

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 11, 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 10:16 a.m. At 10:22 a.m. Mayor Golding convened the Redevelopment Agency simultaneously with the Council Meeting. Mayor Golding adjourned the meeting at 10:40 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Mathis-present
 - (2) Council Member Wear-present
 - (3) Council Member Kehoe-excused by R-288422
(City business in Washington, D.C.)
 - (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-Fishkin (ms)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present

- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-not 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: REFERRED TO MAYOR'S OFFICE

Rudolph Hochevar III commented on the need to lengthen the street crossing walk lights in certain areas to accommodate senior citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A011-053.)

COUNCIL COMMENT:

None.

ITEM-100:

SUBJECT: Approving Parcel Map W.O. No. 960491.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-784) ADOPTED AS RESOLUTION R-288331

Approving Parcel Map W.O. No. 960491.

FILE LOCATION: SUBD-Parcel Map W.O. No. 960491

COUNCIL ACTION: (Tape location: A055-088.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: CONTINUED TO MARCH 18, 1997

SUBJECT: Request by the appellants, for an appeal from the decision of the Planning Commission in approving the request for the Green Dragon Colony; Coastal Development, Sensitive Coastal Resource, La Jolla Planned District Permit No. 95-0318.

(CDP/SCR/LJPDO-95-0318. La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; and adopt Subitem B to deny the appeal and grant the permits:

Subitem-A: (R-97-)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-95-0318 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, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-97-)

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

OTHER RECOMMENDATIONS:

Planning Commission voted 4-2 to approve the permits.

Ayes: Neils, Butler, Watson, White
Nays: Quinn, Skorepa
Not present: Anderson

The La Jolla Community Planning Group has recommended approval.

SUPPORTING INFORMATION:

The appeal is being requested in regard to a Coastal Development/Sensitive Coastal Resource/La Jolla Shores Planned District Permit CDP/SCR/LJPDO-95-0318 for the demolition of approximately 3,781 square-feet of existing commercial structures and construction of approximately 15,133 square-feet (includes basement area) of new retail and restaurant uses. The project also includes the construction of four residential town homes, totaling approximately 18,271 square-feet in the La Jolla Shores Planned District.

LEGAL DESCRIPTION:

The .91 acre subject property is more particularly located at 1258-1274 Prospect Street and 1241-1255 Coast Boulevard (Lots 30-32, Block 59, La Jolla Park, Map-352).

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A089-120.)

Testimony by William Allen on the continuance.

MOTION BY MATHIS TO CONTINUE TO MARCH 18, 1997 FOR FURTHER REVIEW. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Condemnation Action - Otay Mesa Road Widening - Temporary State Route 905.

(See City Manager Report CMR-97-21. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-785) ADOPTED AS RESOLUTION R-288332

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego

require the acquisition of fee simple title and easements for the construction, improvement, operation and maintenance of the Otay Mesa Road Widening - Temporary State Route 905 Project; that the interests to be acquired include but are not limited to easements for slopes, drainage, retention basins, temporary construction and temporary staging area purposes, together with the right of ingress and egress; that the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; that the property sought to be acquired is necessary for the project; declaring the intention of the City of San Diego to acquire the fee simple title and easements under eminent domain proceedings; and directing the City Attorney to commence an eminent domain action in the Superior Court of the State of California, to condemn, acquire and obtain immediate possession of the property for the use of the City.

NOTE: 6 votes required.

FILE LOCATION: MEET; Final Order of Condemnation - Deed
F-7258 F-7375

COUNCIL ACTION: (Tape location: A055-088.)

Hearing began at 10:21 a.m. and halted at 10:24 a.m.

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Mount Hope Public Improvements.

(See SEDC's memorandum for the agenda of 2/11/97.
District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-790) ADOPTED AS RESOLUTION R-288333

Making certain findings with respect to the payments

for the construction of public improvements within the Mount Hope Redevelopment Project; making certain findings with respect to the payments for these improvements;

Authorizing the Southeastern Economic Development Corporation to bid and construct the improvements.

NOTE: See the Redevelopment Agency Agenda of 2/11/97 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A121-289.)

MOTION BY STEVENS TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Seven actions related to Street Dedication - Carmel Country Road and Related Easements and Set Aside.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-756 REV.1) ADOPTED AS RESOLUTION R-288334

Accepting three grant deeds of Pardee Construction Company, one grant deed of Kung Shaiang Ma and Betty T. Ma, and two grant deeds of Shaw Valley 1, LLC, granting to the City portions of Sections 20, 21, 28 and 29 of Township 14 South, Range 3 West, San Bernardino Meridian; dedicating the land for a public street, and naming the same Carmel Country Road.

Subitem-B: (R-97-757 REV.1) ADOPTED AS RESOLUTION R-288335

Accepting three grant deeds of Pardee Construction Company, and four grant deeds of Shaw Valley 1, LLC, granting to the City easements in portions of Sections 20, 21, 28 and 29 of Township 14 South,

Range 3 West, San Bernardino Meridian for access and drainage facilities.

Subitem-C: (R-97-758) ADOPTED AS RESOLUTION R-288336

Dedicating a portion of the south half of Section 20, Township 14 South, Range 3 West, San Bernardino Meridian as and for a public street and naming the same Carmel Country Road.

Subitem-D: (R-97-759 REV.1) ADOPTED AS RESOLUTION R-288337

Setting aside an easement in a portion of City-owned property in the south half of Section 20, Township 14 South, Range 3 West, San Bernardino Meridian for drainage purposes.

Subitem-E: (R-97-760) ADOPTED AS RESOLUTION R-288338

Authorizing the execution of a Traffic Signalization Improvement Agreement with Pardee Construction Company, for the construction of a traffic signal at the intersection of Carmel Country Road and "Commercial Street," in connection with Carmel Valley 10 Neighborhood Subdivision.

Subitem-F: (R-97-761) ADOPTED AS RESOLUTION R-288339

Accepting the grant deed of Peter Katz and Teresa Katz granting to the City a portion of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 20, Township 14 South, Range 3 West, San Bernardino Meridian;

Accepting an easement deed of Peter Katz and Teresa Katz, granting to the City a drainage easement in a portion of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 20, Township 14 South, Range 3 West, San Bernardino Meridian.

Subitem-G: (R-97-775) ADOPTED AS RESOLUTION R-288340

Authorizing the execution of a Joint Use Agreement with San Diego Gas & Electric Company, to provide for the joint use of the area common to both the SDG&E easement and right-of-way and the City's dedicated street right-of-way for the construction, operation, and maintenance of both parties' facilities.

FILE LOCATION: SUBITEMS A-G: DEED F-6925 CONFY97-2
DEEDFY97-15

COUNCIL ACTION: (Tape location: A055-088.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Request for TransNet Bond Funds for Otay Mesa Road Widening.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-792) ADOPTED AS RESOLUTION R-288341

Authorizing the City Manager to request advance funding from SANDAG through the debt financing program in an amount not to exceed \$1,722,637;

Authorizing the City Manager to execute any necessary documents relating to the receipt of the funds from SANDAG;

Authorizing the expenditure of not to exceed \$1,772,637 from CIP-52-619.0, Otay Mesa Road Widening - Temporary State Route 905, Fund 30302, for the construction of Otay Mesa Road;

Declaring that the City is responsible for paying its proportionate share of the issuance costs and overall annual debt service requirements of the SANDAG debt financing program and that such costs shall be the first priority use of the City of San Diego annual allocation of TransNet revenues.

NOTE: See Item 331 on today's docket for a companion item.

CITY MANAGER SUPPORTING INFORMATION:

On December 10, 1996, City Council adopted Resolution No.

R-288209 which authorized the expenditure of \$1,900,000 for the acquisition of required property rights for the widening of Otay Mesa Road. This action will authorize the City Manager to request \$1,722,637 in TransNet bonds from SANDAG to be used toward this purpose.

Aud. Cert. 9700729.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A055-088.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500:

SUBJECT: Redevelopment Agency Fiscal Year 1996 Annual Report and Annual Financial Report.

(See Redevelopment Agency Report. Districts-2,3,4,5,7 and 8.)

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-505) ADOPTED AS RESOLUTION R-288342

Approving the Fiscal Year 1996 Annual Report and Annual Financial Report of the Redevelopment Agency of the City of San Diego, submitted pursuant to California Health and Safety Code, Division 24, Part I.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A055-088.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S501:

SUBJECT: Request to Bid Centre City East Streetlights Phase II.

(See memorandum from CCDC dated 1/9/97. Centre City East Community Area. District-8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-748) CONTINUED TO FEBRUARY 18, 1997

Making certain findings with respect to the payments for the construction of improvements consisting of the Centre City East Streetlights Phase II;

Making certain findings with respect to the payments for these improvements, and authorizing the Centre City Development Corporation to bid and construct these improvements.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A055-088.)

CONSENT MOTION BY WARDEN TO CONTINUE TO FEBRUARY 18, 1997, AS REQUESTED BY COUNCIL MEMBER WEAR, FOR FURTHER DISCUSSION BETWEEN CCDC AND THE STAFF OF COUNCILMEMBERS WEAR AND VARGAS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-97-839) ADOPTED AS RESOLUTION R-288343

A Resolution adopted by the City Council in Closed Session on February 11, 1997:

Authorizing the City Manager to pay the sum of \$37,500.00 in settlement of each and every claim against the City, its agents and employees, resulting from a personal injury to David Ray Rhodes; authorizing the City Auditor and Comptroller to issue one check in the amount of \$37,500.00 made payable to David Ray Rhodes and his attorney of record, Thomas Adler.

Aud. Cert. 9700754

FILE LOCATION: MEET

ITEM-CS-2: (R-97-818) ADOPTED AS RESOLUTION R-288354

A Resolution adopted by the City Council in Closed Session on February 11, 1997:

Authorizing the City Manager to pay the sum of \$60,000.00 in settlement of each and every claim against The City of San Diego, its agents and employees resulting from a personal injury to Naomi Joann Smith; authorizing the City Auditor and Comptroller to issue one check in the amount of \$60,000.00, made payable to Naomi Joann Smith and her attorney of record, Teresa Trucchi, in full settlement of all claims.

Aud. Cert. 9700744

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 10:40 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A289).