITEM-PC-2:

Comment by Todd Zweig regarding his opinion of how Council handled his "After Hours Romperoom" issue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A019-032.)

COUNCIL COMMENT:

None.

ITEM-200:

SUBJECT: Amended Agreements with the Chargers Football Company and the Chargers Associates.

(District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/26/96.

(Council voted 6-2. Districts 6 and 7 voted nay. Mayor Golding not present):

(O-97-61 Cor. Copy) ADOPTED AS ORDINANCE O-18365 (New Series)

Approving amendments to the agreements with the San Diego Chargers regarding and related to the use and occupancy of San Diego Jack Murphy Stadium.

NOTE: 6 votes required. Pursuant to Section 99 of the City Charter, a notice of public hearing regarding the adoption of the ordinance was published in the Daily Transcript on 11/29/96.

FILE LOCATION: LEAS - San Diego Jack Murphy Stadium -
Chargers Football Company and the Chargers
Associates Stadium #61 LEASFY97-1

COUNCIL ACTION: (Tape location: A035-054.)

Hearing began at 10:13 a.m. and halted at 10:14 a.m.

MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. 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-202:

SUBJECT: Sewer Bond Financing.

(See City Manager Report CMR-96-253.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-66) INTRODUCED, TO BE ADOPTED JANUARY 13, 1997

Introduction of an Ordinance approving the form of a Third Supplement Indenture and approving the form of and authorizing the execution and delivery of a 1997-1 Supplement to the Master Installment Purchase Agreement relating to an installment purchase financing and approving certain other agreements and actions, pursuant to Section 99 of the City Charter.

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

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A035-054; A194-200.)

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

ITEM-209:

SUBJECT: Actions related to Proposed Acquisition of 80 Acres (Mesa Top) in Carmel Valley Neighborhoods 8 and 8A for the Settlement of Litigation of Torrey Pines Investment Group, et al. v. City.

(District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution and hold the first public hearing of the ordinance:

Subitem-A: (R-97-623 COR. COPY) ADOPTED AS RESOLUTION R-288194

Adoption of a Resolution for funding the Mesa Top Acquisition.

Subitem-B: (O-97-38) FIRST HEARING HELD ON MONDAY, DECEMBER 9, 1996

First public hearing in the matter of:

An Ordinance amending the Annual Appropriations Ordinance for Fiscal Year 1996-97, for funding the Mesa Top acquisition.

NOTE: See Item 338 on the docket of Tuesday, December 10, 1996 for the introduction and adoption of the ordinance in Subitem D.

FILE LOCATION: SUBD - Mesa Top CONTFY97-1

COUNCIL ACTION: (Tape location: A055-096.)

MOTION BY MATHIS TO ADOPT. Second by Vargas. 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: Two actions related to the Pacific Beach Business Improvement District (BID).

(Mission Beach and Pacific Beach Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-97-34) INTRODUCED, TO BE ADOPTED JANUARY 13, 1997

Introduction of an Ordinance establishing the Pacific Beach Business Improvement District pursuant to the Parking and Business Improvement Area Law of 1989 and levying an assessment and charge for upgrading and promoting the area.

Subitem-B: (R-97-393) ADOPTED AS RESOLUTION R-288195

Authorizing an agreement with the Pacific Beach Business Improvement Association to operate and administer the Pacific Beach Business Improvement District.

OTHER RECOMMENDATIONS:

Testimony in favor by Scott Slaga, Vernon Taylor, Carol Blomstrom, Kathy Evens, Mark Sullivan, Patrick Flynn, David Mannis, Carol Judelson, Gary Weber, Max Zaker, Ed Farley, Don Mullen, Steve Zolezzi, Cindy Lehman, James Hill, Doug Perry, Mary Mahy, and Michael Stifano.

MOTION BY WEAR TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION, APPROVING THE BID. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Two actions related to the Little Italy Business Improvement District (BID).

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-97-33) INTRODUCED, TO BE ADOPTED JANUARY 13, 1997

Introduction of an Ordinance establishing the Little Italy Business Improvement District pursuant to the Parking and Business Improvement Area Law of 1989 and levying an assessment and charge for upgrading and promoting the area.

Subitem-B: (R-97-391) ADOPTED AS RESOLUTION R-288196

Authorizing an agreement with the Little Italy Merchants Association to operate and administer the Little Italy Business Improvement District.

OTHER RECOMMENDATIONS:

On October 21, 1996 the Rules Committee voted 5-0 to approve the recommendations and request for waiver of a mailed ballot election.

(Councilmembers Mathis, Kehoe, Warden, Stallings and Mayor

yea, Mayor Golding-not present.

ITEM-332:

SUBJECT: Bougainvillea Project: A Vesting Tentative Map, Conditional Use Permit, Resource Protection Ordinance, Hillside Review and Planned Residential Development Permit No. 89-1296 within the Del Mar Mesa Specific Plan area, NCFUA.

(VTM/CUP/RPO/HR/PRD-89-1296. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and D; adopt Subitems B and C to grant the map and permits:

Subitem-A: (R-97-606) ADOPTED AS RESOLUTION R-288197

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-89-1296 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and Statement of Overriding Considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-97-793) GRANTED MAP, ADOPTED AS AMENDED AS RESOLUTION R-288198

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

Subitem-C: (R-97-794) GRANTED PERMITS, ADOPTED AS AMENDED AS RESOLUTION R-288199

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

Subitem-D: (R-97-795) ADOPTED AS RESOLUTION R-288200

Adoption of a Resolution directing the City Manager to return to the City Council within three months (from the date of final approval of this project) for a noticed public hearing to consider the execution of an agreement between the City Manager and the applicant which would address issues concerning implementation of the resort/hotel portion of the project and set forth the terms and conditions related to the collection, credit and deferment of Proposition "C" open space acquisition funds.

OTHER RECOMMENDATIONS:

Planning Commission is scheduled to meet and review this item on December 5, 1996. Actions taken at this meeting are not available at the time of printing.

SUPPORTING INFORMATION:

The project proposes to subdivide a vacant 378-acre site into 153 separate parcels to accommodate a 300-unit resort/hotel facility, 134 single-family detached residences, an 18-hole golf course and driving range, swim and tennis facilities and implement associated public and private improvements.

A Planned Residential Development is proposed for the project, utilizing rural cluster alternative provisions of the PRD ordinance to concentrate residential development on two separate portions of the property per Proposition "C", which was approved by the voters in March, 1996. The applicant is proposing a resort/hotel facility on the site, subject to approval of a Conditional Use Permit by the City Council.

LEGAL DESCRIPTION:

The project site lies on the USGS Del Mar Quadrangle on the South 1/2 of Section 21, Township 14 South, Range 3 West, SBM, along with the Southeast 1/4 of the Northwest 1/4 of Section 21, and a portion of the South 1/2 of the Southeast 1/4 of Section 20, Township 14 South, Range 3 West, SBM.

FILE LOCATION: Subitems A,C,D: PERM-CUP/RPO/HR/PRD-89-1296;
Subitem B: SUBD - Bougainvillea

COUNCIL ACTION: (Tape location: A097-203.)

Hearing began at 10:18 a.m. and halted at 10:25 a.m.

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS APPROVING THE CITY MANAGER'S RECOMMENDATIONS FOR SUBITEMS A THROUGH D, WITH THE FOLLOWING CONDITIONS AND AMENDMENTS:

1. AMEND THE CUP TO PROHIBIT MECHANICAL OPERATION BEFORE 7 A.M. AND AFTER 6 P.M. DURING THE CONSTRUCTION PHASE OF THE PROJECT.

2. THAT THE PROJECT'S ACCESS FROM SHAW RIDGE ROAD BE LIMITED TO GOLF MAINTENANCE EMPLOYEES AND EMERGENCY VEHICLES ONLY. THERE SHALL BE NO ACCESS FOR RESIDENTIAL, HOTEL, RECREATIONAL USES, SERVICE OR DELIVERY VEHICLES, NOR SHALL THERE BE ANY ACCESS TO THE DEVELOPMENT'S LOOP ROAD.

3. DIRECT THE CITY MANAGER TO EXECUTE A MUTUALLY ACCEPTABLE INDEMNIFICATION AGREEMENT WITH THE APPLICANT IN A FORM TO BE APPROVED BY THE CITY ATTORNEY AND SUBSTANTIALLY SIMILAR TO THE DRAFT MEMORANDUM OF UNDERSTANDING ON THIS ISSUE PRESENTED TO US TODAY, IN EXCHANGE FOR THE APPLICANT'S OFFER TO DEDICATE A NORTH/SOUTH EQUESTRIAN/HIKING TRAIL ACROSS THE PANHANDLE, ALONG SHAW RIDGE ROAD AND IN SHAW VALLEY ON THE BOUGAINVILLEA PROPERTY AS CURRENTLY REFLECTED IN THE VTM. DIRECT THE CITY MANAGER TO PREPARE AN AMENDMENT TO THE CARMEL VALLEY NEIGHBORHOOD 10 PRECISE PLAN AT THE FIRST AVAILABLE OPPORTUNITY TO REFLECT THE SHAW VALLEY TRAIL.

4. CONFIRM THAT THE BOUGAINVILLEA IS TO BE A GATED COMMUNITY.

5. DIRECT THAT WITH RESPECT TO THE HOTEL/RESORT THE 40-FOOT HEIGHT LIMIT SHALL BE MEASURED FROM THE FINISHED GRADE.

INCORPORATE THE FOLLOWING CONDITIONS INTO THE VESTING TENTATIVE MAP (VTM) RESOLUTION AND/OR THE PRD/CUP/RPO PERMIT FOR THIS PROJECT AS RECOMMENDED BY THE PLANNING COMMISSION AND REQUESTED BY TINA CHRISTIANSEN, DEVELOPMENT SERVICES MANAGER, IN HER MEMORANDUM TO THE MAYOR AND COUNCIL DATED DECEMBER 9, 1996:

1. PRD/CUP/RPO - PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR ANY OF THE HOTEL STRUCTURES, THE PERMITTEE SHALL ENTER INTO AN AGREEMENT WITH THE CITY OF SAN DIEGO WHICH ASSURES COMPLIANCE WITH PROPOSITION C, WHICH WAS APPROVED BY THE VOTERS IN MARCH, 1996.

2. PRD/CUP/RPO - PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR THE CONSTRUCTION OF RESIDENTIAL DWELLING UNITS, THE PERMITTEE SHALL PROVIDE EVIDENCE, IN A MANNER SATISFACTORY TO THE CITY MANAGER AND THE HOUSING COMMISSION, OR COMPLIANCE WITH THOSE PORTIONS OF THE DEL MAR MESA SPECIFIC PLAN WHICH ADDRESS THE PROVISIONAL REQUIREMENTS FOR AFFORDABLE HOUSING.

3. PRD/CUP/RPO - PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR THE HOTEL/RESORT COMPONENT OF THE PROJECT, THE PERMITTEE SHALL BE REQUIRED TO DEMONSTRATE COMPLIANCE WITH THE FOLLOWING REQUIREMENTS IN A MANNER SATISFACTORY TO THE CITY'S FIRE DEPARTMENT:

A. PROVIDE A LIGHTED DIRECTORY AT BOTH POINTS WHERE THE PRIVATE 30-FOOT-WIDE PAVED ACCESS DRIVE TRANSITIONS TO THE 24-FOOT-WIDE TURF BLOCK FIRE LANE/GUEST CART ACCESS DRIVE WHICH WILL MEANDER THROUGH THE RESORT PORTION OF THE SITE.

B. PROVIDE ADDRESSES, VISIBLE FROM EITHER THE 30-FOOT-WIDE PAVED DRIVE OR THE 24-FOOT-WIDE TURF BLOCK FIRE LANE/GUEST CART ACCESS DRIVE, FOR EACH OF THE HOTEL SUITES PROPOSED WITHIN THE RESORT AREA. THE TYPE AND LOCATION OF SAID ADDRESSING SHALL BE SUBJECT TO APPROVAL OF THE FIRE MARSHALL.

C. THE TURF BLOCK FIRE LANE/GUEST CART ACCESS DRIVE SHALL MEET ALL RELEVANT REQUIREMENTS AND GUIDELINES OF BUREAU OF FIRE AND LIFE SAFETY POLICY A-96-9 (MODIFIED ACCESS ROADWAY SURFACE.)

D. IN ORDER TO PROVIDE ACCESS TO INDIVIDUAL GUEST HOUSES WITHIN THE RESORT AREA FROM THE TURF BLOCK FIRE LANE/GUEST CART ACCESS DRIVE, INDIVIDUAL STAIRWAYS ATTACHED TO EACH OF THE STRUCTURES SHALL BE CONSTRUCTED OF A TYPE OF MATERIAL AND AT LOCATIONS SATISFACTORY TO THE FIRE MARSHALL.

E. PROVIDE EMERGENCY VEHICLE ACCESS TO THE UPPER FLOOR OF THE RESORT'S BI-LEVEL PARKING STRUCTURE.

F. INSTALL FIRE HYDRANTS ON SITE AT LOCATIONS SATISFACTORY TO THE FIRE MARSHALL, IN ACCORDANCE WITH BUREAU OF FIRE AND LIFE SAFETY POLICY F-85-1 ("ON SITE FIRE HYDRANTS"), AND WITH WATER MAINS CAPABLE OF PROVIDING THE REQUIRED FIRE FLOW AND PRESSURE TO

ADEQUATELY SUPPLY THESE NEW HYDRANTS.

G. DESIGN AND CONSTRUCT AN ACCESS DRIVE TO PROVIDE EMERGENCY VEHICLE FIRE ACCESS TO RESORT BUILDINGS 29, 30, 31, AND 34, IN A MANNER SATISFACTORY TO THE FIRE MARSHALL. THIS ACCESS DRIVE SHALL CONFORM TO BUREAU OF FIRE AND LIFE SAFETY POLICY A-96-1, "FIRE ACCESS ROADWAYS."

H. PROVIDE DEVELOPMENT SERVICES WITH A SITE PLAN, STAMPED APPROVED BY THE FIRE MARSHALL, THAT ALL OF THE PRECEDING CONDITIONAL REQUIREMENTS FOR FIRE ACCESS HAVE BEEN SATISFIED TO THE SATISFACTION OF THE FIRE DEPARTMENT.

4. VTM - PRIOR TO RECORDATION OF THE FINAL MAP FOR VESTING TENTATIVE MAP 89-1296, THE PERMITTEE SHALL DEDICATE AN EASEMENT TO THE CITY SUFFICIENT IN WIDTH TO ACCOMMODATE AN EQUESTRIAN/HIKING TRAIL TO EXTEND IN A NORTH/SOUTH DIRECTION THROUGH THE SITE'S WESTERN PANHANDLE AND ULTIMATELY CONNECTING UNDER CARMEL COUNTRY ROAD (NEIGHBORHOOD 10). THIS TRAIL IS IDENTIFIED IN THE ADOPTED PUBLIC FACILITIES FINANCING PLAN FOR SUBAREA V AS THE "SOUTHERN" TRAIL.

ACCEPT MAYOR GOLDING'S RECOMMENDATION THAT THE COUNCIL WORK WITH THE COMMUNITY ON THE EXPENDITURES OF PROPOSITION C FUNDS OVER THE NEXT 90 DAYS. 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-333:

SUBJECT: Eight actions related to the Final Subdivision Map of Villa Panacea.

(A 115-lot subdivision, located southeast of Carmel Mountain Road. Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-545) ADOPTED AS RESOLUTION R-288201

Authorizing a Subdivision Improvement Agreement with Greystone Homes, Inc., for the installation and completion of public improvements.

Subitem-B: (R-97-544) ADOPTED AS RESOLUTION R-288202

Approving the final map.

Subitem-C: (R-97-546) ADOPTED AS RESOLUTION R-288203

Accepting grant deeds of Gerald B. Rhodes, Dorothy M. Rhodes, and John W. Grus, granting to the City an easement for drainage and temporary drainage facilities in a portion of the Northeast Quarter of the Southwest Quarter of Section 13, Township 14 South, Range 3 West, San Bernardino Base and Meridian.

Subitem-D: (R-97-547) ADOPTED AS RESOLUTION R-288204

Accepting grant deeds of Greystone Homes, Inc., and Gerald B. Rhodes, Dorothy M. Rhodes, and John W. Grus, granting to the City an easement for public street purposes in a portion of the Southwest Quarter of Section 13, Township 14 South, Range 3 West, San Bernardino Base and Meridian; dedicating and naming the same Carmel Mountain Road.

Subitem-E: (R-97-548) ADOPTED AS RESOLUTION R-288205

Accepting a grant deed of Gerald B. Rhodes and John W. Grus, granting to the City an easement for a temporary access easement in a portion of the Northeast Quarter of the Southwest Quarter of Section 13, Township 14 South, Range 3 West, San Bernardino Base and Meridian; dedicating and naming the same Via Las Lenas.

Subitem-F: (R-97-549) ADOPTED AS RESOLUTION R-288206

Setting aside sewer easements in Lot 5 of Penasquitos Park View Estates No. 8, Map-11709, Lot 121 of Park Rim Estates, Map-11211, and Lot 37 of Vista Alegre, Map-13309.

Subitem-G: (R-97-555) ADOPTED AS RESOLUTION R-288207

Accepting a grant deed at a future date of L & W

Investment, Inc., as part of a lot line adjustment parcel map, granting to the City in fee title Lot 115 of Villa Panacea as open space.

Subitem-H: (R-97-552) ADOPTED AS RESOLUTION R-288208

Vacating Old Survey No. 80, Old Survey No. 124, and Road Survey No. 65 in connection with Villa Panacea (TM-87-0081), under the procedure for the summary vacation of streets.

CITY MANAGER SUPPORTING INFORMATION:

The proposed vacation of Old Survey Nos. 80 and 124 and Road Survey No. 65 has been requested in connection with Villa Panacea, TM-87-0081. The rights-of-way were discovered on a title report during a map check of the final map. The rights-of-way to be vacated and the final map are located in the Penasquitos East Community Plan area. The final map proposes subdivision of 518 acres into 114 lots for residential development, 2 lots for future street extension and 2 lots for open space. The areas-of-vacation are located in the Penasquitos East Community Planning area and within an area designated for residential development under the R1-5000 zone. The Rancho Penasquitos Planning Board reviewed the proposed vacations and recommended approval on August 1, 1990, by a 10-0-1 vote. The road surveys to be vacated are unimproved rights-of-way which are assumed dedicated per documents recorded in the late 1800's. The rights-of-way have a general location, however, a precise location cannot be plotted. The road surveys do not support public utilities or franchise facilities. The vacations have been requested to clear title to the development site prior to the recordation of the final map for Villa Panacea. Staff review has indicated that the required four findings can be made and that the rights-of-way may be summarily vacated.

FILE LOCATION: Subitems A,B: SUBD - Villa Panacea; Subitems C,D,E,F,G: DEED F-6887; Subitem H: STRT J-2750 CONFY97-1 DEEDFY97-6

COUNCIL ACTION: (Tape location: A097-203.)

Hearing began at 10:18 a.m. and halted at 10:25 a.m.

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-334:

SUBJECT: Increasing the Capital Improvements Program Budget for San Diego Jack Murphy Stadium Improvements.

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-97-63) INTRODUCED AND ADOPTED AS ORDINANCE O-18366 (New Series)

Amending Ordinance O-18328 (New Series), entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1996-97 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," by increasing the Capital Improvements Program Budget for San Diego Jack Murphy Stadium Improvements, CIP-34-121.0, by \$18,000,000 from proposed debt financing;

Authorizing the Auditor and Comptroller to appropriate and expend up to \$18,000,000 from San Diego Jack Murphy Stadium Improvements, CIP-34-121.0, with the intent that these expenses will be funded or reimbursed from future debt financing.

NOTE: See Item 201 on the regular docket of Monday, December 9, 1996 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the ordinance.

FILE LOCATION: MEET #61 - STADIUM

COUNCIL ACTION: (Tape location: A097-203.)

CONSENT MOTION BY MATHIS TO INTRODUCE, 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-335:

SUBJECT: Two actions related to the Otay Mesa Road Widening.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-577 Cor. Copy) ADOPTED AS RESOLUTION
R-288209

Authorizing the City Manager to enter into a Cooperative Agreement with CalTrans for the widening of Otay Mesa Road from State Route 905 to La Media Road;

Authorizing the expenditure of not to exceed \$1,900,000 from CIP-52-619.0, Otay Mesa Road Widening - Temporary State Route 905, Airport, TransNet Bond, State, and Private Funds, for the acquisition of required property rights;

Authorizing the initiation of Cost Reimbursement District proceedings to reimburse the City and State for the improvements to Otay Mesa Road;

Authorizing the City Auditor and Comptroller to establish the Otay Mesa Road Widening Cost Reimbursement Fund (Fund No. 72022), and to make appropriate payments.

Subitem-B: (R-97-578 Cor. Copy) ADOPTED AS RESOLUTION
R-288210

Certifying that the information contained in Environmental Impact Report DEP-95-0101, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, that the report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the

approval of the Otay Mesa Road widening;

Adopting the findings and Statement of Overriding Considerations with respect to the project;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION:

Otay Mesa Road is a four-lane city street which currently serves as the only connection between the Otay Mesa Port of Entry and the interstate highway system. CalTrans and the City have agreed to jointly upgrade Otay Mesa Road to six-lane conventional highway standards, including roadway widening, signalization and miscellaneous improvements. The current estimate for the cost of the project is \$24.8 million. The City will serve as project manager on the upgrade, and contribute \$3 million toward the cost, as well as providing approximately \$750,000 in right-of-way from Brown Field property. The State will contribute a total of \$17.2 million toward the project cost, and will assume responsibility for maintaining the roadway upon completion of the project. The State will retain control of Otay Mesa Road until such time as State Route 905 is completed and opened to traffic, at which time the roadway will revert to City jurisdiction. The funding shortfall of approximately \$4.6 million will be met through a combination of contributions from the expansion of the Donovan Correctional Facility, right-of-way donations, and downscoping of the project, if necessary. A Cost Recovery District will be formed in the Otay Mesa Road/State Route 905 corridor to reimburse the City and State for the improvements to Otay Mesa Road, and will be applied to improvements in the State Route 905 corridor.

Aud. Cert. 9700518.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A097-203.)

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-336:

SUBJECT: Second Public Hearing and Council Actions related to the Second Amendment to the Central Imperial Redevelopment Plan.

(See City Manager Report P-96-272 and memorandum from Southeastern Economic Development Corporation. District-4.)

NOTE: The first public hearing was held on 11/26/96. At today's hearing, public testimony will be taken on the ordinance below (O-97-37), followed by the second reading of the Second Amendment to the Central Imperial Redevelopment Plan ordinance.

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION: Adopt the following ordinances which were introduced on 11/26/96. (Council voted 7-0. Mayor Golding and Councilmember Warden not present):

Subitem-A: (O-97-35 Cor.Copy) ADOPTED AS ORDINANCE
O-18367 (New Series)

Approving and adopting the Second Amendment to the Central Imperial Redevelopment Project.

Subitem-B: (O-97-37) ADOPTED AS ORDINANCE O-18368 (New Series)

Adoption of an Ordinance reclassifying a 30-acre site (North Creek site), located on the south side of Imperial Avenue between 40th Street and 45th Street in the Mountain View Neighborhood of the Southeast San Diego Community Planning Area, from the SF-5000 (Single-family residential) to the SF-5000 (Single-family Residential) or CT-2 (Commercial Center) Zone.

NOTE: See the Redevelopment Agency Agenda of 12/10/96 for a companion item.

FILE LOCATION: Subitem A: LAND - Southeast San Diego Community Plan; Subitem-B: ZONE - Ord. No. O-18368

COUNCIL ACTION: (Tape location: A097-203.)

Hearing began at 10:18 a.m. and halted at 10:25 a.m.

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-337:

SUBJECT: Two actions related to Proposed Amendment to the Mission Valley Public Facilities Financing Plan.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-618) ADOPTED AS RESOLUTION R-288211

Amending the Mission Valley Public Facilities Financing Plan to assess non-residential developments for their pro rata share of costs for library and park facilities, when appropriate findings can be made, on a case by case basis in Mission Valley.

Subitem-B: (R-97-619) ADOPTED AS RESOLUTION R-288212

Accepting the findings and imposing park and library development impact fees on the Homestead Villages Project in Mission Valley.

FILE LOCATION: LAND - Mission Valley Community

COUNCIL ACTION: (Tape location: A097-203.)

Hearing began at 10:18 a.m. and halted at 10:25 a.m.

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-338:

SUBJECT: Amending the Annual Appropriation Ordinance for Proposed Acquisition of Mesa Top for the Settlement of Litigation of Torrey Pines Investment Group, et al. v. City.

(District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce and Adopt the following ordinance:

(O-97-38 Cor.Copy 2) INTRODUCED AND ADOPTED AS ORDINANCE
O-18369 (New Series)

Introduction and adoption of an Ordinance amending the Annual Appropriation Ordinance for Fiscal Year 1996-97, for funding the Mesa Top acquisition.

NOTE: See Item 209-D on the docket of Monday, December 9, 1996 for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A097-203.)

CONSENT MOTION BY MATHIS TO INTRODUCE, 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-S500:

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

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-624 Cor.Copy) ADOPTED AS RESOLUTION
R-288213

Authorizing the Public Facilities Financing Authority (PFFA) to execute a contract with Nielsen-Dillingham Builders, for the expansion of the San Diego Jack Murphy Stadium in the amount of \$55,000,000, contingent upon the City Auditor certifying that the funds are available in the City Treasury and upon issuance of the bonds.

Subitem-B: (R-97-625 Cor.Copy) ADOPTED AS RESOLUTION
R-288214

Authorizing the City Manager to execute a second amendment to the agreement with HNTB Architects in the increased amount of \$99,175, for work associated with the Expansion of the San Diego Jack Murphy Stadium, contingent upon the City Auditor certifying that the funds are available in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The City Council had earlier authorized the Public Facilities & Financing Authority to enter into a contract with Nielsen/Dillingham to construct the expansion of San Diego Jack Murphy Stadium. At the time, it was contemplated that work would begin in January 1996 with completion by September 1997. Due to legal action that delayed the commencement of the project, inflation, overtime costs, and additional improvements have increased overall project cost. For funding purposes, this project is being separated into two phases. The second phase will be brought to City Council in early 1997. Also, the amendment with the Project Programmer/Architect, HNTB Architects, is being amended to provide for additional work that was necessary to the Project's design development.

Aud. Certs. 9700556 and 9700559.

FILE LOCATION: Subitem A: CONT - Nielsen-Dillingham
Builders - #61-Stadium; Subitem B: MEET -
#61-Stadium CONTFY97-2

COUNCIL ACTION: (Tape location: A097-203.)

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-nay,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S501:

SUBJECT: Exemption of District 5 Council Representative Position
from the Classified Service.

(District-5.)

DEPUTY MAYOR WARDEN'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-97-65) INTRODUCED AND ADOPTED AS ORDINANCE O-18370 (New
Series)

Introduction and adoption of an Ordinance amending
Ordinance No. O-18328 (New Series), as amended,
entitled "An Ordinance Amending the Annual Budget for
the Fiscal Year 1996-97 and Appropriating the Necessary
Money to Operate the City of San Diego for said Fiscal
year," by exempting one Council Representative Position
in Council District 5 from the Classified Service.

NOTE: See Item S403 on the Supplemental Docket of Monday,
12/9/96 for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A097-203.)

CONSENT MOTION BY MATHIS TO INTRODUCE, DISPENSE WITH THE
READING AND ADOPT THE ORDINANCE. 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-CS-1: (R-97-691) ADOPTED AS RESOLUTION R-288220

A Resolution adopted by the City Council in Closed Session
on December 10, 1996:

Authorizing the City Manager to pay a sum not to exceed \$30,000 in final payment to the law firm of Luce, Forward, Hamilton & Scripps for legal services rendered in Superior Court Case Nos. 693578 and 697147, City of San Diego v. Richard Rider, et al., concerning the validity of the award of the contract for, and financing of, the construction of certain improvements to San Diego Jack Murphy Stadium; authorizing the City Auditor and Comptroller to issue one check in an amount not to exceed \$30,000, made payable to Luce, Forward, Hamilton & Scripps in satisfaction of the above-described legal fees and costs incurred.

Aud. Cert. 9700596

FILE LOCATION: MEET (61 Stadium)

ITEM-CS-2: (R-97-611 Cor. Copy) ADOPTED AS RESOLUTION
R-288264

(See ITEM-200 of January 13, 1997)

A Resolution adopted by the City Council in Closed Session on December 10, 1996:

Authorizing the City Manager to execute a partial Settlement Agreement with the plaintiffs in the case Torrey Pines Investment Group, Inc., et al. v. City of San Diego, San Diego Superior Case No. 690329. (Mesa Top)

FILE LOCATION: LAND - Carmel Valley Neighborhood 8A

ITEM-CS-3: (R-97-719 Cor. Copy) ADOPTED AS RESOLUTION
R-288265

(See ITEM-201 of January 13, 1997)

A Resolution adopted by the City Council in Closed Session on December 10, 1996:

Authorizing the City Manager to execute a Settlement Agreement and the Addendum with Pardee Construction Company for the settlement of all potential claims against the City of San Diego by Pardee Construction Company. (Mesa Top)

FILE LOCATION: LAND - Carmel Valley Neighborhood 8A

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Warden at
11:52 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C269.)