

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 28, 1997
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:03 a.m. The meeting was recessed by Mayor Golding at 10:16 a.m. to convene the Redevelopment Agency and thereafter the Housing Authority. Mayor Golding reconvened the meeting simultaneously with the Redevelopment Agency at 10:30 a.m., with all council members present. At 10:56 a.m. Mayor Golding recessed the meeting to Closed Session in the twelfth floor conference room to discuss existing litigation. The meeting was reconvened at 11:42 a.m. with all members present. The meeting was recessed at 12:31 p.m., to meet in Closed Session at 1:30 p.m. in the twelfth floor conference room to discuss existing litigation and reconvene the regular meeting at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:26 p.m. with all members of the Council present. Mayor Golding adjourned the meeting at 3:29 p.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 (ms/mp)

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

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell spoke regarding the illnesses of many Gulf War veterans.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A025-039.)

ITEM-PC-2:

David Bieber commended management personnel at Brown Field for their outstanding work.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A041-067.)

ITEM-PC-3:

Sky commented on the stadium expansion and the benefits of taking this on a referendum to the people.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A070-081.)

ITEM-PC-4:

Don Leichtling spoke regarding motorcycle parking, and encouraged making the parking more convenient.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A082-090.)

ITEM-PC-5:

Robert McCullough commented on the Chargers and Padres and he recommended reading the book "Belmont Park, America's Playground."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A091-107.)

COUNCIL COMMENT:

None.

ITEM-123:

SUBJECT: Appointment and Reappointments to the Civic Events and
Promotional Programs Allocation Board.

(See memorandum from Mayor Golding dated 1/16/97 with
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-765 REV.) ADOPTED AS AMENDED AS RESOLUTION R-288313

Confirming the following appointment and reappointments by
the Mayor to the Civic Events and Promotional Programs
Allocation Board, for terms expiring September 30, 1998:

Reappointments

Peggy Dodson
Jonathan "Jack" A. Jacobs
Duke F. Sobek

Appointment

Jeanne M. Zagrodnik
(To fill the unexpired term of Aida Mancillas, who
has resigned.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A108-138).

CONSENT MOTION BY WARDEN TO ADOPT, WITH AMENDMENTS TO CONTINUE THE REAPPOINTMENT OF PEGGY DODSON FOR TWO WEEKS, AS REQUESTED BY COUNCIL MEMBER STEVENS, AND TO MAKE THE APPOINTMENT OF JEANNE M. ZAGRODNIK AN ACTING APPOINTMENT, AS REQUESTED BY MAYOR GOLDING. 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-330:

SUBJECT: Four actions related to the North Park Redevelopment Project.

(See City Manager Report CMR-97-12. Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions and introduce the ordinance:

Subitem-A: (R-97-742) ADOPTED AS RESOLUTION R-288303

Adoption of a Resolution certifying the Final Environmental Impact Report for the North Park Redevelopment Project; making certain findings regarding the Environmental Impacts of the proposed Redevelopment Project; adopting a Reporting and Monitoring Program; and adopting a Statement of Overriding Considerations.

Subitem-B: (O-97-73) INTRODUCED, TO BE ADOPTED MARCH 4,
1997

Introduction of an Ordinance approving and adopting the
Redevelopment Plan for the North Park Redevelopment
Project.

Subitem-C: (R-97-743) ADOPTED AS RESOLUTION R-288304

Adoption of a Resolution electing to receive tax
increments from the proposed North Park Redevelopment
Project pursuant to the California Community
Redevelopment Law (Health and Safety Code Sections
33607.5 and 33676.)

Subitem-D: (R-97-744) ADOPTED AS RESOLUTION R-288305

Adoption of a Resolution approving the Five Year
Implementation Plan for the North Park Redevelopment
Plan.

NOTE: See the Redevelopment Agency Agenda of 1/28/97 for a
companion item.

FILE LOCATION: SUBITEMS A, C AND D: LAND-Greater North Park
Community; SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A355-B145).

Hearing began at 10:31 a.m. and halted at 10:56 a.m.

Testimony in opposition by Virginia McCabe and John Cheney.

Testimony in favor by Karsten Gjenre, Jay Turner, Ralph
Dilts, Don Leichtling, Dan Floit, Tom Carter, Stephen Hill
and Patrick Edwards.

MOTION BY KEHOE TO ADOPT THE CITY MANAGER'S RECOMMENDATION TO CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT; APPROVE AND ADOPT THE NORTH PARK REDEVELOPMENT PLAN AND AGENCY REPORT; APPROVE THE RECEIPT OF TAX INCREMENT PAYMENTS FROM THE COUNTY AUDITOR AND CONTROLLER; ADOPT THE NORTH PARK REDEVELOPMENT PROJECT IMPLEMENTATION PLAN; AND INTRODUCE THE ORDINANCE AND BRING IT BACK FOR ADOPTION ON MARCH 4, 1997. 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-331:

(Continued from the meeting of January 14, 1997, Item 330, at Councilmember Warden's request, to allow time to meet with Pardee Construction to discuss Sabre Springs and Route 56.)

SUBJECT: A Rezone, Vesting Tentative Map, and Planned Residential Development Permit and associated street vacation in the Sabre Springs Community Planning Area.

(Case-RZ/VTM/PRD-96-0442. District-5.)

NOTE: Hearing open. Public testimony taken only on the continuance on 1/14/97.

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and E; introduce Subitem B; and adopt Subitems C and D to grant the map and the permit:

Subitem-A: (R-97-674) ADOPTED AS RESOLUTION R-288306

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-96-0442 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 and adopting appropriate findings of mitigation, and Statement of Overriding Considerations, pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-97-67) INTRODUCED, TO BE ADOPTED FEBRUARY
10, 1997

Introduction of an ordinance for R-2000, R-1500,
R1-5000, CA, CN and CO zoning.

Subitem-C: (R-97-814) ADOPTED AS RESOLUTION R-288307
GRANTING THE MAP

Adoption of a Resolution granting or denying
VTM-96-0442, with appropriate findings to support
Council action.

Subitem-D: (R-97-815) ADOPTED AS RESOLUTION R-288308
GRANTING THE PERMIT

Adoption of a Resolution granting or denying Permit
No. PRD-96-0442, with appropriate findings to
support Council action.

Subitem-E: (R-97-673) ADOPTED AS RESOLUTION R-288309

Adoption of a Resolution authorizing the vacation
of the easterly excess portion of Springbrook Drive
as provided for under Section 66499.20-1/2 of the
State Map Act.

SUPPORTING INFORMATION:

The project proposes to rezone Parcels 2, 9, 15, 16, 17, 18, 26, 27, and 41 from the R-1000, R-1500, CA-RR, CA, CN, CO and R1-5000 MHP Zones to the R-2000, R-1500, R1-5000, CA, CN and CO Zones; to amend South Creek Vesting Tentative Map and Planned Residential Development Permit VTM-86-0885 and Planned Residential Development Permit PRD-92-0685 to change development on Parcels 35 and 36 from a multi-family development to a single-family development and on Parcel 41 from a mobile home park development to a single-family development; and to vacate a portion of Springbrook Drive in the Sabre Springs Community Planning Area.

LEGAL DESCRIPTION:

The subject property is more particularly described as portion of Rancho de los Penasquitos, ROS No. 6204; Lot 13, Sabre Springs Industrial Park, Map-12937; Lots 3 and 4, North Creek Unit 1, Map-12937; South Creek Parcels 35-48, Maps-12256, 12257, 12268, 12562, 13007, 13110, 13111 and 13228; and Portion of Sections 21 and 22, Township 14 South, Range 2 West, SBM.

FILE LOCATION: SUBITEMS A & D: PERM-PRD-96-0442;
 SUBITEM B: NONE; SUBITEM C: SUBD-South
 Creek; SUBITEM E: STRT-J-2859
 DEED FY97-1

COUNCIL ACTION: (Tape location: A108-138).

Hearing began at 10:12 a.m. and halted at 10:16 a.m.

CONSENT MOTION BY WARDEN TO ADOPT SUBITEMS A AND E;
INTRODUCE SUBITEM B; ADOPT SUBITEM C GRANTING THE MAP; AND
ADOPT SUBITEM D GRANTING THE PERMIT. 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-332:

SUBJECT: Mid-Year Budget Adjustment to Implement a City-wide
Center Island Maintenance Program.

(See City Manager Report CMR-97-11.)

CITY MANAGER'S RECOMMENDATION:

Hold the second public hearing and introduce and adopt the
following ordinance:

(O-97-71) RETURNED TO CITY MANAGER

Introduction and adoption of an Ordinance amending
Ordinance O-18328 (NS), as amended, 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
amending Document No. OO-18328 by amending the
Personnel and Non-Personnel expense authorization of
the Transportation Department (534) Street Division
(105), in General Fund 100, by adding 7.00 positions
and related Non-Personnel expense for the purpose of
funding the implementation of a City-wide Center Island
Maintenance Program.

Aud. Cert. 9700674.

NOTE: See Item 204 on the docket of Monday, January 27, 1997,
for the first public hearing.

FILE LOCATION: MEET (See Item 204, January 27, 1997)

COUNCIL ACTION: (Tape location: A108-138).

CONSENT MOTION BY WARDEN TO RETURN THIS ITEM TO THE CITY MANAGER, AS HE REQUESTED. 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-S500:

SUBJECT: Presentation of Referendary Petition to the City Council and Alternate Actions related to the Stadium Expansion on the Ballot Referendary Petition.

(See City Clerk Report CCR-97-01.)

TODAY'S ACTION IS:

Adoption of either Subitem A or Subitem B:

Subitem-A: (R-97-776) ADOPTED AS RESOLUTION R-288314

Granting the referendary petition and directing the City Attorney to prepare and docket an ordinance repealing Ordinance O-18365 (NS).

or

Subitem-B: (R-97-777) NOTED AND FILED

Rejecting the referendary petition and directing the City Attorney to prepare an ordinance calling a special election to be held no later than December 28, 1997;

Directing the City Attorney to prepare an impartial analysis of the ballot proposition in accordance with the Elections Code Section 9280.

NOTE: The City Council may also take no action, in which case the Council has 10 days from the date the petition is presented to Council to repeal the legislative act; after that date, the Council must adopt a resolution of its intent to submit the matter to the voters in a special election.

FILE LOCATION: LEAS-San Diego Jack Murphy
Stadium-Chargers Football Company and
the Chargers Associates (Stadium 61)

COUNCIL ACTION: (Tape location: B149-C245, D003-E250.)

MOTION BY STEVENS TO ADOPT THE RESOLUTION DIRECTING THE CITY ATTORNEY TO PREPARE THE ORDINANCE RESCINDING ORDINANCE O-18365 (New Series) ADOPTED ON DECEMBER 10, 1996, WHICH AMENDED THE MAY 1995 ORDINANCE FROM \$60,000,000 TO \$78,000,000, AN INCREASE OF \$18,000,000. Second by Kehoe.

MOTION BY WARDEN TO AMEND THE MOTION TO DIRECT THE CITY ATTORNEY PREPARE AN ORDINANCE CALLING A SPECIAL ELECTION, UNDER THE COUNCIL'S INITIATIVE POWERS, TO PLACE CERTAIN STADIUM ISSUES BEFORE THE VOTERS AT A DATE TO BE DETERMINED. 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.

Motion 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-CS-1: (R-91-726) ADOPTED AS RESOLUTION R-288310

A Resolution adopted by the City Council in Closed Session on January 28, 1997:

Authorizing the City Manager to pay the sum of \$12,219.59 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from property damage to Ahmad Mansury et al.; authorizing the City Auditor and Comptroller to issue one check in the amount of \$12,219.59, made payable to Amica Mutual Insurance Company as subrogee for Thomas Nelson, in full settlement of all claims.

Aud. Cert. 9700565

FILE LOCATION: MEET

ITEM-CS-2: (R-91-727) ADOPTED AS RESOLUTION R-288311

A Resolution adopted by the City Council in Closed Session on January 28, 1997:

Authorizing the City Manager to pay the sum of \$33,348.70 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from property damage to Albert's College Apartments, et al.; authorizing the City Auditor and Comptroller to issue one check in the amount of \$33,348.70, made payable to Luth & Turley, Inc., in full settlement of all claims.

Aud. Cert. 9700595

FILE LOCATION: MEET

ITEM-CS-3: (R-91-764) ADOPTED AS RESOLUTION R-288312

A Resolution adopted by the City Council in Closed Session on January 28, 1997:

Authorizing the City Manager to pay the sum of \$76,000.00 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from the personal injuries to Samantha Dresser and Darren Hardy; Authorizing the City Auditor and Comptroller to issue two checks; one in the amount of \$39,000.00 to Samantha Dresser and Robert Teaff, her attorney of record, and one in the amount of \$37,000.00 to Darren Hardy and Robert Teaff, his attorney of record, in full settlement of all claims.

Aud. Cert. 9700672

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:29 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E255).