

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 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 10:19 a.m.

Mr. Dave Schlesinger, Director of Metropolitan Wastewater, came before Council to give a presentation on the status of the Tijuana Sewage Emergency and South Bay Outfall Project as requested by Council Member Stevens. Mr. Schlesinger said there are currently seven projects underway; four of them are being managed by the IWBC, and three are managed by the City of San Diego.

The meeting was recessed by Mayor Golding at 12:03 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:08 p.m. with Council Members Stevens, Stallings and McCarty not present. Deputy Mayor Warden adjourned the meeting at 6:40 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 (lw/ms)

FILE LOCATION: MINUTES

ITEM-1: 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-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

ITEM-10: INVOCATION

Invocation was given by Pastor Thomas Bunnett of Grace Lutheran Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Kehoe.

CLOSED SESSION ACTION:

City Attorney Casey Gwinn announced that pursuant to the Brown Act, the City Council voted 9-0 to initiate a Declaratory Relief action against San Diego Kind Corporation.

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell commented on the elimination of the Internal Revenue Service. He said it is time to reinstate import and export taxes that were eliminated. Mr. Stillwell said the IRS was established to collect interest for the Federal Reserve, which he says should also be eliminated. He said the first step should be elimination of the IRS and replacing it with sales tax.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A034-056.)

COUNCIL COMMENT:

ITEM-CC-1:

Deputy Mayor Warden extended her best wishes to Bob Williams who is part of the Heart of Linda Vista Group. He had surgery and District 5 and District 6 wish him a quick recovery. Deputy Mayor Warden also commented on the "Better Living in Linda Vista" program. She said the Linda Vista Planning Committee, in conjunction with The City of San Diego Environmental Department and Neighborhood Code Compliance did another "fall cleanup." She and Council Member Stallings funded some of their CDBG monies towards this project. Ms. Warden said they have collected 133 tons of debris. Deputy Mayor Warden thanked all the people for their help. Also, she said they are very proud of the Carmel Mountain Ranch Recreation Center which just opened.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A059-076.)

ITEM-CC-2:

Council Member Stallings explained the commotion going on in Rose Creek last Saturday. She said it was a restoration flood control project, and they had a great turnout. Ms.

Stallings said it is co-sponsored by the Nature School and the City. Truck-loads of debris were removed from the area. She said they will be re-vegetating with native plants. About 400 kids from the southwest region showed up and Council Member Stallings said their enthusiasm was amazing. These kids were then able to go to Qualcomm Stadium for the Charger game. Council Member Stallings also thanked the kids from Whitmore Elementary School for the "Say No to Drugs" campaign.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A077-106/A235-243.)

ITEM-CC-3:

Council Member Vargas thanked City Attorney Casey Gwinn and the Alpha Project for their help. There was a house in Centre City East that was very problematic. He said this house was abandoned and was being used for drugs. The owner didn't have the money to bring the house up to code, so the Alpha Project group came forward and donated their time to tear down this hazard.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A107-119.)

ITEM-CC-4:

Council Member Stevens thanked Habitat for Humanity, Channel 10, and the United Way for their work this past Saturday in cleaning up a section of the Fourth Council District. He said they not only thoroughly cleaned three lots, but they are buying the lots and building homes for the residents in the area who cannot afford to buy homes. Financial assistance will also be given.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A120-127.)

ITEM-CC-5:

Council Member Wear had an opportunity to attend a youth-to-youth rally at the Naval Training Center with 400 kids from all over San Diego County and law enforcement officers. They addressed issues such as drugs, teenage pregnancy, and domestic violence. He said it is a great program. Council Member Wear also informed the Council that the San Diego Unified School District will be considering the re-opening of Dana Jr. High School in Point Loma instead of crowding the elementary schools with bungalows. He said they hope the school board will open the school which is currently being used for administration.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A128-145.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

10/06/97 Adjourned
10/07/97 Adjourned
10/13/97 Special Meeting
10/13/97 Adjourned
10/14/97 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A270-272/A568-592.)

MOTION BY STALLINGS TO APPROVE THE MINUTES WITH THE FOLLOWING CLARIFICATION TO ITEM-330A OF TUESDAY, OCTOBER 7, 1997, AS REQUESTED BY COUNCIL MEMBER STEVENS: "FOR THE RECORD, THE CONDITION IMPOSED ON THE ADOPTION OF ITEM 330, SUBITEM A, THAT STAFF MEET WITH MRS. SANDRA ROBINSON REGARDING HER CONCERNS, HAS BEEN MET. THEREFORE, THIS ISSUE WILL NOT BE RE-DOCKETED FOR ANOTHER HEARING." 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-31:

SUBJECT: Celebrate Adoption Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-475) ADOPTED AS RESOLUTION R-289330

Proclaiming Sunday, November 2, 1997 to be "Celebrate Adoption Day" in San Diego to celebrate the positive benefits of adoption for all of us.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A276-456.)

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

ITEM-100:

SUBJECT: Inviting Bids for the Qualcomm Stadium Paint/Stain Project.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-423) RETURNED TO CITY MANAGER

Inviting bids for the Qualcomm Stadium Paint/Stain Project;

Authorizing the expenditure of not to exceed \$550,000 from PFFA Stadium Construction Fund 92510, CIP-34-121.0, contingent upon the City Auditor certifying that funds are available with the City Treasurer;

Authorizing a contract with the lowest responsible bidder.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is hosting the National Football League Superbowl on January 25, 1998 at Qualcomm Stadium. The expansion project previously authorized by Council is complete with the exception of minor punchlist items. Punchlist items are being resolved at this time. The concrete structure is over 25 years old and needs to be painted and maintained. Therefore, it is proposed to clean, seal, and stain the existing concrete surfaces and repaint existing painted areas Charger/Padre blue. It is hoped that the finished product will represent the City well during the celebration of the Superbowl.

FILE LOCATION: MEET (61 Stadium)

COUNCIL ACTION: (Tape location: F220-232.)

MOTION BY McCARTY TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER REVIEW. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Approving Parcel Map W.O. 032000.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-410) ADOPTED AS RESOLUTION R-289331

Approving Parcel Map W.O. 032000.

CITY MANAGER SUPPORTING INFORMATION:

The Baldwin Company was the original developer on this site, (parcels 3, 4 and 5). Their project which was approved in 1986 has been abandoned. The new developer, ADI Carmel Valley Partners, L.P., a California Limited Partnership, proposes a new, scaled down development. This development will provide private

facilities instead of public facilities. Council action is required to abandon the major portion of the general utility easement. Only two segments of the original general utility easement will remain. In addition, three small water easements will be granted by this map. The general utility easement being abandoned contains no public facilities and is no longer needed. The original general utility easement was acquired at no cost by Parcel Map PM-14590.

FILE LOCATION: SUBD - Parcel Map W.O. 032000

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-102:

SUBJECT: Casa de La Playa Geologic Hazard Abatement District (GHAD).

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-440) ADOPTED AS RESOLUTION R-289332

Granting consent to the Casa de La Playa Geologic Hazard Abatement District to the formation of a Special Assessment District to finance the construction of a seawall.

CITY MANAGER SUPPORTING INFORMATION:

Casa de la Playa is a multi-unit condominium complex located at the top of a coastal bluff at the west end of Pescadero Avenue. The condominium is a single structure, containing 24 living areas and garages. In response to a request from the property owners and on the advice of the City Attorney's Office, the formation of a Geologic Hazard Abatement District (GHAD) was proposed to specifically address the geologic hazard of coastal bluff

retreat. Geologists have informed the Casa de La Playa property owners that if the hazardous condition which exists at the coastal bluff fronting their property is not quickly abated, then their condominium complex is in jeopardy of being severely damaged by further erosion resulting from high tides, storm surf or heavy winter rains. A GHAD is authorized to independently finance improvements through the Improvement Act of 1911, the Municipal Improvement Act of 1913 and the Improvement Bond Act of 1915. A GHAD may also accept financial or other assistance from any public or private source and may borrow funds from a local agency, and the state and federal governments. It is the desire of the Casa de La Playa property owners to form a GHAD and subsequently issue bonds to finance a seawall that will protect their property. City staff and the City Attorney's Office believe that formation of a GHAD is the most expeditious means of assisting the property owners without creating a financial obligation of the City. On August 12, 1997, the City Council adopted a resolution declaring that the City will be subject to the statutory provisions for initiating GHAD formation proceedings and directed the City Clerk to forward a copy of the resolution to the State Controller's Office. On September 8, 1997, the City Council adopted a resolution accepting the Casa de La Playa property owner petition to form a GHAD (signed by 87.5% of the property owners) and established the City Council meeting of September 30, 1997 as the time and place for the requisite public hearing where any interested person could object to the proposed formation of the GHAD. On September 30, 1997, the City Council adopted a resolution ordering the formation of the GHAD on behalf of the Casa de La Playa property owners and appointing five owners of real property within the new District to the initial board of directors for the GHAD. The aforementioned resolutions were adopted in accordance with the legal statutes governing the formation of a GHAD. The members of the GHAD are now interested in forming their own assessment district in order to bond finance a seawall to protect their property. The Streets and Highways Code Section 10104 requires the City to grant consent to the formation of an assessment district initiated by a legislative body other than that of the City. The resolution on today's docket grants City Council consent to the: 1) formation of an assessment District by the GHAD; 2) Assumption of Jurisdiction by the GHAD for all purposes in connection with the assessment district; 3) GHAD's Resolution of Intention to form an assessment district; and 4) boundaries of the proposed GHAD assessment district.

FILE LOCATION: STRT - D-2304

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-103:

SUBJECT: South Bay Ocean Outfall/Equestrian Bridge Project.

(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-431) ADOPTED AS RESOLUTION R-289333

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$15,000 from Fund No. 41509, CIP-40-910.1 (South Bay Ocean Outfall) for the purchase and related costs of a General Access Easement from Shizue Yamamoto to be conveyed directly to the County of San Diego as part of the South Bay Ocean Outfall Project.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWW) is currently in the process of constructing the South Bay Ocean Outfall, in the Tijuana River Valley. Monument Road, which is also used by equestrian traffic, is the only available access road for construction traffic to and from the project site. The road is narrow and tends to flood during heavy rains. In order to furnish an alternate route for equestrian traffic along Monument Road and to provide emergency access to the staging area should Monument Road become impassible, MWW designed and constructed an access bridge across Smugglers Gulch on land owned by Shizue Yamamoto and the County of San Diego. Construction of the bridge was completed under a Right of Entry Permit with the understanding that the City, at a later date, would acquire a permanent easement for the bridge from Shizue Yamamoto in favor of the County. The bridge now provides a more substantial access across Smugglers Gulch for equestrian traffic, park rangers and

border law enforcement officials and emergency access for South Bay Outfall construction traffic in case of flooding on Monument Road. Bridge maintenance will be transferred to the County upon completion of the South Bay Ocean Outfall Project or sooner, and the bridge will eventually become part of the County Equestrian Trail System within the valley. Authorization of the funding will provide for payment of the easement rights granted by Shizue Yamamoto and related acquisition costs.

Aud. Cert. 9800426.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-104:

SUBJECT: Amending FY98 Capital Improvement Program (CIP) Budget
- San Ysidro/Larsen Athletic Field Lighting.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-430) ADOPTED AS RESOLUTION R-289334

Authorizing the acceptance of grant funds from the State of California Department of Parks and Recreation to be used for the San Ysidro/Larsen Athletic Field Lights;

Authorizing the City Manager to negotiate and execute all necessary documents in connection with the grant.

CITY MANAGER SUPPORTING INFORMATION:

On August 27, 1997, Park and Recreation Department staff was officially notified by the California State Department of Parks

and Recreation that \$75,000 was allocated in the Fiscal Year 1998 State Budget for the San Ysidro/Larsen Athletic Field Lights. The total amount of funding will be reduced by 1.5 percent for State Administration costs. This action will allow the City Manager to enter into an agreement with the State and proceed with the design and installation of the field lights.

Aud. Cert. 9800416.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-105:

SUBJECT: Emergency Repair of 12-Inch Water Main in Shelter Island Drive.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-406) ADOPTED AS RESOLUTION R-289335

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$126,719.19 from CIP-73-330.0, Mission Valley Aquaculture Facility Demolition to CIP-73-851.1, Emergency Repair of 12-inch Water Main in Shelter Island Drive;

Authorizing the expenditure of not to exceed \$126,719.19 from Water Revenue Fund 41500, 73-851.1, to supplement Resolution R-288949, provided that the City Auditor and Comptroller, first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the City Auditor, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the use of City Forces to perform additional operational checks for a cost not to exceed \$5,457.29 from Water Revenue Fund 41500.

CITY MANAGER SUPPORTING INFORMATION:

During construction of the Shelter Island Sewer Improvements Project, three water main breaks in the existing 12-inch AC water main occurred on December 26, 1996, January 14, 1997, and February 12, 1997. The first and second breaks occurred within a hydrocarbon contaminated area. The breaks were located at the pipe joints consisting of two rubber gaskets; these gaskets failed. A strong hydrocarbon odor can be detected on the rubber gaskets and it is apparent that the rubber gaskets have deteriorated. Based on the result of the investigation and testing conducted by the City, it was determined that the gasket deterioration was largely due to the presence of hydrocarbon in the soil and ground water. The City is in the process of preparing a claim against Chevron, with known unauthorized release of hydrocarbons in the area, to recover the City's and the Contractor's expense attributed to the contamination. In order to ensure that a safe reliable potable water source is available to the Island, it is recommended that a parallel water main be built and the old water main abandoned. The emergency repair consists of realignment of approximately 1,080 feet of 12-inch steel welded pipe, reconnection of 19 water services, cathodic protection system, and City Force work (Water Project). The total cost for the installation of the Water Project is \$476,719.19.

Aud. Cert. 9800388.

WWF-98-304.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-106:

SUBJECT: Excusing Councilmember Kehoe from the LU&H Committee Meeting of 10/8/97.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-434) ADOPTED AS RESOLUTION R-289336

Excusing Councilmember Christine Kehoe from attending the regularly scheduled Land Use and Housing Committee meeting of October 8, 1997, due to her attendance at the California Coastal Commission meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-107:

SUBJECT: Trinity Lutheran Church Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-416) ADOPTED AS RESOLUTION R-289337

Commending Trinity Lutheran Church for one hundred years of dedication and devotion not only to the community, but to the entire City of San Diego;

Proclaiming October 12, 1997 to be "Trinity Lutheran Church Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-108:

SUBJECT: Excusing Councilmember Barbara Warden from the Special Closed Session and Special City Council Meeting of 10/13/97.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-98-435) ADOPTED AS RESOLUTION R-289338

Excusing Councilmember Warden from attending the Special Closed Session and Special City Council meeting of October 13, 1997.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-109:

SUBJECT: Scripps Research Institute and San Diego Concours d'Elegance Day of Recognition.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-433) ADOPTED AS RESOLUTION R-289339

Proclaiming October 19, 1997 to be "A Day of Recognition" in San Diego, for the Scripps Research Institute for remaining committed to devoting financial resources and the creative mind of its scientific staff to cancer research and the discovery of new therapies to battle the disease, and the Concours d'Elegance for maintaining its dedication to fundraising and community building efforts on behalf of cancer research.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A461-B101.)

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

ITEM-110:

SUBJECT: Third Amendment to the Agreement with HNTB Architects for the San Diego Qualcomm Stadium Expansion and Renovation Project.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-432) RETURNED TO CITY MANAGER
Authorizing a third amendment to the agreement with HNTB Architects, for additional construction support services in the amount of \$132,776 for the San Diego Qualcomm Stadium Expansion and Renovation Project;

Authorizing the expenditure of an amount not to exceed \$132,776 from Fund 92510, San Diego Qualcomm Stadium Expansion and Renovation Project.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Qualcomm Stadium Expansion and Renovation will increase the capacity of the existing stadium by approximately

10,000 seats, add skybox suites, club seats and lounges, and other amenities. On May 15, 1995, City and Consultant (HNTB) entered into an agreement, the original of which is on file in the Office of the City Clerk as Document No. RR-285780-2 to provide professional services for the proposed City's San Diego Jack Murphy Stadium Expansion. On October 10, 1995, City and Consultant amended the original agreement, which is on file in the Office of the City Clerk as Document No. RR-286431-2, to provide additional professional services for the proposed Stadium Expansion. On December 10, 1996, City and Consultant amended the original agreement and first amendment to the agreements, which is on file in the Office of the City Clerk as Document No. RR-288214, to provide additional professional services for the proposed Stadium Expansion. The City and Consultant mutually desire to amend this agreement. The Consultant has provided ongoing construction support and design expertise for the design/build performance specifications for the expansion project. Authorization is requested to amend the consultant's agreement in the amount of \$132,776.

Aud. Cert. 9800449.

FILE LOCATION: MEET (61 Stadium)

COUNCIL ACTION: (Tape location: G375-427.)

MOTION BY McCARTY TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER REVIEW. Second by Stallings. 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-111:

SUBJECT: Reclaimed Water Retrofit Participation Agreement with the University of California San Diego (UCSD).

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-414) ADOPTED AS RESOLUTION R-289340

Authorizing a Reimbursement Agreement with the University of California San Diego for reclaimed water retrofitting;

Authorizing the expenditure of not to exceed \$798,200 from Water Revenue Fund 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems, of which \$748,200 is to fund the Reimbursement Agreement and \$50,000 is to fund required work by City forces.

CITY MANAGER SUPPORTING INFORMATION:

As part of the City of San Diego's incentive program (Resolution No. R-287560) to make reclaimed water accessible to businesses, this agreement will reimburse the customer, identified as University of California, San Diego (UCSD), located at 9500 Gilman Drive, San Diego, CA for design and construction costs for the initial phase of work as described in Exhibit A of the reimbursement agreement, required to retrofit their existing on-site potable water distribution system to accept reclaimed water for the purpose of irrigation. UCSD would like to accept reclaimed water as soon as possible. In order to serve them with reclaimed water, additional pipelines need to be built. These additional pipelines are being designed under Amendment No. 5 to the existing HYA Consulting Engineers Agreement for Genesee Avenue Subsystem MWWWD (CIP-70-911.0), Resolution No. R-288350 dated February 18, 1997. The reclaimed water demand for the initial phase is estimated at 170 Acre Feet/Year. The ultimate demand is estimated at 484 Acre Feet/Year. In addition, staff is investigating having the cooling tower at UCSD utilize reclaimed water and the demand for the cooling tower is estimated at 300 Acre Feet/Year. This total combined usage is estimated at 784 Acre Feet/Year.

Aud. Cert. 9800418.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-112:

SUBJECT: Amigo Brothers Proposal for the July 4, 1998
Extravaganza.

(See City Manager Report CMR-97-173.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-398) ADOPTED AS RESOLUTION R-289341

Supporting in concept the Amigo Brothers proposal for
the July 4, 1998 Extravaganza.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/1/97, NR&C voted 4-0 to approve the City Manager's
recommendation to not participate financially in the July 4, 1998
Extravaganza; however, to direct the City Manager to work with
the Amigo Brothers to explore types of non-financial assistance
the City can provide. (Councilmembers Mathis, Kehoe, McCarty and
Vargas voted yea. Councilmember Stallings not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-113:

SUBJECT: The Congregational Church of La Jolla, United Church of
Christ Day.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-470) ADOPTED AS RESOLUTION R-289329

Recognizing the contributions of The Congregational Church of La Jolla, United Church of Christ to the community of La Jolla and the City of San Diego;

Proclaiming October 30, 1997 to be "The Congregational Church of La Jolla, United Church of Christ Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-114:

SUBJECT: Commending Steven V. Correia.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-459) ADOPTED AS RESOLUTION R-289342

Commending Steven V. Correia for his outstanding contributions to the arts and the community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-115:

SUBJECT: Commending Joe Hutshing.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-461) ADOPTED AS RESOLUTION R-289343

Commending Joe Hutshing for his outstanding contributions to the Cinematic Arts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A461-B101.)

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

* ITEM-116:

SUBJECT: Commending Suzy Spafford Robie.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-460) ADOPTED AS RESOLUTION R-289344

Commending Suzy Spafford Robie for her outstanding contributions to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A461-B101.)

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

ITEM-330:

(Continued from the meeting of Tuesday, September 9,

1997, Item 332, at Councilmember Mathis's request, to allow completion of work on designing a satisfactory Specific Plan/Precise Plan Process and allow the Planning Commission to hear the request to initiate such a plan, as stated in his memorandum to the Mayor and Council dated 9/9/97.)

SUBJECT: Matter of the request of Torrey Pines Investment Group to initiate an amendment to the Progress Guide and General Plan and to the Carmel Valley Community Plan. (Torrey Pines Estates)

(District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-561) ADOPTED AS RESOLUTION R-289345

Adoption of a Resolution denying the initiation of an amendment to the Carmel Valley Community Plan and Progress Guide and General Plan.

SUPPORTING INFORMATION:

On July 24, 1997, the Planning Commission of the City of San Diego denied the request of Torrey Pines Investment Group to initiate an amendment to the Progress Guide and General Plan and to the Carmel Valley Community Plan.

Torrey Pines Investment Group, the applicant, proposes to amend the Carmel Valley Community Plan to redesignate a 54-acre site from Residential, Neighborhood Commercial and Open Space to Residential and Open Space. A rezoning from A-1-10 to A-1-1 and a development plan to subdivide and construct 33 estate type homes has been submitted with this land use plan amendment initiation request.

The amendment is proposed to be processed without the preparation and adoption of a Neighborhood Precise Plan, which is recommended by the Carmel Valley Community Plan. The adopted Carmel Valley Community Plan recommends that, prior to approval of grading, zone changes and subdivision maps to implement community plan proposals, a neighborhood precise plan must be prepared and adopted.

The purpose of a precise plan to determine precise density and dwelling unit design, precise road alignments and the sizing and location of other community serving facilities that are not as specifically defined within the framework context of the community plan.

The subject property is part of the draft Neighborhood 8A Precise Plan that is currently in process. On October 31, 1995, the City Council referred the draft Neighborhood 8A Precise Plan back to the applicant (Pardee) and the City Manager, with direction for both parties to work with the other 8A property owners and the state and federal resource agencies to produce a comprehensive plan for the entire neighborhood that is more responsive to on-site natural resources. The City Manager is continuing to work with the affected parties towards this end. The applicant for this community plan amendment wishes to separate from the Neighborhood 8A planning effort to process alone.

LEGAL DESCRIPTION:

The subject property is located at the easterly end of Arroyo Sorrento Road and is more particularly described as a portion of Section 30, Township 14 South, Range 3 West, SBM.

FILE LOCATION: LAND - Carmel Valley Community Plan

COUNCIL ACTION: (Tape location: B106-150.)

Hearing began at 11:09 a.m. and halted at 11:11 p.m.

Testimony in opposition by Ted Griswold.

MOTION BY MATHIS TO ADOPT THE MANAGER'S RECOMMENDATION AND TABLE THIS ITEM TO THE RECORD. 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.

ITEM-331: CONTINUED TO NOVEMBER 4, 1997

SUBJECT: Matter of amendments to the Municipal Code and Rezoning of property being proposed as part of the Land Development/Zoning Code Update Project. (Citywide.)

(Districts-1,2,3,4,5,6,7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A-E; and introduce Subitems F and G:

Subitem-A: (R-98-288)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR-96-0333 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 and Statement of Overriding Considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-98-289)

Adoption of a Resolution directing the City Manager to return to the City Council with implementing actions in connection with adoption of the Land Development Code.

Subitem-C: (R-98-290)

Adoption of a Resolution revising the Steep Hillside Guidelines, Biology Guidelines, Landscape Standards, and the new Coastal Bluffs and Beaches Guidelines, and Historical Guidelines.

Subitem-D: (R-98-291)

Adoption of a Resolution directing the City Manager to submit the Land Development Code to the Coastal Commission for certification.

Subitem-E: (R-98-425)

Adoption of a Resolution directing the City Manager to submit a request for categorical exclusion to the Coastal Commission for demolition and single dwelling units.

Subitem-F: (O-98-27)

Introduction of an Ordinance amending the Municipal Code by repealing the Municipal Code provisions to be replaced by the Land Development Code.

Subitem-G: (0-98-28)

Introduction of an Ordinance rezoning single-unit residential property to distinguish between the urbanized area and the planned urbanizing and future urbanizing areas consistent with the Land Development Code.

SUPPORTING INFORMATION:

The proposed revisions are the result of four years of work by City Staff and dedicated community participants. More than 240 public forums have been held and four drafts of proposed revisions have undergone public review. The revisions are a comprehensive amendment to all regulations in the Municipal Code that regulate the development of land in the City of San Diego. Changes are proposed to decision processes, zones, and development regulations through this action. Existing Municipal Code Chapters 2,5,6,9,10, and 11 would be amended. New Chapters 12,13, and 14 will be combined with an amended Chapter 11 to form the Land Development Code.

FILE LOCATION: Subitems A,B,C,D,E,F,G: NONE

COUNCIL ACTION: (Tape location: B151-C290, D002-F220, F232-G040, G427-J141.)

Hearing began at 11:12 a.m. and recessed at 12:02 p.m.

Testimony in opposition by Anne DeBevoise, John DeBevoise Daniel Fagan, Ann T. Fathy, Cindy Burrascano, Ann Merrill, Erik Bowlby, Guy Berliner, Roy Latas, Gordon Kohl, Renata B. Mulry, and Opal Trueblood.

Hearing resumed at 2:08 p.m. and recessed at 3:48 p.m.

Council Member Wear left at 3:05 p.m. and returned at 3:40 p.m.

Testimony in opposition by Mitch Ritschel, Dr. Robert LaRosa, Jim Peugh, and Laura Meldrum. Donna Frye, Pat Gallagher, John Hartley, Audrey de la Houssaye, Michael

Beck, Joanne Pearson, and Judy Ashcraft, Donna Frye, Pat Gallagher, John Hartley, Audrey de la Houssaye, Michael Beck, Joanne Pearson, and Judy Ashcraft.

Testimony in favor by Kathleen McIntosh, Matt Adams, Craig Benedetto, Matt Peterson, John Leppert, Robert Thiele, John Ziebarth, Tracy Morgan, Kirk Obrien, and Gerri Stryker, Jim Shalen, Betty Smith, Carol Emerick, Katie Elsbree, and Glory Griffin.

Hearing resumed at 3:53 p.m. and recessed at 4:13 p.m.

Hearing resumed at 4:53 p.m. and halted at 6:31 p.m.

MOTION BY MATHIS TO PRESENT A MOTION PREPARED BY COUNCIL MEMBER WEAR TO ACCEPT THE MANAGER'S RECOMMENDATION WITH THE FOLLOWING MODIFICATIONS:

1. INCORPORATE THE REDLINE/STRIKEOUT REVISIONS TO THE BIOLOGY GUIDELINES AS FOLLOWS, AS SHOWN IN COUNCIL MEMBER WEAR'S MEMO DATED OCTOBER 28, 1997, TO CLARIFY REQUIREMENTS FOR WETLAND MITIGATION THROUGH ACQUISITION AND ENHANCEMENT AND TO REVISE COASTAL WETLAND MITIGATION RATIOS FROM 2:1 TO 4:1 TO BE CONSISTENT WITH CITY MITIGATION RATIOS.

"As part of the project-specific environmental review pursuant to CEQA, all unavoidable wetlands impacts will need to be analyzed and mitigation will be required in accordance with Table 2; mitigation should be based on the impacted type of wetland habitat. Mitigation should prevent any net loss of wetland functions and values of the impacted wetland.

(Delete 'Three methods for wetlands mitigation are generally recognized to achieve a "no net loss": enhancement, restoration, and creation. Acquisition of existing wetlands may be used as partial mitigation, if combined with enhancement, restoration or creation at a minimum of 1:1 ratio.' end delete)

Acquisition and/or enhancement of existing wetlands may be considered as partial mitigation for any balance of the remaining mitigation requirement after restoration or creation of wetland acreage is provided at a minimum of a 1:1 ratio.

For example, satisfaction of the mitigation requirement

may be considered for a 3:1 mitigation ratio, with two parts consisting of acquisition and/or enhancement of existing acres, and one part restoration or creation.

The mitigation ratios, set forth in Table 2, in combination with the requirements for no-net-loss of functions and values and in-kind mitigation, are adequate to achieve the conservation goals of the City's MSCP Subarea Plan for wetland habitats and the covered species which utilize those habitats.

Wetland mitigation required as part of any federal (404) or state (1601/1603) wetland permit will superseded and will not be in addition to any mitigation identified in the CEQA document for those wetland areas covered under any wetland permit. Wetland habitat outside the jurisdiction of the state and federal permits will be mitigated in accordance with the CEQA document.

b. Mitigation for Upland Impacts

The City of San Diego has developed a MSCP Subarea Plan which identifies the conservation and management of a City-wide system of interconnected open space. The habitat based level of protection afforded by the

12"

2. REVISE THE PROPOSED RESOLUTION FOR CATEGORICAL EXCLUSION, DOCUMENT 98-425, BY MODIFYING THE SINGLE UNIT RESIDENTIAL EXCLUSION REQUEST SHOWN IN ITEM 2(a) OF THE RESOLUTION TO CHANGE THE PERCENT OF STRUCTURE HEIGHT FROM 80 PERCENT TO 90 PERCENT TO ALLOW FOR PITCHED ROOFS.

3. CORRECT THE ERROR IN SECTION 143.0520(a) IN THE SRO HOTEL REGULATIONS TO READ AS FOLLOWS:

(a) THE REGULATIONS IN (DELETE 'THIS DIVISION' END DELETE) SECTIONS 143.0540 AND 143.0550 DO NOT APPLY TO THE FOLLOWING DEMOLITIONS OR CONVERSIONS:

THE FOLLOWING ADDITIONS BY COUNCIL MEMBER WARDEN WERE ACCEPTED AS PART OF THE MOTION:

4. SECTION 141.0624 VETERINARY CLINICS AND ANIMAL HOSPITALS

PERMIT VETERINARY CLINICS AND ANIMAL HOSPITALS AS AN ACCESSORY USE FOR ZOOLOGICAL PARKS.

5. SECTION 131.0322 AGRICULTURAL ZONES-USE
CATEGORIES/SUBCATEGORIES
AGRICULTURE

PERMIT THE USE OF DAIRIES WITHIN THE AGRICULTURAL-RESIDENTIAL (AR) ZONE WITH A MINIMUM 5-ACRE LOT.

6. SECTION 131.0322 AGRICULTURAL ZONES-USE
CATEGORIES/SUBCATEGORIES SIGNS

PERMIT THE USE OF COMMUNITY IDENTIFICATION SIGNS IN THE AGRICULTURAL ZONES AS REGULATED BY COUNCIL POLICY 200-10.

7. SECTION 131.0322 AGRICULTURAL ZONES-USE
CATEGORIES/SUBCATEGORIES
RESIDENTIAL

ESTABLISH A CONDITIONAL USE PERMIT REQUIREMENT FOR EMPLOYEE HOUSING GREATER THAN 12 EMPLOYEES IN THE AGRICULTURAL-RESIDENTIAL (AR) ZONE.

8. SECTION 142.0530 NONRESIDENTIAL USES-PARKING RATIOS
INDUSTRIAL

CHANGE THE PARKING REQUIREMENT FOR HEAVY INDUSTRIAL USE BY CHANGING TABLE 142-05D AS FOLLOWS:

9. INDUSTRIAL

Heavy Manufacturing (Except in IS Zone)	1.5	1.5	4.0	0.2	0.03	+.03	Bike Lockers with Shower
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Light Manufacturing (Except in IS Zone)	2.5	2.1	4.0	0.3	0.03	+.03	lockers With Shower
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10. CITY ATTORNEY TO EVALUATE THE REQUIREMENTS FOR ADULT ENTERTAINMENT ESTABLISHMENTS. SPECIFICALLY, THE REQUIREMENTS WHICH ESTABLISH A MINIMUM 1,000 FEET DISTANCE OF ANY ADULT ENTERTAINMENT ESTABLISHMENT FROM OTHER ADULT ENTERTAINMENT ESTABLISHMENTS, CHURCHES, SCHOOLS, PUBLIC PARKS, RESIDENTIAL ZONES AND SOCIAL SERVICE INSTITUTIONS.

THIS MATTER SHOULD BE EVALUATED PRIOR TO THE FIRST QUARTERLY REVIEW OF THE LAND DEVELOPMENT/ZONING CODE UPDATE.

THE FOLLOWING ADDITIONS BY COUNCIL MEMBER KEHOE WERE ACCEPTED AS PART OF THE MOTION.

11. THAT THE FOLLOWING CONDITIONS OF THE EXISTING CODE BE MAINTAINED WITH RESPECT TO COMPANION UNITS:

A. LOCATION ONLY IN NEIGHBORHOODS AND COMMUNITIES WHERE THERE IS A DETERMINATION OF ADEQUATE FACILITIES AND SERVICES;

B. AUTHORIZATION ONLY IF TOTAL NUMBER OF COMPANION UNITS DOES NOT EXCEED 5% OF DETACHED PRIMARY DWELLING UNITS IN THE AFFECTED AREA;

C. REQUIREMENT THAT EITHER THE PRIMARY UNIT OR COMPANION UNIT BE OCCUPIED AT ALL TIMES BY THE PROPERTY OWNER;

D. LIMITATION OF OCCUPANCY TO TWO INDIVIDUALS, ONE OF WHOM SHALL BE RELATED TO OWNER OR WHO ARE SENIOR CITIZENS OR A RESIDENT WITH A DISABILITY;

E. MODIFICATION SHALL NOT CREATE A SECOND STREET-FRONT ENTRANCE OR "OTHERWISE ALTER THE SINGLE DWELLING UNIT APPEARANCE OF THE PROPERTY."

12. WETLANDS

A. RETAIN THE PRESENT 4:1 MITIGATION RATIO FOR COASTAL WETLANDS IN THE BIOLOGICAL GUIDELINES;

B. IN THE BIOLOGICAL GUIDELINES PROVIDE THAT THE ACQUISITION AND ENHANCEMENT OF EXISTING WETLANDS MAY BE CONSIDERED AS PARTIAL MITIGATION FOR ANY BALANCE OF THE REMAINING MITIGATION REQUIREMENT AFTER RESTORATION OR CREATION OF WETLAND ACREAGE IS PROVIDED AT A MINIMUM 1:1 RATIO.

Motion by Kehoe to include the following additions to Mathis' motion:

Coastal Area

Retain the existing hillside encroachment provisions for the

coastal area.

Limit the categorical exemption for coastal development permits to areas not in the appeals area or subject to Hillside Review Overlay review.

Second by Stallings. Failed. Yeas: 3,4,6,8. Nays: 1,2,5,7,M.

Motion by Kehoe to include the following additions to Mathis' motion:

Coastal Area

Restrict the use of "alternative compliance" for hillside development regulation to areas outside the coastal area.

Second by Stallings. Failed. Yeas: 3,4,6,8. Nays: 1,2,5,7,M.

Motion by Kehoe to include the following additions to the motion by Mathis:

Community Participation and Plan Consistency

(1) Discretionary approvals should include a finding that a proposed development is "consistent with the applicable land use plans."

(2) Retain "conflict with a Land Use Plan" as a basis for appeal of discretionary actions.

(3) Direct that the Manager continue the "Applicants Guide to Project/Permit Applications" in effect and that changes in these application requirements be approved by the City Council.

Second by McCarty for the first two additions only. No vote taken.

13. MAYOR GOLDING'S SUGGESTION THAT STAFF BE DIRECTED TO BRING BACK TO COUNCIL, AFTER THE ZONING CODE UPDATE IS APPROVED, ALL OF THOSE AREAS WHERE ZONING, COMMUNITY PLANS, ETC. ARE INCONSISTENT SO THAT COUNCIL CAN START TAKING THE REQUIRED ACTIONS TO MAKE THEM CONSISTENT, WAS ADDED TO THE MOTION.

MOTION BY KEHOE TO ADD THE FOLLOWING TO THE MOTION BY MATHIS:

COMMUNITY PARTICIPATION AND PLAN CONSISTENCY

(1) DISCRETIONARY APPROVALS SHOULD INCLUDE A FINDING THAT A PROPOSED DEVELOPMENT IS CONSISTENT WITH THE APPLICABLE LAND USE PLANS.

(2) RETAIN "CONFLICT WITH A LAND USE PLAN" AS A BASIS FOR APPEAL OF DISCRETIONARY ACTION.

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

MOTION BY VARGAS TO RECONSIDER KEHOE'S MOTION. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Substitute motion by Vargas to continue this item one week. No second.

SUBSTITUTE MOTION BY MATHIS TO BRING BACK THIS ISSUE WITH COMMUNITY PLANS FOR POLICY DIRECTION AS PART OF THE REVIEW PROCESS AND THAT THIS BE REFERRED TO THE LU&H COMMITTEE. Second by McCarty. MATHIS ACCEPTED AS PART OF THE MOTION, TO BRING BACK FOR POLICY DIRECTION AS PART OF THE REVIEW PROCESS, COUNCIL MEMBER McCARTY'S ADDITION TO KEEP THE LANGUAGE OF ADVERSELY AFFECT BUT ALSO TO RETAIN COUNCIL MEMBER KEHOE'S LANGUAGE OF RETAIN "CONFLICT WITH A LAND USE PLAN" AS A BASIS FOR APPEAL OF DISCRETIONARY ACTIONS. Second by McCarty. Motion passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

14. THE FOLLOWING ADDITION BY COUNCIL MEMBER KEHOE WAS ACCEPTED AS PART OF THE MOTION:

PURPOSE OF ENVIRONMENTALLY SENSITIVE LANDS REGULATIONS

REPLACE THE LAST TWO SENTENCES IN THE NEW WORDING PROPOSED IN ATTACHMENT 7, PAGE 1 OF 1 OF THE MANAGER'S OCTOBER 24, 1997 REPORT WITH THE FOLLOWING:

THE HABITAT BASED LEVEL OF PROTECTION WHICH WILL RESULT

THROUGH IMPLEMENTATION OF THE MULTIPLE HABITAT PLANNING AREA IS INTENDED TO MEET THE MITIGATION OBLIGATIONS OF THE COVERED SPECIES ADDRESSED IN THE MULTIPLE SPECIES CONSERVATION PROGRAM. THIS LEVEL OF PROTECTION MAY SATISFY MITIGATION OBLIGATIONS FOR OTHER SPECIES NOT COVERED UNDER THE MULTIPLE SPECIES CONSERVATION PROGRAM BUT DETERMINED TO BE SENSITIVE PURSUANT TO THE CEQA REVIEW PROCESS. THIS DETERMINATION WILL BE JUSTIFIED IN THE ENVIRONMENTAL DOCUMENTATION.

15. COUNCIL MEMBER KEHOE'S REQUEST FOR REFERRAL OF THE FOLLOWING TO THE WETLANDS WORKING GROUP WAS ACCEPTED AS PART OF THE MOTION:

A. RETAIN THE PRESENT 3:1 MITIGATION RATIOS FOR RIPARIAN SCRUB AND FRESHWATER MARSH IN THE BIOLOGICAL GUIDELINES.

B. REMOVE THE DRAFT CODE PROVISION THAT PROVIDES FOR FEDERAL AND STATE REGULATIONS TO SUPERSEDE LOCAL WETLANDS CONTROLS

C. RETAIN EXISTING PROVISIONS THAT SPECIFY PERMITTED USES IN WETLANDS AND WETLANDS BUFFER AREAS (AS DEFINED IN ALTERNATIVE 4 OF THE EIR).

16. MATHIS ACCEPTED AS PART OF THE MOTION THAT A THRESHHOLD DATE OF MAY 2, 1996 WILL BE USED FOR BED AND BREAKFAST ESTABLISHMENTS AND THAT THERE WILL BE NO DISTINCTION ON THE BASIS OF NUMBER OF ROOMS.

17. MAYOR GOLDING'S REQUEST THAT THE CHILDREN'S HOSPITAL ISSUE BE REFERRED TO THE QUARTERLY REVIEW WAS ACCEPTED AS PART OF THE MOTION.

18. COUNCIL MEMBER WARDEN'S REQUEST FOR THE FOLLOWING ADDITION WAS ACCEPTED AS PART OF THE MOTION:

SECTION 141.1004 MINING AND EXTRACTIVE INDUSTRIES

(A) EXEMPTIONS: THE FOLLOWING ACTIVITIES AND PERSONS ARE EXEMPT FROM THE PROVISIONS OF THIS SECTION:

ADD "PERIODIC SAND REMOVAL IN ACCORDANCE WITH APPROVED FLOOD CONTROL MAINTENANCE AND MANAGEMENT PLAN".

19. MAYOR GOLDING'S REQUEST TO CONTINUE THE ITEM ONE WEEK

AND DIRECT STAFF TO BRING BACK A DRAFT OF THE ORDINANCE INCORPORATING ALL THE MOTIONS AND DIRECTIONS THAT COUNCIL APPROVED TODAY AND ALSO TO DIRECT STAFF TO BRING BACK ANSWERS TO CONCERNS RAISED BY EACH MEMBER OF THE PUBLIC TO COUNCIL BY WEDNESDAY PRECEDING THE NEXT HEARING, WAS ACCEPTED AS PART OF THE MOTION.

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.

ITEM-S500:

SUBJECT: Authorizing the Necessary Documents to Finance the Expansion of the Convention Center in a Joint Effort with the San Diego Unified Port District.

(See City Manager Report CMR-97-187. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-34 Cor.Copy) INTRODUCED, TO BE ADOPTED NOVEMBER 18, 1997

Introduction of an Ordinance authorizing and approving:
(a) a second Amended Management Agreement between the City of San Diego and the San Diego Unified Port District; (b) a Facilities Lease with the San Diego Unified Port District; (c) a Trust agreement and related financing documents;

Authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed \$210,000,000 to finance the construction of the Convention Center Expansion Project.

ADDITIONAL BUSINESS: (R-98-515) ADOPTED AS RESOLUTION R-289349

During consideration of the above item, a resolution was adopted to expressly state that the City Council approved a Dewatering Memorandum of Understanding with the Port District.

FILE LOCATION: Subitem A: NONE
Add. Bus.: MEET

COUNCIL ACTION: (Tape location: G040-374.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE AND APPROVE A DEWATERING MEMORANDUM OF UNDERSTANDING WITH THE PORT DISTRICT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S501:

(Continued from the meeting of October 21, 1997, Item 115, at Councilmember Warden's request, for a report from staff regarding the MOU.)

SUBJECT: Edison School - Memorandum of Understanding (MOU).

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-359) ADOPTED AS RESOLUTION R-289350

Authorizing the City Manager to execute an agreement between the City of San Diego and the San Diego Unified School District regarding joint-use facilities at Edison Elementary School;

Authorizing a grant deed, conveying the seven City-owned parcels located between Wilson Avenue and 35th Street, north of Polk Avenue to the San Diego Unified School District.

CITY MANAGER SUPPORTING INFORMATION:

In 1988, the City began opportunistic acquisition of 10 residential properties lying between Wilson Avenue and 35th Street, north of Polk adjacent to Edison Elementary School as part of a planned joint-use playfield development with the San Diego Unified School District. To date the City has acquired

seven of the ten properties amounting to approximately 0.70 acre. The three remaining residential parcels total approximately 0.21 acre. The playfields will be adjacent to Edison School, located at 4077 35th Street, allowing the District to have exclusive use of the area during school hours and the community having use after school, weekends and holidays.

This agreement will allow the seven residential parcels to be transferred to the School District in exchange for construction of the joint-use facilities. The District will acquire the three remaining residential parcels, administer and pay for the cost of the demolition contracts for the existing structures on all ten residential parcels, and provide full maintenance of the playfields for 25 years. The School District, through correspondence to the City, has agreed to demolish the seven structures within six months of their acquisition. The City agrees to cooperate in expeditious processing for approval of the vacation of Polk Avenue and a portion of the alley north of Polk Avenue between 35th Street and Wilson Avenue. The MOU sets out further agreement between the City and the District for the joint use of the facilities.

FILE LOCATION: DEED F-7100 CONT FY98-1, DEED
FY98-1

COUNCIL ACTION: (Tape location: J141-182.)

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

ITEM-S502: REFERRED TO CLOSED SESSION

SUBJECT: The matter of acquiring property located at the intersection of Ashley Falls Road and Del Mar Heights Road (Assessor Parcel Map No. 304-480-01) pursuant to California Government Code Section 54956.8.

The City Council is going into Closed Session to hear a presentation by Michael Steffen in the matter of directing the City Manager regarding an offer to purchase real property from the Marlin Development Company, represented by Rob Cameron, and the Pardee Construction Company, represented by Chuck Corum.

As a requirement of the Brown Act (California Government Code Section 54956.8) this issue must be listed on the docket for public testimony prior to Council discussion in Closed Session.

TODAY'S ACTION IS:

1) Open the Public Hearing and accept testimony from any members of the public who wish to address the Council on this subject; 2) Close the public hearing; and 3) Refer the matter to Closed Session on October 28, 1997.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B101.)

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

ITEM-503:

SUBJECT: Convention Center Expansion.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-483) RETURNED TO CITY MANAGER

Authorizing the City Manager to select the underwriters to underwrite the Convention Center Expansion Certificates of Participation in an amount not to exceed \$210,000,000, in accordance with the terms of the Request for Proposals;

Authorizing the City Manager to enter into a Purchase Contract on behalf of the City with the selected underwriter.

CITY MANAGER SUPPORTING INFORMATION:

In order to issue \$210,000,000 in Certificates of Participation to fund the Convention Center Expansion, the City must retain the services of a bond underwriter to sell the certificates. In order to issue bonds in January, this Council item must run concurrently with the validation period on the financing package.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A461-B101.)

CONSENT MOTION BY MATHIS TO RETURN TO THE CITY MANAGER AS REQUESTED BY MAYOR GOLDING AS ALL ACTIONS HAVE BEEN INCORPORATED INTO ITEM S500. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-504:

SUBJECT: Acquisition of Konyn Parcel - Multiple Species Conservation Program (MSCP).

(San Pasqual Valley Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-499) ADOPTED AS RESOLUTION R-289346

Authorizing an amendment to the escrow for the acquisition of a 362.99-acre parcel located at both sides of Bandy Canyon Road, approximately one-quarter mile westerly of Ysabel Creek Road, for inclusion in the Multiple Species Conservation Program (MSCP), granting the extension of the escrow closing date in exchange for compensation in the amount of \$18,000 per month (based on an 8 percent return on the appraised property value) which will allow the City to maintain exclusive acquisition rights to the parcel throughout the 90-day period;

Authorizing the expenditure of not to exceed \$54,000

from Water Department Fund 41500, Unallocated Reserves
(per Object Account No. 4903).

CITY MANAGER SUPPORTING INFORMATION:

On April 20, 1997, an escrow was opened with Continental Lawyers Title Company pertaining to the acquisition of the subject 362.99-acre parcel, for inclusion in the Multiple Species Conservation Program (MSCP) adjacent to the watershed. As of the escrow closing date of October 20, 1997, acquisition funds in the amount of \$2.7 million had yet to be identified. The Development Services Department has requested an additional 90 days (through January 20, 1998) to identify the required acquisition funds, and secure possession of this critical MSCP parcel. The property owners have agreed to sign an amendment granting the extension of the escrow closing date in exchange for compensation in the amount of \$18,000 per month (based on an 8 percent return on the appraised property value). These payments will allow the City to maintain exclusive acquisition rights to the parcel throughout the 90-day period. The payments will not apply to the purchase price; however, if escrow is closed prior to January 20, 1998, any balance of extension funds will be applied to the purchase price, on a prorated basis, dependent upon the actual closing date. The \$54,000 is to be deposited with Continental Lawyers Title into Escrow No. 23424KE, with \$18,000 to be disbursed to the property owners on or before November 20, 1997, and subsequent payments (if applicable) to be made on December 20, 1997, and January 20, 1998.

Aud. Cert. 9800515.

FILE LOCATION: LAND - Multiple Species Conservation
Program (MSCP)

COUNCIL ACTION: (Tape location: A461-B101.)

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

ITEM-S505: REFERRED TO CLOSED SESSION

SUBJECT: Authorizing Property Negotiations with representatives of San Diego Padres.

In the matter of authorizing the City Manager to negotiate with representatives of San Diego Padres with regard to real property interest in Qualcomm Stadium.

As a requirement of the Brown Act (California Government Code Section 54956.8) this issue must be listed on the docket for public testimony prior to Council discussion in Closed Session.

TODAY'S ACTION IS:

1) Open the Public Hearing and accept testimony from any members of the public who wish to address the Council on this subject; 2) Close the public hearing; and 3) Refer the matter to Closed Session on October 28, 1997.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET Padres Ballpark-64

COUNCIL ACTION: (Tape location: A461-B101.)

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

ITEM-CS-1: (R-98-501) ADOPTED AS RESOLUTION R-289347

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

Authorizing the City Manager to pay the sum of \$25,000 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from the personal injuries of Mario Estrada which occurred on May 15, 1996; authorizing the City Auditor and Comptroller to issue one check in the amount of \$25,000 made payable to Mario Estrada and Stephen J. Estey, his attorney of record, in full settlement of all claims.

Aud. Cert. 9800511

FILE LOCATION: MEET

ITEM-CS-2: (R-98-417) ADOPTED AS RESOLUTION R-289348

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

Authorizing the City Manager to pay the sum not to exceed \$350,000 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from property damage to Anthony and Lori DeMaria; authorizing the City Auditor and Comptroller to issue one check not to exceed the amount of \$350,000 made payable to Luth & Turley and Mr. and Mrs. DeMaria in full settlement of all claims.

Aud. Cert. 9800420

FILE LOCATION: MEET

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Warden at 6:40 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: J181).