

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 18, 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 10:01 a.m. Council Member Warden introduced and welcomed two students from Rancho Bernardo High School who were visiting the Council Meeting for their school's Executive Day. At 10:12 a.m. Mayor Golding convened the Redevelopment Agency Meeting simultaneously with the Council Meeting. Mayor Golding recessed the Council Meeting at 10:13 a.m. to convene the Housing Authority. Mayor Golding reconvened the Council Meeting at 10:14 a.m., with Council Member Stevens not present. The meeting was recessed by Mayor Golding at 11:59 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:15 p.m. with Council Member Stevens not present. Mayor Golding adjourned the meeting at 6:05 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-excused by R-288513
(no reason given)
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

Clerk-Abdelnour/Fishkin (ms/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-not 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:

Mike Abdelnour, Advisor for the Leadership Class at Parkway Middle School, with twins Heather and Amanda Hill, Co-Presidents of Parkway Middle School, said they were visiting to observe a City Council Meeting, along with 27 members of their Leadership Class, and thanked Council Member McCarty for helping them to arrange their visit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A029-051.)

ITEM-PC-2:

Ron Bociung commented on distrust of federal and local government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A053-070.)

ITEM PC-3:

Don Stillwell commented on fund raising. He suggested that commemorative coins be established to help with funding for the convention center, library, and stadium.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A072-094.)

COUNCIL COMMENT:

None.

ITEM-200:

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

(Mission Valley Community Area. District-6.)

NOTE: This hearing for the second reading of the ordinances was noticed in the Daily Transcript on 3/7/97, pursuant to Section 99 of the City Charter.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances in Subitems A and B which were introduced on 3/4/97; adopt the resolution in Subitem C:

Subitem-A: (O-97-92 REV.) REINTRODUCED, TO BE ADOPTED MARCH 31, 1997

Authorizing the agreement conveying naming rights to San Diego Jack Murphy Stadium between QUALCOMM, Inc. and the City of San Diego.

(Council voted 8-0. Councilmember McCarty ineligible.)

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

Subitem-B: (O-97-93 REV.) REINTRODUCED, TO BE ADOPTED

MARCH 31, 1997

Authorizing a First Supplemental to the 1995 Agreement for Partial use and Occupancy of San Diego Jack Murphy Stadium between the Chargers Football Company and the City of San Diego.

(Council voted 9-0.)

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

Subitem-C: (R-97-930) ADOPTED AS RESOLUTION R-288449

Renaming the San Diego Jack Murphy Stadium to "QUALCOMM Stadium," upon receipt by the City of the consideration by QUALCOMM called for in the agreement; declaring that this name change shall be effective only through and including the year 2017 Regular Football Season (as that term is defined in the 1995 Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium, and the Super Bowl to be held in January of 2017, unless extended or otherwise modified by the City Council; declaring that the area surrounding QUALCOMM Stadium shall be named "Jack Murphy Field," to continue to commemorate the former sports editor of the San Diego Union as described in Resolution No. R-253397.

FILE LOCATION: SUBITEMS A AND B: NONE
SUBITEM C: LEAS-QUALCOMM, Inc.
61 (Stadium)

COUNCIL ACTION: (Tape location: A159-311.)

Hearing began at 10:14 a.m. and halted at 10:26 a.m.

Testimony in opposition by James Hartman and Don Stillwell.

Testimony in favor by Richard Ledford.

MOTION BY WARDEN TO INTRODUCE THE REVISED ORDINANCES FOR SUBITEMS A AND B BECAUSE OF SUBSTANTIVE CHANGES MADE IN THE ORDINANCES, AND TO ADOPT THE RESOLUTION FOR SUBITEM C. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea on Subitem B, ineligible on Subitems A and C, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Multiple Species Conservation Program (MSCP) -
Conditional Approval of MSCP Plan, MSCP Subarea Plan,
and Implementing Policies and Agreements.

(Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A, B & C;
introduce the Ordinances in Subitems D & E:

Subitem-A: (R-97-891 REV.) ADOPTED AS RESOLUTION R-288455
WITH AMENDMENTS TO THE PLAN

Adoption of a Resolution authorizing the City Manager
to transmit the MSCP Plan, including the City of San
Diego Subarea Plan, to the California Department of
Fish and Game (CDFG) and the U.S. Fish and Wildlife
Service (USFWS) for approval.

Subitem-B: (R-97-892 Rev.) ADOPTED AS RESOLUTION R-288456
Cor.Copy 05/19/97

Adoption of a Resolution amending the Progress Guide
and General Plan, Rancho Penasquitos, Otay Mesa,
Tijuana River Valley, East Elliott and Carmel Valley
Community Plans and the Future Urbanizing Area
Framework Plan to implement the MSCP Plan, contingent
and effective upon California Department of Fish and
Game (CDFG) and U.S. Fish and Wildlife Service (USFWS)
approval of the MSCP in substantially the same form as
approved by City Council.

Subitem-C: (R-97-893 Cor.Copy) ADOPTED AS AMENDED AS
(04/03/97) RESOLUTION R-288457

Adoption of a Resolution certifying the MSCP Final
Environmental Impact Report/Environmental Impact
Statement (EIR/EIS); adopting findings made with
respect to the project; adopting the Statement of
Overriding Considerations and Mitigation Monitoring and
Reporting Program.

Subitem-D: (O-97-90) INTRODUCED, WITH AMENDMENTS TO THE
AGREEMENT; DATE OF ADOPTION TO BE
DETERMINED BY THE MAYOR

Introduction of an Ordinance authorizing the City Manager to execute the City of San Diego Implementing Agreement with the CDFG and the USFWS contingent upon their approval of the MSCP in substantially the same form as approved by Council.

Subitem-E: (O-97-91) INTRODUCED, DATE OF ADOPTION TO BE DETERMINED BY THE MAYOR

Introduction of an Ordinance authorizing the City Manager to execute the Cornerstone Lands Conservation Bank Agreement with the CDFG and the USFWS to conserve identified Water Utility lands, contingent upon approval of the MSCP in substantially the same form as approved by Council.

CITY MANAGER SUPPORTING INFORMATION:

A draft MSCP Plan with participating jurisdictions' Subarea Plans, Draft EIR/EIS, and a City of San Diego federal permit application and Implementing Agreement were made available to the public on August 30, 1996, with an extended public review period ending on October 29, 1996. Based on comments received and discussions with the wildlife agencies, revisions to these documents were made to reflect revised policies and implementation and were distributed on January 8 and 9, 1997. The City Manager's Report discusses the most significant revisions proposed since August 1996. Many letters of comment received during the public review period addressed general themes of concern. As a result, "theme responses" were prepared (see Final EIR/EIS, Volume I). General information is also provided as attachments to the City Manager's Report, including: 1) a summary of the City's Subarea Plan; 2) future land use and fiscal impacts for the City of San Diego; and, 3) a summary of regional public funding.

The MSCP financing plan estimates total costs of \$339 to \$411 million, including \$131 to \$180 million for acquisition. The City would pay its share of this acquisition cost, with the allocation of costs among jurisdictions determined during the final financing plan preparation prior to placing a regional funding measure on the ballot. The City estimates a need to acquire approximately 2,400 acres within our jurisdiction at a cost of about \$40 to \$70 million. Acquisition, management, monitoring, and administrative costs are proposed to be funded by a voter-approved regional funding source. A fiscal impact analysis of the MSCP prepared for the City (City Manager Report CMR-97-25, Attachment 2) concludes that the MSCP will result in slightly more expenditure savings than revenues lost after preserve buildout (net annual impact of + \$6,900).

The draft Environmentally Sensitive Lands regulations, draft Biology Guidelines and draft OR-1-2 Zone are not before the Council action today, but were provided with the August 1996 draft MSCP materials for information. Also, the City's implementing Agreement provides for the City to adopt these new regulations in substantially the same form and rezone certain properties within 180 days of execution of the agreement. A final draft EIR for the Land Development Code Update was distributed for public comment in November 1996, with consideration expected by Council in late spring 1997.

FILE LOCATION: LAND - Multiple Species Conservation Program (MSCP)
COUNCIL ACTION: (Tape location: A005-020, A312-C430, D012-I108.)

Hearing began at 10:26 a.m. and recessed at 11:59 a.m.

Testimony in opposition by James Whalen, Rikki Alberson, Mike Madigan, Jim Peugh, Norma Sullivan, Carolyn Chase, Jack Monger, Al Strohlein, Eric Bowlby, Helge Weissig, Lisa Ross, and Ken Bernard.

Testimony in favor by Doug Wheeler, Mike Spear, Mark Ebbin, Kathleen McIntosh, Mitch Lizar, Paul Geitner, Gayle McCloud, Bruce Warren, Lani Noreke, Bill Porter, Dan Silver, Craig Adams, Ann Harvey, John McCaull, and Kathy Bayer.

Hearing resumed at 2:16 p.m. and halted at 6:00 p.m.

Testimony in opposition by Chris Chambers, Craig Benedetto, Tracy Morgan Hollingsworth, Leeona Klippstein, Thomas Steinke, Dolores Welty, Linda Wall, Laura Hunter, Ron Bociung, John DeBevoise, Anne DeBevoise, Claire Brey, Cindy Burrascane, Bertha McKinley, Isabelle Kay, Diana Gordon, Philip Zoebisch, Nola Lamken, Bernie Brandt, Mary Mogavero, Allison Rolfe, Darrell Beck, Don Valkema, Duncan McFetteridge, Dr. Dan Holland, Arthur Schmitz, Sherry Rusch, Jack Gibson, and Carol Sebastian.

Testimony in favor by Mike Kelly, Karen Messer, Richard Barber, Oliver Ryder, Michael Beck, Gerri Stryker, Opal Trueblood, Eric Anderson, Inez Yoder, Phil Walling, Michael O'Connell, Richard Ledford, Joanne Pearson, Kim Kilkenny, Frank Ohrmund, J. Spencer Lake, John Elliott, Herman Schneider, Alan Klumph, Jim McGarvie, Roy Denner, Antonio Blas, Christine Kerbstat, Van Collinsworth, and Fe McQueen.

MOTION BY McCARTY TO ADOPT THE RESOLUTIONS AND INTRODUCE THE ORDINANCES APPROVING THE MAYOR'S RECOMMENDATIONS AS LISTED

IN HER MEMORANDUM TO THE COUNCIL MEMBERS DATED MARCH 18, 1997, AS STATED BELOW:

- 1) TO ADOPT THE CITY MANAGER'S INTERIM FUNDING PROPOSAL OF \$1.5 MILLION PER YEAR PLUS ADDITIONAL REVENUES AS INDICATED BELOW:

FUNDING PLAN - FUNDING NEED:

ACRES

4,000 ACRES ARE IDENTIFIED BY SAN DIEGO DIALOGUE AS CRITICAL HABITAT SLATED FOR IMMINENT DEVELOPMENT IN THE REGIONAL MSCP.

1,400-1600 ACRES ESTIMATED AS CITY SHARE (35-40 PERCENT).

ESTIMATED ACREAGE FROM ON-GOING PROJECTS IN CITY:

185	ACRES	1)	RECENT LITIGATION SETTLEMENTS
762	ACRES	2)	CURRENT AND ON GOING PRIVATE PROPERTY NEGOTIATIONS WITHIN THE FUA-SUBAREAS 1 & 5, SAN PASQUAL, 8A AND OTAY MESA
450	ACRES	3)	PENDING PROJECT DEVELOPMENT AGREEMENTS
210	ACRES	4)	RECENT ACQUISITIONS
1,607	ACRES		TOTAL KNOWN IMMEDIATE ACQUISITION NEED FOR CITY OF SAN DIEGO

PRICE

SAN DIEGO DIALOGUE ESTIMATED LAND VALUES TO RANGE FROM \$9,700-\$13,300/ACRE.

THE AVERAGE FAIR MARKET VALUE ON PROJECTS NOTED ABOVE IS \$25,700/ACRE.

THE MEDIAN FAIR MARKET VALUE ON PROJECTS NOTED ABOVE IS \$15,000/ACRE.

- TOTAL IMMEDIATE ACQUISITION NEED:

1,607 ACRES AT \$25,700/ACRE = \$41,340,000

- TOTAL LONG TERM ACQUISITION NEED:

793 ACRES AT \$25,700/ACRE = \$20,380,000

IDENTIFIED REVENUE SOURCES

* \$ 6.7 MILLION ALREADY PAID IN PURCHASES OR DOWN PAYMENTS ON PURCHASES

* \$ 3.0 MILLION CASH FROM DEVELOPMENT PROJECT AGREEMENT (PARDEE)

\$ 6.3 MILLION REVENUE FLOW BEGINS IN 3 YEARS FROM PROJECT AGREEMENT (PROP C - BOUGAINVILLEA HOTEL)

**\$ 4.2 MILLION REVENUE FLOW BEGINS IN 3 YEARS FROM FUA SUBAREA 5 FBA

**\$ 4.8 MILLION ESTIMATE OF PRIVATE MITIGATION PURCHASES IN THE FUA-DEL MAR MESA AREA

\$25.0 MILLION ESTIMATED TOTAL OF LOCAL SOURCES IDENTIFIABLE AT THIS TIME

TOTAL: \$41,340,000 - 25,000,000 = \$16,340,000 IN NEED OF IMMEDIATE FUND IDENTIFICATION (1607 ACRES)

\$20,380,000 IN NEED OF LONG TERM FUND IDENTIFICATION (793 ACRES)

FUNDING PLAN DETAILS:

1. \$2.5 MILLION/YEAR FINANCED/BONDED AT 7 PERCENT FOR 30 YEARS = \$30 MILLION

FUNDING SOURCES FOR ADDITIONAL REVENUES BEYOND THE MANAGER'S RECOMMENDED \$1.5 MILLION:

(A)\$1,000,000 FROM MAJOR ONE TIME CAPITAL IMPROVEMENT PROJECT MITIGATION ESTIMATES IN EXCESS OF \$1.5 STREAM (IE. SR56, LIST TO BE PROVIDED BY MANAGER) OR FROM SAVINGS FROM STREAMLINING, EFFICIENCIES OR OPERATIONAL REDUCTIONS IN CITY OPERATIONS TO BE DESIGNATED BY THE CITY MANAGER.

(B)REVENUE FLOW FROM LIST ABOVE FROM PROP C (\$6.3 MILLION)

2. SOURCE FROM ABOVE LIST AVAILABLE NOW OR ALREADY PAID (*) \$ 9.70 MILLION

3. SOURCES FROM ABOVE LIST (**) \$ 9.0 MILLION

TOTAL IDENTIFIED \$48.70 MILLION

PUBLIC FUNDS FROM PRIVATE PROJECT MITIGATION \$11.0 MILLION (ESTIMATED 500 ACRES AT \$22,000 PER ACRE)

TOTAL

\$59.70 MILLION

MAINTENANCE COST IS NOT INCLUDED AND FUNDING FOR LONG TERM MANAGEMENT WOULD LARGELY BE OBTAINED THROUGH FUTURE REGIONAL FUNDING.

ESTABLISH A FINANCE COMMITTEE OF EXPERTS TO REVIEW THE FUNDING SOURCES AND TO DEVELOP AND RECOMMEND WAYS TO FINANCE THE PROGRAM SO THAT THE ACREAGE IN NEED OF IMMEDIATE ACQUISITION CAN BE PURCHASED IMMEDIATELY. ALTERNATIVE SOURCES COULD ALSO BE REVIEWED. REPORT BACK TO COUNCIL BY THE SECOND READING AND PRIOR TO THE SIGNING OF THE IMPLEMENTING AGREEMENT WITH THE RESULTS OF THE FINANCE COMMITTEE.

2. MANAGEMENT

APPROVE THE MITIGATION AND MONITORING PROGRAM AND APPROVE THE SUPPLEMENT TO THE MITIGATION MONITORING REPORT PROGRAM THAT WAS ASSEMBLED BY THE CALIFORNIA STATE RESOURCES AGENCY TO HELP IN THE ONGOING ASSESSMENT OF THE SUCCESS OF THE PROGRAM.

SUPPORT THE FOLLOWING CITY MANAGER RECOMMENDATIONS AND REVISIONS AS PROPOSED IN CITY MANAGER REPORT 97-25 AND IN THE CITY MANAGER'S MEMORANDUM DATED MARCH 12, 1997:

- A. CONDITIONS FOR SPECIES COVERAGE. SPECIFIC AREA MANAGEMENT DIRECTIVES HAVE BEEN INCLUDED TO ENSURE SUFFICIENT CONSERVATION FOR THE LONG TERM HEALTH OF THE COVERED SPECIES.
- B. NARROW ENDEMICS. CLARIFICATION ON PRIOR COUNCIL ACTION ON THESE SPECIES' PROTECTION AND A MODIFIED SPECIES LIST ARE INCLUDED.
- C. HABITAT CONSERVATION ACCOUNTING MODEL. TO REITERATE, THIS MODEL IS A TOOL TO BE USED IN DETERMINING THAT HABITAT CONSERVATION IS OCCURRING IN "ROUGH STEP" WITH THE LOSS OF HABITAT FROM DEVELOPMENT. IT IS ONE OF SEVERAL TOOLS THAT WILL BE USED IN PRESERVE ANALYSIS.
- D. INCIDENTAL TAKE FOR AGRICULTURE. THE MSCP PLAN CHANGES INCLUDE THE CLARIFICATION THAT THE INCIDENTAL TAKE PROVISION MAY APPLY TO AGRICULTURAL ACTIVITIES ON LANDS IN THE CITY OF SAN DIEGO SPECIFICALLY IDENTIFIED IN THE MSCP DATABASE AND SHOWN IN FIGURE 2.1 AS BEING ACTIVELY USED FOR AGRICULTURAL PURPOSES (INCLUDING LANDS

USED FOR CROP, ANIMAL AND FORAGE PRODUCTION AND GRAZING.)

G. OFF-HIGHWAY VEHICLE (OHV) USE. CONSISTENT WITH PRIOR COUNCIL DIRECTION, OHV USE COULD BE ACCOMMODATED OUTSIDE THE PRESERVE, WITHIN THE MSCP PLANNING AREA. THE CALIFORNIA DEPARTMENT OF RESOURCES IS WORKING WITH OHV REPRESENTATIVES TO LOCATE AND ACQUIRE A SITE USING THE CALIFORNIA STATE OHV LICENSING FUNDS.

H. GHIO PROPERTY.

ATTACHMENT 2. WILD ANIMAL PARK EXPANSION PROJECT SUBAREA PLAN REVISIONS.

ATTACHMENT 2. PRESERVE EXCLUSIONS VS GUIDELINES CORNERSTONE LANDS AGREEMENT REVISIONS.

ATTACHMENT 4. EAST ELLIOT COMMUNITY PLAN REVISIONS

ATTACHMENT 5. CORNERSTONE LANDS CONSERVATION BANK AGREEMENT.

SUPPORT THE FOLLOWING CITY MANAGER RECOMMENDATIONS AND REVISIONS AS PROPOSED IN CITY MANAGER REPORT 97-25 AND THE CITY MANAGER'S MEMORANDUM DATED MARCH 12, 1997 WITH MINOR MODIFICATIONS:

E. MINERAL EXTRACTION. DELETE THE REFERENCE TO NO REDUCTION IN THE VALUE AND FUNCTION "SHORT TERM," AND ADD A SENTENCE STATING THAT "SHORT TERM IMPACTS WILL BE AVOIDED WHERE FEASIBLE, MINIMIZED TO THE EXTENT PRACTICABLE AND MITIGATED IN A MANNER THAT MAINTAINS THE VALUE AND FUNCTION."

F. GENERAL PLAN OPEN SPACE ELEMENT AND ENVIRONMENTALLY SENSITIVE LANDS REGULATIONS - COMMUNITY PLANNERS COMMITTEE RECOMMENDATION. THE ENVIRONMENTALLY SENSITIVE LANDS REGULATIONS LANGUAGE CHANGES ARE NOT BEFORE COUNCIL ON TUESDAY. THEY WILL BE HEARD AS A PART OF THE ZONING CODE UPDATE. YET, PROCEDURES NEED TO BE DEVELOPED SO COUNCIL CAN, BY IT'S ACTION, PROTECT AREAS OUTSIDE THE MSCP PRESERVE WHICH HAVE SPECIAL COMMUNITY OPEN SPACE VALUES BUT WHICH DO NOT INVOLVE THREATENED OR ENDANGERED SPECIES.

ATTACHMENT 3. MAINTENANCE OF THIRD PARTY BENEFICIARY STATUS. ADD LANGUAGE TO SECTION 17.1.B READING:

"RESULTING FROM NATURAL CAUSES OR IS BEYOND THE THIRD PARTY BENEFICIARIES CONTROL, INCLUDING FIRE, ..."

APPROVE THE FOLLOWING ADDITIONAL MINOR MODIFICATIONS TO THE MSCP DOCUMENTS:

1. MAINTENANCE AND MANAGEMENT OBLIGATIONS. INCORPORATE LANGUAGE FINDING IT IS CITY POLICY TO ACCEPT LANDS BEING OFFERED FOR DEDICATION TO THE PRESERVE AS A PART OF A DEVELOPMENT APPROVAL OR WHEN THESE LANDS ARE PART OF A MITIGATION OBLIGATION PURSUANT TO THE SUBAREA PLAN, AND THAT THE CITY WILL ACCEPT AND BE RESPONSIBLE FOR THE MANAGEMENT AND MAINTENANCE OF THESE LANDS PURSUANT TO THE IMPLEMENTING AGREEMENT, UNLESS CERTAIN CIRCUMSTANCES PROHIBITS THE ACCEPTANCE SUCH AS THE PRESENCE OF HAZARDOUS MATERIALS, TITLE PROBLEMS, UNPAID TAXES OR UNACCEPTABLE ENCUMBRANCES INCLUDING LIENS. AFTER SUCH IMPEDIMENTS ARE REMOVED, DEDICATION WILL BE ACCEPTED.
2. AMBIGUOUS PROGRAM REQUIREMENTS. CLARIFICATION NEEDS TO BE MADE ON WHICH SUBAREA PLAN PRESERVE GUIDELINES ARE REQUIRED FOR AUTHORIZATION. CITY STAFF WILL RETURN WITH THESE CLARIFICATIONS PRIOR TO THE SECOND READING OF THE ORDINANCES.
3. ADJACENCY GUIDELINES. CONSIDERATION SHOULD BE GIVEN TO GOOD PLANNING PRINCIPLES OF ADJACENT LAND USES.
4. ANNUAL WORKSHOP. CURRENTLY THE MSCP DOCUMENTS PROVIDE FOR AN ANNUAL REPORT TO BE GENERATED AND PUBLIC WORKSHOPS TO BE HELD IN THE FIRST TWO YEARS BY THE STATE AND FEDERAL AGENCIES. PUBLIC WORKSHOPS, TO DISSEMINATE THE ANNUAL REPORT, WILL BE HELD JOINTLY BY THE STATE AND FEDERAL AGENCIES AND THE CITY, CONTINUING ANNUALLY AFTER YEAR THREE, TO ASSESS THE PROGRESS OF THE PROGRAM. THESE WORKSHOPS WILL BE HELD AFTER THE ANNUAL REPORTS ARE ISSUED.
5. GRASSLANDS. THE CITY OF SAN DIEGO WILL WORK WITH PROPERTY OWNERS AND THE STATE AND FEDERAL WILDLIFE AGENCIES TO ASSIST IN REACHING HABITAT LEVEL COVERAGE FOR GRASSLANDS, PROVIDING APPROPRIATE CONSERVATION LEVELS ARE MET.

6. CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS - ATTACHMENT 1. APPROVE THE REVISED PARAGRAPH NUMBER 2 AS FOLLOWS:

2. THE CITY OF SAN DIEGO IMPLEMENTING AGREEMENT AND SUBAREA PLAN, IN COMBINATION WITH THE MSCP PLAN IMPLEMENTS, SERVE AS A MULTIPLE SPECIES HABITAT CONSERVATION PLAN FOR THE NATURAL COMMUNITY CONSERVATION PLANNING (NCCP) PROGRAM ESTABLISHED BY THE CALIFORNIA LEGISLATURE WHEN IT ENACTED THE NCCP ACT OF 1991 (CALIFORNIA DEPARTMENT OF FISH AND GAME CODE 2800 ET. SEQ.) THE PURPOSE OF THE NCCP PROGRAM IS TO PROVIDE LONG TERM REGIONAL PROTECTION OF NATURAL VEGETATION AND WILDLIFE DIVERSITY WHILE ALLOWING COMPATIBLE LAND USES AND APPROPRIATE DEVELOPMENT AND GROWTH. THE NCCP PROCESS WAS INITIATED TO PROVIDE AN ALTERNATIVE TO "SINGLE SPECIES" CONSERVATION EFFORTS THAT WERE RELIED ON PRIOR TO THE NCCP ACT.

THE MSCP WAS INCORPORATED INTO THE NCCP PROGRAM AS AN ONGOING MULTI-SPECIES PLAN (OMSP). THE NATURAL COMMUNITY CONSERVATION PLANNING ACT PROVIDES AUTHORITY FOR LOCAL, STATE AND FEDERAL AGENCIES TO ENTER INTO AGREEMENTS FOR THE PURPOSE OF PREPARING AND IMPLEMENTING A NATURAL COMMUNITY CONSERVATION PLAN THAT PROVIDES FOR COMPREHENSIVE MANAGEMENT AND CONSERVATION OF MULTIPLE WILDLIFE SPECIES. THE MSCP PLAN, SUBAREA PLAN AND IMPLEMENTING AGREEMENT ARE CONSISTENT WITH THE CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG)/U.S. FISH AND WILDLIFE SERVICE (USFWS) MEMORANDUM OF UNDERSTANDING (MOU) DATED DECEMBER 4, 1991 AND THE MARCH 1993 OMSP AGREEMENT (AGREEMENT) WHICH HAS BEEN ACCEPTED BY CDFG AND RECOGNIZED BY THE NCCP PROCESS GUIDELINES (SECTION 3.6) AS MEETING THE REQUIREMENTS OF THE NCCP ACT.

IN ADDITION TO CARRYING OUT THE REQUIREMENTS OF THE 1993 OMSP AGREEMENT, THE ANALYSIS CONDUCTED FOR THE MSCP PLAN, CITY SUBAREA PLAN, THE FINAL EIR/EIS AND SECTION 1 AND 8 OF THE IMPLEMENTING AGREEMENT HAVE BEEN DETERMINED TO BE CONSISTENT WITH THE 1991 NCCP ACT AND NCCP PROCESS GUIDELINES BY DEMONSTRATING THE FOLLOWING:

- THE MSCP PLAN AND SUBAREA PLAN "IDENTIFY AND PROVIDE FOR THE AREA WIDE PROTECTION AND PERPETUATION OF NATURAL WILDLIFE DIVERSITY."
- IN ACCORDANCE WITH 2805(A) OF THE NCCP ACT, THE CITY IMPLEMENTING AGREEMENT, THE MSCP PLAN, AND THE SUBAREA PLAN "PROVIDE FOR COMPATIBLE AND APPROPRIATE DEVELOPMENT."
- IN ACCORDANCE WITH 2810, 2820, AND 2825(A) OF THE NCCP ACT, THE SUBAREA PLAN AND THE IMPLEMENTING AGREEMENT ADDRESS AND PROVIDE FOR PLAN IMPLEMENTATION, MONITORING AND REPORTING, AND AMENDING THE PLAN, AS WELL AS FOR ONGOING REVIEW.

7. IMPLEMENTING AGREEMENT. ADD LANGUAGE IN SECTION 10.8G "REZONING OR PROPERTY FROM OR-1-2 TO A ZONE WHICH ALLOWS GREATER INTENSITY OF DEVELOPMENT MAY ONLY OCCUR ON LAND OUTSIDE OF THE MHPA AND MUST BE ACCOMPANIED WITH TENTATIVE MAP OR PERMIT CONDITIONS CONSISTENT WITH MSCP AND SUBAREA PLAN.

APPROVE THE FOLLOWING CLARIFICATIONS:

- WETLANDS:

THE WETLANDS DEFINITION AND RELATED ISSUES ARE NOT BEFORE COUNCIL AS A PART OF THE ACTIONS ON TUESDAY. IT WILL BE HEARD AS A PART OF THE ZONING CODE UPDATE.

404 PERMIT/NATIONWIDE PERMIT. THE CITY WILL WORK WITH THE ARMY CORP OF ENGINEERS AND THE ENVIRONMENTAL PROTECTION AGENCY TO STREAMLINE THE PERMIT PROCESS.

- COMMERCIAL INDUSTRIAL FEE. THE INCLUSION OF THIS TYPE OF FEE WAS USED ONLY AS AN EXAMPLE IN THE FINANCING PLAN AND THERE HAS BEEN NO COUNCIL DIRECTION TO PURSUE THIS FINANCING OPTION NOR DOES TUESDAY'S VOTE IMPLY THAT SUCH A FEE WOULD BE IMPOSED. THE FEE WAS ONLY A SUGGESTION AND THE CREATION OF SUCH WOULD BE UP TO EACH INDIVIDUAL JURISDICTION.

- 8A. THE FINAL DEVELOPMENT FOOTPRINT DETERMINATION WILL NOT BE MADE AS A PART OF THE MSCP HEARING PROCESS. THE PROJECT IS STILL UNDER REVIEW AND WILL BE BEFORE COUNCIL AT A SEPARATE HEARING.

- SR56. THE DECISION ON THE ALIGNMENT WILL NOT BE MADE AS A PART OF THE MSCP HEARING PROCESS.

DIRECT THE CITY MANAGER TO:

1. EMBARK UPON ADDITIONAL TRAINING FOR CITY STAFF ABOUT WHAT MSCP IS, THE POSITIVE BENEFITS OF MSCP, THE RAMIFICATIONS OF EXISTING STAFF PROCEDURES, AND THE NEED TO ESTABLISH AND PAY FAIR MARKET VALUE FOR PROPERTY TO ENSURE THAT THE GOALS AND OBJECTIVES OF THE PLAN ARE CARRIED OUT AT ALL LEVELS;
2. EMPLOY A REAL ESTATE EXPERT, SOMEONE WHO IS IN THE MARKET TODAY, TO BE IN CHARGE OF THE LAND NEGOTIATIONS THAT WILL BE NECESSARY TO SUCCESSFULLY COMPLETE ACQUISITIONS FROM WILLING SELLERS;
3. DIRECT STAFF TO INCLUDE THE POLICY DECISIONS APPROVED ON TUESDAY IN THE UPCOMING ZONING CODE UPDATE DOCUMENTS WITH APPROPRIATE REWRITES;
4. ADD A PREFACE OUTLINING THE BENEFITS OF THE PROGRAM BEFORE THE SECOND READING.

ADD THE FOLLOWING AGRICULTURAL LANGUAGE TO THE MOTION:

"ADDITIONAL LANDS NOW BEING GRAZED, NOT INCLUDED IN FIGURE 2-1, WILL BE IDENTIFIED AND ANALYZED AND AN AMENDMENT WILL BE SOUGHT TO BRING SUCH AREAS INTO THE PLAN TO PROVIDE FOR CONTINUED AGRICULTURAL USE IN A MANNER THAT CONSERVES SPECIES INCLUDING THE SAME CONDITIONS AS THOSE LANDS CURRENTLY IDENTIFIED IN FIGURE 2-1 IF APPROPRIATE."

ACCEPT MAYOR GOLDING'S RECOMMENDATION TO AMEND THE FOLLOWING LANGUAGE OF SECTION 17.1.B OF THE IMPLEMENTING AGREEMENT, WHICH ADDRESSES THE PROPERTY OWNERS CONCERN THAT THEY SHOULD NOT BE RESPONSIBLE FOR NATURAL CAUSES:

"RESULTING FROM NATURAL CAUSES OR IS BEYOND THE THIRD PARTY BENEFICIARIES CONTROL, AS DETERMINED BY THE WILDLIFE AGENCIES, INCLUDING FIRE,..."

ACCEPT COUNCIL MEMBER STALLINGS' RECOMMENDATION TO DIRECT STAFF TO REVIEW CPC'S PROPOSED CHANGES TO THE DRAFT ENVIRONMENTAL SENSITIVE LANDS REGULATIONS, SUBMITTED ON MARCH 10, 1997, AND RETURN TO COUNCIL WITH STAFF'S ASSESSMENTS OF THE IMPACT OF THOSE CHANGES, AT THE TIME OF THE ZONING CODE UPDATE.

ACCEPT MAYOR GOLDING'S RECOMMENDATION TO NOT AMEND THE COMMUNITY PLANNING LAND USE MAP OF 8A AT THIS TIME AND THAT THE PRESERVE BOUNDARY LINE IN THE CITY'S SUBAREA PLAN FOR THIS AREA BE NOTED AS UNRESOLVED UNTIL FINAL COUNCIL ACTION.

ACCEPT MAYOR GOLDING'S RECOMMENDATION TO DELETE THE NEW LANGUAGE IN SECTION 9.13 OF THE CITY'S IMPLEMENTING AGREEMENT.

ACCEPT DEPUTY MAYOR WARDEN'S RECOMMENDATION THAT THE FINANCING PACKAGE BE BROUGHT BEFORE COUNCIL OR TO COMMITTEE FOR REVIEW PRIOR TO SIGNING THE IMPLEMENTING AGREEMENT. IN ADDITION, REQUEST THAT THE MAINTENANCE COST BE ASSESSED AS PART OF THE PROCESS.

ACCEPT COUNCIL MEMBER WEAR'S REQUEST TO KEEP THE EGGER GHIO SITE WITHIN THE MSCP AND ADD THE FOLLOWING NOTE FOR NUMBER A14 ON PAGE 9 OF THE CITY OF SAN DIEGO SUBAREA PLAN, AS STATED IN HIS MEMORANDUM TO THE MAYOR AND COUNCIL DATED MARCH 18, 1997:

"PRESERVE BOUNDARIES WITHIN THE PROPOSED SPECIAL STUDY AREAS OF THE OTAY-NESTOR COMMUNITY PLAN MAY BE MODIFIED TO REFLECT FUTURE CHANGES TO LAND USE DESIGNATIONS. ANY SUCH MODIFICATIONS SHALL INCLUDE A WILDLIFE CORRIDOR APPROXIMATELY 1,000 FEET IN WIDTH, PRESERVING CONNECTIVITY BETWEEN THE OTAY RIVER AND THE SAN DIEGO BAY."

ACCEPT MAYOR GOLDING'S RECOMMENDATION TO EMPHASIZE AND MAKE CLEAR THAT COMMERCIAL AND INDUSTRIAL FEES WOULD NOT BE ADOPTED TO FUND THE MSCP.

ACCEPT COUNCIL MEMBER WEAR'S REQUEST TO ADD NOTE NUMBER B16 TO PAGE 16 OF THE CITY OF SAN DIEGO SUBAREA PLAN, AS STATED IN HIS MEMORANDUM TO THE MAYOR AND COUNCIL DATED MARCH 18, 1997:

"MANAGEMENT OF THE LEAST TERN AREA SHALL BE PURSUANT TO THE ADOPTED MISSION BAY MASTER PLAN AND ASSOCIATED NATURAL RESOURCES MANAGEMENT PLAN (1990)."

ACCEPT COUNCIL MEMBER WEAR'S REQUEST TO DIRECT THE INTERGOVERNMENTAL RELATIONS DEPARTMENT TO WORK WITH THE STATE AND FEDERAL GOVERNMENTS TO OBTAIN FEDERAL APPROPRIATIONS FOR THE ARMY CORP OF ENGINEERS' EFFORTS TO FUND A REGIONAL WETLANDS PERMIT.

Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea,

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

ITEM-331:

SUBJECT: Consenting to a Joint Public Hearing - for the Naval Training Center Redevelopment Project.

(See City Manager Report CMR-97-42. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-904) ADOPTED AS RESOLUTION R-288450

Consenting to a joint public hearing on the proposed Redevelopment Plan for the Naval Training Center Redevelopment Project;

Establishing a date, time and place for the hearing and the publication and mailing of the notice.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A118-145.)

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

ITEM-332:

SUBJECT: Coral Gate - Condemnation Action.

(See City Manager Report CMR-97-43. San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-922 Cor.Copy) ADOPTED AS RESOLUTION R-288451

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 requires the acquisition of property in portions of the Northwest Quarter of the Northeast Quarter of Section 2, Township 1 South, Range 2 West, San Bernardino Meridian for two drainage easements and a slope easement, and that the property interests are deemed necessary for the Coral Gate Project;

Declaring the intention of the City to acquire the property under eminent domain proceedings;

Directing the City Attorney to commence an eminent domain action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning the property and acquiring immediate possession.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A118-145.)

Hearing began at 10:11 a.m. and halted at 10:13 a.m.

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

ITEM-333:

SUBJECT: Amending the Annual Budget in Connection with the Convention Center Expansion Project.

CITY MANAGER'S RECOMMENDATION:

Introduce and Adopt the following ordinance:

(O-97-82 Rev.1) INTRODUCED AND ADOPTED AS ORDINANCE
O-18391 (New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-18328, titled "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 the Convention Center Expansion Project.

NOTE: Today's action is the second public hearing and introduction and adoption of the Ordinance. See Item 205 on the docket of March 17, 1997 for the first public hearing.

FILE LOCATION: MEET (Convention Center #62)

COUNCIL ACTION: (Tape location: A118-145.)

CONSENT MOTION BY WEAR TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM CS-1: (R-97-959) ADOPTED AS RESOLUTION R-288458

A Resolution adopted by the City Council in Closed Session on March 18, 1997:

Authorizing the City Manager to accept the total sum of \$205,000.00 in cash payment and \$95,000.00 in engineering services from Rick Engineering Company for the settlement of each and every claim against Rick Engineering Company, its agents and employees, by The City of San Diego; authorizing the City Manager to waive Council Policy No. 300-7 in order to accept engineering services as partial settlement of this lawsuit; and authorizing the City Manager to amend The City of San Diego's Settlement Agreement and Mutual Release of Claims with Hunter Corporation to place a \$30,000.00 maximum amount paid to Hunter Corporation out of the \$300,000.00 settlement amount received from Rick Engineering Company.

Aud. Cert. N/A

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:05 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: I171.)