

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 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 10:09 a.m. Mayor Golding recessed the regular meeting at 10:49 a.m. to convene the Housing Authority. Mayor Golding reconvened the regular meeting at 10:50 a.m. with all Council Members present. Mayor Golding recessed the regular meeting at 12:04 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:20 p.m. with all members present. Deputy Mayor Warden recessed the regular meeting at 5:12 p.m. to reconvene the Housing Authority. The meeting was reconvened by Deputy Mayor Warden at 5:20 p.m. with Mayor Golding not present. Deputy Mayor Warden adjourned the meeting at 5:35 p.m. to the next regular City Council meeting of Monday, November 24, 1997 at 2:00 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/Fishkin (mc/pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-not present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Rabbi Jonathan Stein of Temple Beth Israel.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stallings.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Al Strohlein informing City Manager Uberuaga of the following City issues: 1) The widening of Ocean

Front Walk which has been before the Council and Subcommittee for years; and 2) Mission Bay Leases, most importantly, the Sea World lease.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A049-072.)

ITEM-PC-2:

Comment by Scott McLachlan regarding questions pertaining to the Padres' financial viability.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A074-103.)

ITEM-PC-3:

Comment by Sky apologizing for his behavior at the last Council meeting. He also commented on the San Diego Union Newspaper and how he believes that the paper rules San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A105-144.)

ITEM-PC-4:

Comment by Don Stillwell regarding City Council meetings scheduled for Monday that have been canceled. He also commented on a Special Meeting that was called, with little notice to the public, on November 10, 1997, pertaining to the Convention Center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A145-173.)

ITEM-PC-5:

Comment by Robert Hoffman regarding Professor Jerry Snyder's Home Page on the Internet which provides information on all current forms of transit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A174-199.)

COUNCIL COMMENT:

ITEM-CC-1: REFERRED STREET SWEEPER ISSUE TO THE CITY MANAGER

Comment by Council Member Stallings announcing the Mission Valley Trolley Opening next week. She also announced that this Saturday is Community Ride Free Day at Jack Murphy Field at Qualcomm Stadium. She encouraged everyone to come out to ride the trolley beginning from that location.

Council Member Stallings also requested that the City Manager examine the Street Sweeper Program that was instituted by Council on March 24, 1997. She, as well as other members of the Council, have been receiving calls and letters from distressed citizens complaining about the quality of the street sweepers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A201-262.)

ITEM-CC-2:

Comment by Council Member Warden acknowledging and welcoming the students from Ericson Elementary Gifted and Talented Education Program in Mira Mesa.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A263-272.)

ITEM-CC-3:

Comment by Mayor Golding stating that the total crime index is down 39.5 percent since she first took office.

She stated that there has been a violent crime decrease for the fifth consecutive year, which has dropped 37.3 percent in this City. She further stated that for the first three quarters of 1997, compared to the first three quarters of 1996, crime has also dropped with the total crime index down 4.5 percent; violent crime down 6.5 percent; and murders down over 23 percent. Mayor Golding also stated that there has been a 22.8 percent decline during the daytime loitering hours. Before-curfew hours has only a 12.7 percent decline in crime, however, during curfew hours crime has dropped 22.3 percent, which make it very clear that the Juvenile Loitering Daytime Ordinance and the Curfew Ordinance that this Council introduced and imposed has cut crime dramatically.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A274-320.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

10/20/97 Adjourned
10/21/97
10/21/97 Special Meeting

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A321-325.)

MOTION BY WARDEN TO APPROVE. 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-50:

SUBJECT: Special Events Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/4/97. (Council voted 8-1. Councilmember Kehoe voted nay):

(O-98-31 Cor.Copy) ADOPTED AS ORDINANCE O-18439 (New Series)

Amending the San Diego Municipal Code relating to Special Events by amending Chapter II, Article 2, Division 2 by repealing Section 22.0207; and by creating a new Division 40, Sections 22.4001, 22.4002, 22.4003, 22.4004, 22.4005, 22.4006, 22.4007, 22.4008, 22.4009, 22.4010, 22.4011, 22.4012, 22.4013, 22.4014, 22.4015, 22.4016, 22.4017, 22.4018, 22.4019, 22.4020, 22.4021, 22.4022, 22.4023, 22.4024, 22.4025, 22.4026, 22.4027, 22.4028, 22.4029, 22.4030, 22.4031, 22.4032, 22.4033, 22.4034, 22.4035, 22.4036, 22.4037, and 22.4038; and amending Chapter V, Article 4, Division 1 by amending Section 54.0105 and by repealing Section 54.0106 and amending Chapter V, Article 9.5, Division 2; Chapter VI, Article 3, Division 1; and Chapter VIII, Article 1, Division 3, and Article 2, Division 2 of the San Diego Municipal Code by amending various sections by renumbering Section 22.0207 appearing within the text of those sections to read Chapter II, Article 2, Division 40.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-51:

SUBJECT: Amending Sections of the Municipal Code which refer to "San Diego Jack Murphy Stadium" to now refer to "Qualcomm Stadium."

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/4/97. (Council voted 9-0):

(O-98-33) ADOPTED AS ORDINANCE O-18440 (New Series)

Amending Chapter IX, Article 5 Section 95.0102; Chapter V, Article 9; and Chapter V, Article 9, Division 1, Sections 59.0101, 59.0102, 59.0103 and 59.0104 of the San Diego Municipal Code by amending sections which currently refer to "San Diego Jack Murphy Stadium" to now refer to "Qualcomm Stadium," in accordance with the agreement conveying naming rights to the stadium approved by Ordinance O-18397 on April 7, 1997.

FILE LOCATION: MEET (61-Stadium)

COUNCIL ACTION: (Tape location: F688-G193.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-52:

SUBJECT: San Diego County Water Authority Voting Procedure.

(See City Manager Report CMR-97-196.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-98-37) INTRODUCED, TO BE ADOPTED DECEMBER 2, 1997

Introduction of an Ordinance requiring the representatives to the San Diego County Water Authority to cast the City's vote as a unit.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/5/97, NR&C voted 4-0 to approve the City Manager's recommendation to adopt the "Unit Vote" option. (Councilmembers

Mathis, Stallings, McCarty and Vargas voted yea. Councilmember Kehoe not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: G520-531.)

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

* ITEM-100:

SUBJECT: Approving Parcel Map W.O. 967535.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-439) ADOPTED AS RESOLUTION R-289394

Approving Parcel Map W.O. 967535.

CITY MANAGER SUPPORTING INFORMATION:

This lot consolidation parcel map reflects a redesign of a portion of a previously approved residential condominium project (Map-12768). The map requires City Council approval because easements are being abandoned on the map. The existing water and sewer line easements and building restricted easement are no longer necessary because of the redesign, therefore they are being abandoned. A new water easement and general utility and access easement are granted on the map to accommodate the new utility locations. Staff has determined that the revised project is consistent with all previously approved permits. The Engineer's estimate for the cost of public improvements is \$266,550 and Performance Bond No. 352474 has been posted in that amount to insure completion of the improvements. Survey monuments have previously been set. Engineering Permit #W46770 has been issued for the work to be done as shown on Drawing No. 28816-D(1-10).

FILE LOCATION: SUBD - Parcel Map W.O. 967535

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-101:

SUBJECT: Four actions related to the Final Subdivision Map of
Carmel Valley Neighborhood 10 North Unit Nos. 13 & 14.

(A 111-lot subdivision, located south of Carmel Valley
Road and west of Carmel Country Road. Carmel Valley
Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-327) ADOPTED AS RESOLUTION R-289395

Authorizing a Subdivision Improvement Agreement with
Pardee Construction Company, for the installation and
completion of public improvements.

Subitem-B: (R-98-326) ADOPTED AS RESOLUTION R-289396

Approving the final map.

Subitem-C: (R-98-329) ADOPTED AS RESOLUTION R-289397

Accepting a grant deed of Shaw Valley II, LLC, granting
to the City Lot D of Carmel Valley Neighborhood 10
North, Unit Nos. 13 and 14, for open space purposes.

Subitem-D: (R-98-328) ADOPTED AS RESOLUTION R-289398

Authorizing a Landscape Maintenance Agreement with
Pardee Construction Company, for the maintenance of
landscaping in the public right-of-way in the
subdivision to be known as Carmel Valley Neighborhood

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-102:

SUBJECT: Three actions related to the Final Subdivision Map of
Keiser 4A.

(A 20-lot subdivision, located north of Lansdale Drive.
Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-401) ADOPTED AS RESOLUTION R-289399

Authorizing a Subdivision Improvement Agreement with
Pardee Construction Company, for the installation and
completion of public improvements.

Subitem-B: (R-98-400) ADOPTED AS RESOLUTION R-289400

Approving the final map.

Subitem-C: (R-98-402) ADOPTED AS RESOLUTION R-289401

Accepting a grant deed of Pardee Construction Company,
granting to the City Lot 20 of Keiser 4A for open space
purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of an 11.600 acre site into 20
lots for residential development. It is located north of
Lansdale Drive in the Carmel Valley Community Plan Area. On
January 7, 1992 the Council of the City of San Diego approved
Carmel Valley Planned District Development Plan and Resource
Protection Ordinance Permit No. 89-0774 for Keiser 4A
Subdivision. The City Engineer has approved the final map and
states that all conditions of the Tentative Map have been

satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28326-1-D through 28326-15-D, filed in the Office of the City Clerk under Micro Number 139.48. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$282,863 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$4,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development." Subdivider is granting Lot 20, 4.876 acres, to the City for open space purposes at the request of the Park and Recreation Department.

FILE LOCATION: Subitems A,B: SUBD - Keiser 4A;
 Subitem C: DEED F-7118 CONTFY98-1
 DEEDFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-103:

SUBJECT: Five actions related to the Final Subdivision Map of
Stonecrest Village Unit No. 2.

(An 11-lot subdivision, located south of Stonecrest
Boulevard and west of Daley Center Drive. Kearny

Mesa/Serra Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-488) ADOPTED AS RESOLUTION R-289402

Authorizing a Subdivision Improvement Agreement with Stonecrest Village Company, LLC, for the installation and completion of public improvements.

Subitem-B: (R-98-487) ADOPTED AS RESOLUTION R-289403

Approving the final map.

Subitem-C: (R-98-489) ADOPTED AS RESOLUTION R-289404

Accepting a grant deed of MGI Stonecrest Village, LLC, granting to the City an easement for public street purposes in a portion of Lots 1 and 2 of Stonecrest Village Unit No. 1, Map-13348;

Dedicating and naming the same West Canyon Terrace.

Subitem-D: (R-98-490) ADOPTED AS RESOLUTION R-289405

Accepting a grant deed of Stonecrest Village Company, LLC, granting to the City easements for public street purposes in a portion of Parcel 1, according to Parcel Map PM-17823, and in a portion of Lot 3 of Stonecrest Village Unit No. 1, Map-13348;

Dedicating and naming the same Briar Court and West Canyon Terrace.

Subitem-E: (R-98-491) ADOPTED AS RESOLUTION R-289406

Authorizing a Joint Use Agreement with San Diego Gas & Electric Company in connection with the subdivision known as Stonecrest Village Unit No. 2.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 108.038 acre site into 11 lots for 615 residential condominiums. It is located south of Stonecrest Boulevard and west of Daley Center Drive in the Kearny

Subitem-A: (R-98-445) ADOPTED AS RESOLUTION R-289407

Authorizing the execution of an easement deed, granting to the City of Escondido for reclaimed water purposes all the City's right, title and interest in the water pipeline easement located at the southwest intersection of Via Rancho Parkway and Old San Pasqual Road.

Subitem-B: (R-98-446) ADOPTED AS RESOLUTION R-289408

Stating for the record that the information contained in Environmental Impact Reports EIR-87-83 and EIR-89-09 in connection with the reclaimed waterline easement to the City of Escondido, has been completed by the City of Escondido in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the Report has been reviewed and considered by Council.

CITY MANAGER SUPPORTING INFORMATION:

In July of 1992, the City of San Diego granted the City of Escondido a sewer easement to provide service line connections to Eagle Crest subdivision in Escondido. Since then, Escondido has embarked upon a reclaimed water project which now will encompass the Eagle Crest Golf Course. In order to place a reclaimed water pipeline within the referenced easement, Escondido is requesting a water pipeline easement for this change in usage. The Water Department has approved of this action.

FILE LOCATION: Subitems A,B: DEED F-7120
DEEDFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-105:

SUBJECT: Two actions related to Camino de la Reina Street
Dedication.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-521) ADOPTED AS RESOLUTION R-289409

Accepting a grant deed of PITV, L.P., granting to the City an easement for public street purposes in Lot 1 of Park-in-the-Valley, Map-13238;

Dedicating and naming the same street Camino de la Reina;

Subitem-B: (R-98-522) ADOPTED AS RESOLUTION R-289410

Accepting a grant deed of PITV, L.P., granting to the City an easement for electrical facilities in a portion of Lot 1 of Park-in-the-Valley, Map-13238.

CITY MANAGER SUPPORTING INFORMATION:

Two City Council actions are being requested to advance the completion of the Park in the Valley development, a retail center located in Mission Valley. 1) The existing right-of-way of Camino de la Reina, must be wider to provide the new public improvements for the private driveway entrances. 2) One of the entrances to the project will have traffic signals installed and requires an electrical easement on private property for the detection loops. Staff recommends the acceptance of the street dedication and the electrical easement.

FILE LOCATION: Subitems A,B: DEED F-7121
DEEDFY98-2

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-106:

SUBJECT: Easement Abandonments - General Utility Easement and Unnamed Easement for Public Utility Purposes in Parcels 1, 2 and 3.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-486) ADOPTED AS RESOLUTION R-289411

Vacating the general utility easement and an unnamed easement for public utility purposes located in portions of Parcels 1, 2 and 3 of Parcel Map PM-14447.

CITY MANAGER SUPPORTING INFORMATION:

The University of San Diego has requested the abandonment of a general utility and an unnamed easement for public utility purposes to unencumber their property and accommodate construction of a parking structure as part of development of their property. The unnamed easement for public utility purposes was originally provided by Map-3900 on May 29, 1958. The general utility easement was provided by City Council Resolution R-266153 on July 1, 1986. Both easements were granted to the City of San Diego at no cost and are no longer needed. Staff review of this general utility easement and unnamed easement for public utility purposes abandonment indicates that the four required findings for abandonment can be made and these easements may be summarily abandoned.

FINDINGS:

- 1) The public will benefit from the vacation through improved utilization of the land.
- 2) The vacation is consistent with the approved Community Plan.
- 3) There is no present or prospective use for the easements, either for the public service easement system or for any other public use of a like nature.
- 4) The public service easement system for which the easements were originally acquired will not be detrimentally affected by these vacations.

FILE LOCATION: DEED F-7122 DEEDFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-107:

SUBJECT: Two actions related to Drainage and Water Easement
Abandonments - Parcels 1, 3 & 5 of Parcel Map PM-17795.

(Located south of Friars Road. Mission Valley
Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-437) ADOPTED AS RESOLUTION R-289412

Vacating the water and drainage easements located in
portions of Parcels 1, 3 and 5 of Parcel Map PM-17795,
under the procedure for the summary vacation of
unneded water and drainage easements.

Subitem-B: (R-98-520) ADOPTED AS RESOLUTION R-289413

Authorizing the execution of two quitclaim deeds,
quitclaiming to The Equitable Life Assurance Society of
the United States, on behalf of its separate Account 8,
the Prime Property Fund, all the City's right, title
and interest in the water and drainage easements in
portions of Parcels 1, 3 and 5 of Parcel Map PM-17795.

CITY MANAGER SUPPORTING INFORMATION:

The two requested City Council actions are needed because of the
major remodeling of the Fashion Valley Shopping Center. The new
design has also required the relocation of some existing public
water and drainage facilities. The new design has also rendered
some portions of the existing easements unnecessary, and these

unneded easements interfere with proper utilization and development of the site. New easements for the relocated public facilities will be accepted by the City Engineer if the City Council approves this action. The exchange of easements is equal. Two City Council actions are requested to improve the utilization of the site: 1) abandon the unneded portion of the existing drainage easements and authorize the City Engineer to execute and record a quitclaim deed; 2) abandon the unneded portion of the existing water easement and authorize the City Engineer to execute and record a quitclaim deed.

FILE LOCATION: Subitems A,B: DEED F-7123
DEEDFY98-3

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-108:

SUBJECT: Three actions related to Field Street (Burgener
Boulevard to Cowley Way) Underground Utility District.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-450 Cor. Copy) ADOPTED AS RESOLUTION
R-289414

Designating December 18, 1997, as the date upon which
all property in the Field Street (Burgener Boulevard to
Cowley Way) Underground Utility District must be ready
to receive underground service and March 13, 1998 as
the date for the removal of all overhead utility
facilities.

Subitem-B: (R-98-451) ADOPTED AS RESOLUTION R-289415

Authorizing the City Auditor and Comptroller to open

Fund 78094 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Field Street (Burgener Boulevard to Cowley Way) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all property owners in the Field Street (Burgener Boulevard to Cowley Way) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Auditor and Comptroller to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed.

Subitem-C: (R-98-452 Cor. Copy) ADOPTED AS RESOLUTION
R-289416

Authorizing the transfer of \$14,125 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0 to sublet CIP-37-287.9 and authorizing expenditure of these funds to replace existing street lights.

CITY MANAGER SUPPORTING INFORMATION:

The Field Street (Burgener Boulevard to Cowley Way) Underground Utility District was created by the City Council on September 14, 1993. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set December 18, 1997 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish March 13, 1998 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts.

Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

FILE LOCATION: Subitems A-C: STRT K-217

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-109:

SUBJECT: Appointment of Management Team for Purposes of Meeting
and Conferring with Employee Organizations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-513) ADOPTED AS RESOLUTION R-289417

Appointing and designating the following persons as the
Management Team for purposes of meeting and conferring
with recognized employee organizations:

Michael Uberuaga, City Manager
Bruce Herring, Deputy City Manager
Cathy Lexin, Labor Relations Manager
Agnes Generoso, Management Assistant
Stanley Griffith, Management Assistant
Theresa McAteer, Head Deputy City Attorney
Sharon Marshall, Deputy City Attorney

Appointing and designating the Personnel Director and
the Retirement Administrator as members of the
Management Team, pursuant to California Government Code

3500 et seq., and Council Policy 300-6, for all purposes except meeting and conferring with employee organizations.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the provisions of California Government Code 3500 et seq., commonly referred to as the Meyers-Miliias-Brown Act (MMBA), the City Council has adopted Council Policy 300-6 which provides the rules and regulations which govern employer-employee relations. Contained in MMBA and Council Policy 300-6 is the authority for the City Council to designate a Management Team as its representative to carry out the meet and confer process. It is recommended that the resolution be adopted which establishes and identifies the Management Team for purposes of meeting and conferring with employee organizations in order to reach agreement on a Memorandum of Understanding (MOU) and/or successor agreements pursuant to Council Policy 300-6.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-110:

SUBJECT: California State Senate Bill 11-Citizens' Option for Public Safety Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-507 Cor. Copy) ADOPTED AS RESOLUTION R-289454

Authorizing the Chief of Police on behalf of the City Manager to apply for, accept, and expend \$2,753,319 in Citizens' Options for Public Safety Grant funds from the State of California;

Authorizing the City Manager to set up a Supplemental

Law Enforcement Services Fund, as required by Assembly Bill 3229 to receive, and expend these funds which will be used for laboratory, communications, vehicle safety and miscellaneous equipment and maintenance and for the Central Substation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G540-H010.)

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

* ITEM-111:

SUBJECT: Rescue Boat Operations and Marine Firefighting Classes.

(Mission Bay Community Area. Districts-1 and 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-474 Cor.Copy) ADOPTED AS RESOLUTION R-289418

Authorizing and directing the City Manager to accept a grant of funds from the California Department of Boating and Waterways, for the provision of public safety training classes, and to expend the funds from the grants to host classes for San Diego Fire and Life Safety Services personnel in Rescue Boat Operations and Marine Firefighting.

CITY MANAGER SUPPORTING INFORMATION:

The California Department of Boating and Waterways (DBW) currently offers five forty-hour modules of training in the area of Boating Rescue and Enforcement. These courses are approved by the Port Captains and Harbor Masters Association. The modules are Rescue Boat Operations, Marine Firefighting, Boating Safety and Enforcement, Navigation and Boat Operations. DBW requested that the City of San Diego host two classes: Rescue Boat Operations and Marine Firefighting. Classes are open to agencies

involved in boating safety, rescue and enforcement, including lifeguards, harbor patrol officers and law enforcement officers. By hosting this class, San Diego staff members will be able to attend without having to incur the cost of travel. DBW will reimburse the City of San Diego for the cost of the classes up to \$17,900. A Certificate of Appropriation in that amount has been received by the Department of Boating and Waterways.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-112:

SUBJECT: Commercial Vehicle Prohibition on Candlelight Drive.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-493) ADOPTED AS RESOLUTION R-289419

Prohibiting commercial vehicles with a gross vehicle weight rating of over 10,000 pounds from operating on Candlelight Drive between Lamplight Drive and Van Nuys Street;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action would prohibit commercial vehicles with a rated capacity of five tons or more from using Candlelight Drive between Lamplight Drive and Van Nuys Street. By law, passenger buses, public utility vehicles, and commercial vehicles with an origin or destination on the affected streets are exempt from

this provision. Residents representing 81% of the fronting properties submitted a petition requesting the establishment of this restriction. The La Jolla Traffic and Transportation Board supports this request.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-113:

SUBJECT: Transfer of Non-Exclusive Franchise Agreements from Coast Waste Management, Inc., Browning Ferris Industries and Pacific Disposal, Inc., to USA Waste of California, Inc.

(See City Manager Report CMR-97-199.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-49 Cor.Copy) INTRODUCED, TO BE ADOPTED
DECEMBER 2, 1997

Introduction of an Ordinance approving the transfer of the Non-Exclusive Franchise Agreements from Coast Waste Management, Inc., Browning Ferris Industries and Pacific Disposal, Inc., to USA Waste of California, Inc.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO INTRODUCE. 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-114:

SUBJECT: Cooperative Agreement for the South Bay Mitigation Project.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-512) ADOPTED AS RESOLUTION R-289420

Authorizing a cooperative agreement with the County of San Diego for a Wetland Mitigation Project as a result of environmental impacts from the South Bay Water Reclamation Plant and the Dairy Mart Road and Bridge Improvements;

Authorizing the expenditure of not to exceed \$77,000 from Clean Water Program Fund No. 41509, Department 777, Organization 422, Object Account 4222, Job Order 2007 to provide funds as payment to the County of San Diego for their long-term maintenance of the property.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWWD) is currently moving forward with two projects in the Tijuana River Valley: the South Bay Water Reclamation Plant (SBWRP) and the Dairy Mart Road and Bridge (DMRB). As mitigation for biological impacts, MWWD proposes to construct a Wetland Mitigation Project consisting of seven acres (Mitigation Area) within the Tijuana River Valley Regional Park, at a cost of \$11,000 per acre.

The Mitigation Area is owned by the County of San Diego (County) and is located west of Dairy Mart Road and north of the Tijuana River. The MWWD will coordinate the design, construction, and maintenance of a project within the Mitigation Area and assure compatibility with the goals of the biological mitigation program. The approval of the Agreement by the County Board of Supervisors will constitute the County's permission to the City of San Diego (City) to implement the project and maintain the Mitigation Area for five years. Upon successful completion of the project by the MWWD, the County will assume responsibility

for the site and will continue to preserve and protect the conservation values of the Mitigation Area in perpetuity.

Aud. Cert. 9800512.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-115:

SUBJECT: Reclaimed Water Retrofit Participation Agreement with
the Equitable Life Assurance Society of the United
States.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-530) ADOPTED AS RESOLUTION R-289421

Authorizing a Reimbursement Agreement with The
Equitable Life Assurance Society of the United States
for reclaimed water retrofitting in the amount of
\$52,560;

Authorizing the expenditure of \$67,560 from Water
Revenue Fund 41500, CIP-70-941.0, Annual Allocation for
Reclaimed Water Retrofit Systems of which \$52,560 is to
fund the Reimbursement Agreement and \$15,000 if to fund
the required work by City forces.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is to reimburse the customer, identified as The
Equitable Life Assurance Society of the United States, Cushman
and Wakefield of California, Inc., located at 8910 University
Center Lane, Suite 780, San Diego, CA 92122, for design and

construction costs required to retrofit existing onsite potable water distribution system to accept reclaimed water for the purpose of irrigation for property called "Aventine", which is located at 8910 University Center Lane, 3777 La Jolla Village Drive, 8930 University Center Lane, and 8960-8990 University Center Lane, San Diego, CA.

This agreement is prepared in accordance with Council Resolution No. R-287560. Upon execution of this agreement, the customer shall within six months complete the retrofit requirements as stated in Paragraph 1 of the Reclaimed Water Retrofit Agreement Recitals.

Aud. Cert. 9800525.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

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

* ITEM-116:

SUBJECT: Reclaimed Water Retrofit Participation Agreement with
The Grove Homeowners Association.

(Scripps Miramar Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-532) ADOPTED AS RESOLUTION R-289422

Authorizing a reimbursement agreement with The Grove Homeowners Association for reclaimed water retrofitting in the amount of \$98,760;

Authorizing the expenditure of \$113,760 from Water Revenue Fund 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems of which \$98,760 is to fund the reimbursement agreement and \$15,000 is to fund

the required work by City forces.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is to reimburse the customer, identified as The Grove Homeowners Association c/o N.N. Jaeschke, Inc., located at 9610 Waples Street, San Diego, CA 92121-2992, for design and construction costs required to retrofit the existing onsite potable water distribution system to accept reclaimed water for the purpose of irrigation for property located at 9755 and 9785 Aviary Drive and 9798 Scripps Ranch Blvd, San Diego, CA.

This agreement is prepared in accordance with Council Resolution Number R-287560. Upon execution of this agreement, the customer shall within six months complete the retrofit requirements as stated in paragraph 1 of the Reclaimed Water Retrofit Agreement Recitals.

Aud. Cert. 9800509.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

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

* ITEM-117:

SUBJECT: Reclaimed Water Retrofit Participation Agreement
between the City of San Diego and Willow Creek Plaza
Associates.

(Scripps Miramar Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-531) ADOPTED AS RESOLUTION R-289423

Authorizing a Reimbursement Agreement with Willow Creek

Plaza Associates for reclaimed water retrofitting in the amount of \$69,900;

Authorizing the Auditor and Comptroller to expend \$84,900 from Water Revenue Fund 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems of which \$69,900 is to fund the Reimbursement Agreement and \$15,000 is to fund the required work by City Forces.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is to reimburse the customer, identified as Willow Creek Plaza Associates, c/o The Currie Partners, Inc., located at 9820 Willow Creek Road, Suite 400, San Diego, CA 92131, for design and construction costs required to retrofit existing onsite potable water distribution system to accept reclaimed water for the purpose of irrigation for property located at 9820 Willow Creek Road, San Diego, CA.

This agreement is prepared in accordance with Council Resolution R-287560. Upon execution of this agreement, the customer shall within six months complete the retrofit requirements as stated in Paragraph 1 of the Reclaimed Water Retrofit Agreement Recitals.

Aud. Cert. 9800508.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

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

* ITEM-118:

SUBJECT: Agreement with San Diego Unified Port District and San Diego Urban Corps.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-500) ADOPTED AS RESOLUTION R-289424

Authorizing an agreement with the San Diego Unified Port District to provide much needed maintenance and beautification work for the Port of San Diego;

Authorizing the Auditor and Comptroller to accept receipt of \$60,000 from the San Diego Unified Port District, and to deposit the monies into Fund 196701;

Authorizing an agreement with the San Diego Urban Corps for the provision of graffiti removal and other City beautification projects within the City of San Diego;

Authorizing the expenditure of not to exceed \$60,000 from Fund 196701.

CITY MANAGER SUPPORTING INFORMATION:

This action will allow the San Diego Urban Corps to provide much needed maintenance and beautification work for the Port of San Diego, which benefits all areas of the City of San Diego. All costs associated with the Urban Corps project will be provided by a contribution made from the Port District to the City of San Diego. The San Diego Urban Corps will provide program participants with the training and supervision to carry out the desired tasks.

Aud. Cert. 9800510.

FILE LOCATION: MEET CONFY98-2

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-119:

SUBJECT: Change Order No. 3 with Earth-Tech, Inc., for the North City Water Reclamation Plant Demineralization Facility.

(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-428 Corrected) ADOPTED AS RESOLUTION R-289425

Approving Change Order No. 3, with Earth-Tech, Inc., increasing the contract price by \$765,000;

Authorizing the expenditure of not to exceed \$765,000 from Sewer Fund 41509, CIP-42-910.1, North City Water Reclamation Plant, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The design-build contract for the North City Water Reclamation Plant (NCWRP) Demineralization Facility with Earth Tech was approved for award by City Council on November 26, 1996, by Resolution No. R-288091. Change Order No. 3 to this contract provides for the construction of a concrete slab with a canopy, pipe drains, electrical, mechanical and site work for the continuation of the Water Repurification Pilot Study at the NCWRP.

The ongoing pilot study at the San Pasqual Water Reclamation Plant needs to be relocated to the NCWRP in order to confirm the results to date with the NCWRP effluent, and to establish a monitoring program as part of the State Department of Health Services requirements for the proposed Water Repurification Project. The estimated cost of this change order will not exceed \$765,000.

Aud. Cert. 9800443.

FILE LOCATION: CONT - Earth-Tech, Inc. CONFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-120:

SUBJECT: Commercial, Industrial, Institutional Water
Conservation Incentive Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-542) ADOPTED AS RESOLUTION R-289426

Authorizing the City Manager to implement a Commercial,
Industrial, Institutional Water Conservation Incentive
Program in conjunction with the San Diego County Water
Authority;

Authorizing the execution of a Memorandum of
Understanding with the San Diego County Water Authority
for the services needed to implement and administer the
Commercial, Industrial, Institutional Incentive Program
for the initial contract period of October 1997 and
ending June 30, 1998;

Authorizing the City Auditor and Comptroller to expend
an amount not to exceed \$42,601 from the Water
Operating Fund 41500, Water Conservation Program, for
the sole and exclusive purpose of operating the
Commercial, Industrial, Institutional Incentive Program
in Fiscal Year 1998-99.

CITY MANAGER SUPPORTING INFORMATION:

This action requests authorization to utilize budgeted funds for
the implementation of the Commercial, Industrial, Institutional
Water Conservation Incentive Program (CII Incentive Program) for
the current Fiscal Year by entering into an agreement with the
San Diego County Water Authority (CWA) to provide matching funds
from the CWA and the Metropolitan Water District of Southern
California (MWD). The program's funding percentages will be at
25% each for the City and CWA, and 50% for the MWD. Upon

exhausting all available CWA funds, the City and the MWD will split the program costs on a 50-50 basis.

On September 23, 1991, the City Council adopted a resolution to become an original signatory to the Memorandum of Understanding (MOU) Regarding Urban Water Conservation in California. The MOU contains Sixteen Best Management Practices (BMP's) that are proven long-term water conservation measures which have become state wide standards. The Commercial, Industrial, Institutional Water Conservation Incentive Program is a BMP that will assist the City's commercial, industrial, and institutional water customers in conserving water. On March 27, 1995 the City Council adopted a resolution to implement the Commercial, Industrial and Institutional Water Conservation Survey Program (CII Survey Program). The CII Survey Program offered complimentary water use surveys of commercial, industrial and institutional facilities to identify water usage patterns and opportunities to conserve water.

This portion of the program, the CII Incentive Program, will provide financial incentive to commercial, industrial, and institutional facilities in the form of point-of-purchase vouchers to encourage the purchase and installation of water conserving devices. The water conserving devices shall consist of ultra-low toilets, ultra-low flush urinals, automatic kitchen shut off valves, cooling tower conductivity controllers, and coin operated horizontal-axis (H-axis) clothes washers. The CWA will be in the CII Incentive Program's contracting agency on behalf of the City and other member agencies. Because of the varying nature of water use from one commercial, industrial, or institutional facility to another, it is difficult to estimate the total program water savings.

Aud. Cert. 9800535.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-121: CONTINUED TO MONDAY, NOVEMBER 24, 1997

SUBJECT: Sabre Springs Neighborhood Park No. 2 Donation.

(Sabre Springs Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:
(R-98-546)

Approving the acceptance by the City Manager of the grant deed of Pardee Construction Company granting to the City the donation of a park site identified as Sabre Springs Neighborhood Park No. 2.

CITY MANAGER SUPPORTING INFORMATION:

The Public Facilities Financing Plan and Facilities Benefit Assessment for Sabre Springs Community identified the acquisition of a five-acre site identified as Neighborhood Park No. 2. Pardee Construction Company has generously volunteered to donate this site to the community and City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO CONTINUE THIS ITEM FOR ONE WEEK, AT THE REQUEST OF DEPUTY MAYOR WARDEN, SO THAT THE PRINCIPALS CAN BE IN ATTENDANCE WHEN THE DONATION IS MADE. 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-122:

SUBJECT: Temporary Partially-Paid Military Leave.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-529) ADOPTED AS RESOLUTION R-289427

Providing for additional temporary partially paid

military leave of absence and continued benefits for City Employees called to active duty with the Armed Forces by the President.

CITY MANAGER SUPPORTING INFORMATION:

The City's standard Military Leave Policy provides for up to 30 days of paid leave and benefits for employees called to active military duty. This policy generally provides adequate maintenance of salary and benefits for employees in Military Reserves or National Guard Service. During major military deployments, City employees would be subject to significant economic hardship under the standard policy. During the Desert Storm Operation, the City Council approved a temporary partially-paid military leave policy to provide the difference, if any, between military service compensation and City compensation and City benefits for up to 150 calendar days. This benefit was offered in addition to the standard military leave policy. In February, 1996, pursuant to Council Resolution R-286954, the policy was reinstated for employees called to military service for the Bosnia peacekeeping mission and other Presidential call-ups of Reserves for active duty. The resolution included the expiration date of June 30, 1997, as it was expected that the peacekeeping missions precipitating the call-up would have concluded.

However, these missions are still ongoing and City employees continue to be called to active duty. Within the spirit of Council Resolution R-286954, it is recommended that the benefits be extended and that they cover the period during which an employee is called and serves in an active duty military status. This Resolution will be returned to Council for additional consideration if the Presidential call-ups increase substantially in scope or longevity, creating unanticipated fiscal impacts.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-123:

SUBJECT: Second Amendment to the Consultant Agreement with Group Delta Consultants for Genoa Drive Slope Repair.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-528) ADOPTED AS RESOLUTION R-289428

Authorizing a second amendment to the consultant agreement with Group Delta Consultants for Genoa Drive Slope Repair;

Authorizing the Auditor and Comptroller to transfer not to exceed \$150,000 from the Public Liability TransNet Fund (Dept/Fund 81144) to CIP-12-097.0, Genoa Drive Slope Repair, for the obligation for additional design work and additional construction costs of the Genoa Drive Landslide;

Authorizing the expenditure of not to exceed \$150,000 from CIP-12-097.0, Genoa Drive Slope Repair, TransNet Fund 30300.

CITY MANAGER SUPPORTING INFORMATION:

The existing slope and storm drain behind 5680 and 5690 Genoa Drive, 5673 Mill Peak Road and 6082 Adobe Falls Road failed as a result of the 1995 winter storms. Because of the damage caused by the landslide, the City Council authorized the purchase of these four homes directly involved.

On July 24, 1995, the Council authorized the City Manager to enter into negotiation with Group Delta Consultants, Inc., to provide contract documents to repair the slope. During the design of the project, the consultant was directed to perform additional redesign that would result in a more aesthetically pleasing repair. To that end, the consultant had to investigate several design alternatives not initially contemplated. This action will provide the necessary funding (\$45,000) required for the calculations and base line work done by the consultant in that effort. To complete the construction phase of this project, \$105,000 is needed for the closing change order, which adjusts the final quantities and provides for payment for additional

work, and for related engineering costs.

Aud. Cert. 9800520.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-124:

SUBJECT: Eight actions related to Authorizing Suggestion Awards
to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-462) ADOPTED AS RESOLUTION R-289429

Despena Petrogeorge - Purchasing - \$130.03.
Lyle Cotton - MWWD - \$45.

Subitem-B: (R-98-463) ADOPTED AS RESOLUTION R-289430

Jerry Fabula - MWWD - \$2,124.

Subitem-C: (R-98-464) ADOPTED AS RESOLUTION R-289431

John Apodaca - MWWD - \$45.
Robert Rodriguez and Rory McManus - MWWD - \$320.

Subitem-D: (R-98-465) ADOPTED AS RESOLUTION R-289432

Allen Stovall - Police - \$160.
Allen Stovall - Police - \$160.

Subitem-E: (R-98-466) ADOPTED AS RESOLUTION R-289433

Bill Shannon - MWWD - \$1,684.10.

Subitem-F: (R-98-467) ADOPTED AS RESOLUTION R-289434

Douglas Murphy - Fire & Life Safety - \$2,500.

Subitem-G: (R-98-468) ADOPTED AS RESOLUTION R-289435

Philip Almeida - Transportation/Street Division - \$2,500.

Subitem-H: (R-98-469) ADOPTED AS RESOLUTION R-289436

John Thomson - Fire & Life Safety - \$250.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-125:

SUBJECT: Declaring a Continued State of Emergency Regarding the
Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana
River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-429) ADOPTED AS RESOLUTION R-289437

Declaring a continued State of Emergency regarding the
discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the
Discharge of Raw Sewage from Tijuana,
Mexico

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-126:

SUBJECT: Carmel Valley Neighborhood No. 4 Park Site.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-545) ADOPTED AS RESOLUTION R-289438

Authorizing the expenditure of an amount not to exceed
\$1,716,000, consisting of \$361,000 from FBA Fund No.
79002, \$555,000 from Park Fees No. 11190, and \$800,000
from Del Mar School District Loan, for the acquisition
of required property rights, title, escrow,
contingencies and miscellaneous cost for the two
properties required for the Park site.

CITY MANAGER SUPPORTING INFORMATION:

The acquisition of this property containing 3.20 acres is a
requirement of the Community and Precise Plans for the
development of Carmel Valley Neighborhood #4. The acquisition
consists of 1.45 acres for City park and 1.75 acres for a joint
use area to be shared with the Del Mar Union School District. The
Del Mar Union School District will be reimbursed for their loan
in accordance with the Reimbursement Agreement (RR-289053) dated
August 11, 1997.

Aud. Cert. 9800550.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-127:

SUBJECT: The Thirty-First Street Seventh-Day Adventist Church Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-563) ADOPTED AS RESOLUTION R-289439

Commending the Thirty-First Street Seventh-Day Adventist Church for seventy-five years of dedication and devotion;

Proclaiming November 18, 1997 to be "The Thirty-First Street Seventh-Day Adventist Church Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-128:

SUBJECT: Salute to Spain Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-514) ADOPTED AS RESOLUTION R-289440

Proclaiming November 7, 1997 to be "Salute to Spain Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-129:

SUBJECT: Reallocation of TOT Funds.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-538) ADOPTED AS RESOLUTION R-289441

Approving the request of the Board of Directors of the
Diamond Business Improvement District (BID) to utilize
the \$5,000 of 1997-98 TOT funding for the 1997 Encanto
Street Fair.

FILE LOCATION: STRT - L-15

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-130:

SUBJECT: Three actions related to Proposed Issuance of Bonds for
the Villas at Avventura II Apartments, The Bluffs
Apartments and Mountain View Estates Apartments.

(See San Diego Housing Commission Report HCR-97-155.)

University City, Mission Valley and Mountain View
Community Areas. Districts-1, 4 & 6.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-523) ADOPTED AS RESOLUTION R-289465

Approving the issuance of bonds by the Housing Authority of the City of San Diego for the Villas at Avventura II Apartments Project, a 232-unit multifamily housing project located at the southeast corner of La Jolla Village Drive and Lebon Drive, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

Subitem-B: (R-98-524) ADOPTED AS RESOLUTION R-289455

Approving the issuance of bonds by the Housing Authority of the City of San Diego for the Bluffs Apartments Project, a 224-unit multifamily housing project located at 6466 Friars Road, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

Subitem-C: (R-98-525) ADOPTED AS RESOLUTION R-289456

Approving the issuance of bonds by the Housing Authority of the City of San Diego for the Mountain View Estates Apartments Project, a 145-unit project located at 4066 Messina Road and 230-280 Vista Horizon Street, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

FILE LOCATION: SUBITEMS A-C: MEET

COUNCIL ACTION: (Tape location: G215-361.)

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

* ITEM-131:

SUBJECT: Application for Mortgage Credit Certificate Allocation.

(See Housing Commission Report HCR-97-129.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-404) ADOPTED AS RESOLUTION R-289442

Application to the Mortgage Bond Tax Credit Allocation
Committee for Issuance of Mortgage Credit Certificates.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-132: RETURNED TO THE CITY MANAGER

SUBJECT: Establish New Council Policy 600-41, Indemnification
For Development Approvals.

(See City Attorney Report.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-506)

Establishing Council Policy 600-41 regarding
Indemnification for Development Approvals.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G362-510.)

MOTION BY McCARTY TO RETURN THIS ITEM TO THE CITY MANAGER
WITH THE DIRECTION THAT IT BE DISCUSSED IN LAND USE AND
HOUSING COMMITTEE BEFORE COMING BACK TO COUNCIL. Second by
Mathis. Passed by the following vote: Mathis-yea,

Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-133:

SUBJECT: Establish Council Policy 900-14 Regarding Green
Building.

(See City Manager Report CMR-97-172; Draft Council
Policy 900-14; Lynn Froeschle's 9/30/97 letter.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-314) ADOPTED AS RESOLUTION R-289457

Establishing Council Policy 900-14 regarding Green
Building.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/1/97 NR&C voted 5-0 to recommend that the City Council
approve the City Manager's recommendation to adopt the proposed
Council Policy, with incorporation of the Council Policy changes
proposed in Lynn Froeschle's letter of September 30, 1997.
(Councilmembers Mathis, Kehoe, Stallings, McCarty and Vargas
voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H013-129.)

MOTION BY McCARTY TO ADOPT. 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-not present.

ITEM-200:

SUBJECT: Inviting Bids for Rubberized Emulsion Aggregate Slurry
Coating of Various Streets City Wide - Group 12.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-304) ADOPTED AS RESOLUTION R-289443

Inviting bids for the Rubberized Emulsion Aggregate
Slurry Coating of Various Streets City Wide - Group 12;

Authorizing the execution of a contract with the lowest
responsible bidder;

Authorizing the expenditure of \$2,600,000 from the Gas
Tax Fund 302191;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds to the appropriate reserves, provided
that the City Auditor first furnishes a certificate
demonstrating that the funds necessary for the
expenditure are, or will be on deposit in the City
Treasury. (BID-K97084C)

CITY MANAGER SUPPORTING INFORMATION:

The Street Division is advertising for bids for Rubberized
Emulsion Aggregate Slurry Coating. This new type of Slurry Seal
contains greater amounts of liquid asphalt and rubber from scrap
tires. This type of sealing coat will last longer, better resist
damage from water/rail, and stay black in color longer.

Slurry Seals are a pavement surface treatment applied as part of
a comprehensive pavement maintenance program. It is used on
streets which are in good condition to keep them in good
condition. Slurry Sealing, when used in a timely manner can be
very effective in reducing the need for later, more expensive
pavement repairs. The proposed contract provides for the
placement of approximately 123 miles of sealing throughout the
City. Locations for Slurry Sealing are chosen through use of the
City's new Pavement Management System. The system uses surveys
of City Streets to determine their current condition, and to
provide data to predict their future condition with different
types of maintenance practices. The system finds the best method
to maintain each section of street. In an effort to coordinate
with underground utility work a final list of locations for this
project will not be developed until just prior to the start of
work which is expected to commence in early 1998. The Mayor and
Council will be provided a final list of streets, and any

subsequent changes as soon as they are available. The Street Division will be breaking up this project into 3-phases in an effort to attract competitive bids from smaller, more diverse groups of Contractors/Vendors.

Aud. Cert. 9800405.

FILE LOCATION: CONT - American Asphalt Repair & Resurfacing
Co. W.O. 5760 CONFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-201:

SUBJECT: Awarding a Contract to Ingram Library Services, Inc.
for Adult and Children's Library Books and Children's
Audio Visual Material.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-210) ADOPTED AS RESOLUTION R-289444

Accepting the low bid and awarding a contract to Ingram Library Services, Inc. (La Verne, TN), for furnishing adult and children's library books and children's audio visual material, as may be required for a period of one year beginning October 1, 1997 through September 30, 1998, for a total estimated cost of \$1,777,875, including tax and terms, with options to renew the contract for four additional one year periods, with zero percent price escalations at the end of each prior contract year;

Authorizing the expenditure of not to exceed \$1,777,875 from Fund No. 100, Dept. 310, Org. 2001, 5001, 60001, Object Account 3105, 3103, and Job Order 2018, 3102, 2019;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-J62331/97RFP)

CITY MANAGER SUPPORTING INFORMATION:

The proposed contract is to purchase adult and children's library books and children's audio visual material, for circulating and reference material for public use, from Ingram Library Services, Inc. (LaVergne, Tennessee) for City Libraries at an estimated annual cost of \$1,777,875 including sales tax, terms net 30 days. Six potential bidders were contacted and three bids were received. The proposed contract has a 1.1 percent greater discount than the previous contract.

Aud. Cert. 9800464.

FILE LOCATION: PURCHASE CONTFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-202:

SUBJECT: Approval of Two Year Extension to MOU Between the City of San Diego and San Diego Police Officers Association.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-571) ADOPTED AS RESOLUTION R-289445

Endorsing and approving the tentative two-year MOU for Fiscal Years 1999 and 2000, agreed to by the Management Team and representatives of the POA.

CITY MANAGER SUPPORTING INFORMATION:

The Management Team for the City of San Diego has met and

conferred with the San Diego Police Officers Association regarding wages, hours, and other terms and conditions of employment for employees represented by the POA. Pursuant to these negotiations, the Management Team and the POA have reached a tentative agreement on the terms of a two year successor MOU through June 30, 2000. This tentative agreement was ratified by the POA membership during the week of October 13, 1997. It is recommended that the City Council approve the agreement and direct the City Manager to prepare final contract language incorporating the terms of this agreement for formal approval by the City Council prior to June 30, 1998.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A326-599.)

CONSENT MOTION BY STALLINGS TO ADOPT. 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-330:

(Continued from the meetings of October 28, 1997, Item 331; November 4, 1997, Item S500; last continued at Mayor Golding's request, to be properly noticed with Hearing Open.)

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.)

NOTE: Hearing open.

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-98-288 Rev. 1 11/10/97) ADOPTED AS
RESOLUTION R-289458

Adoption of a Resolution certifying that the

information contained in Environmental Impact Report LDR-96-0333 and Addendum No. 96-7897 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) ADOPTED AS RESOLUTION R-289459

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 Rev. 1) ADOPTED AS RESOLUTION
R-289460

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 Cor. Copy) ADOPTED AS RESOLUTION
R-289461

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 Rev. 1) ADOPTED AS RESOLUTION
R-289462

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 Cor.Copy;Rev.2) INTRODUCED AS
AMENDED, TO BE
ADOPTED DECEMBER 2,
1997

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

Subitem-G: (O-98-28) INTRODUCED, TO BE ADOPTED DECEMBER
2, 1997

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.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to approve the Land Development Code and related actions in accordance with the City Manager's recommendation except as modified by the Planning Commission at their hearings on April 24, May 1, and May 8, 1997.

Ayes: Neils, Anderson, Butler, Skorepa, Watson, White
Not Present: Quinn

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-E: MEET; SUBITEMS F&G: NONE

COUNCIL ACTION: (Tape location: D022-G150.)

Hearing began at 2:19 p.m. and halted at 4:39 p.m.

Mayor Golding left at 3:13 p.m. and returned at 3:35 p.m.

Testimony in opposition by Lynne Baker, Joanne Pearson, Michael Beck, Al Strohlein, Opal Trueblood, Carolyn Chase, Randy Berkman, Bertha McKinley, Eric Bowley, Bill Evans, Arthur Gehris, Pat Gallagher, Norma Sullivan, Jim Peugh, Anne DeBevoise, Donna Frye, and Scott Peters.

Testimony in favor by Matt Adams, Jim Whalen, Rikki Alberson, Laurie McKinley, and Margie Planes.

MOTION BY Kehoe to amend the proposed Zoning Code Update to ensure there will be no reduction in protection of wetlands as follows: Retain the present language in the Resource Protection Ordinance that specifies "permitted uses" in wetlands, by amending 143.0141 of the Environmentally Sensitive Lands Ordinance, adding a new (c) and renumbering (c) through (k).

(C) Permitted uses allowed in wetlands shall be limited to the following: 1. Aquaculture, wetlands-related scientific research and wetlands-related educational uses; 2. Wetlands restoration projects where the primary purpose is restoration of the habitat; and 3. Essential public service projects including water reclamation, where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.

Wetlands Mitigation Ratios: In addition to the previously adopted change to the Coastal Wetlands Mitigation Ratios from 2:1 to 4:1, amend the mitigation ratios for "riparian scrub" and "freshwater marsh" to retain the present 3:1 levels of wetlands protection.

City Authority to Protect Wetlands: Amend Paragraph 5 of III.B.1.a of the Biology Guidelines, to ensure that the City's wetland standards are met and are not superseded by potentially lower federal or state standards, and to retain the provisions against "added-on mitigation." Wetland mitigation identified in the CEQA document for those wetland areas covered under any state or federal wetland permit shall receive full credit for, and will not be in addition to, mitigation required pursuant to any federal (404) or state (1601/1603) wetlands permit. Wetland habitat outside the jurisdiction of the state and federal permits will be mitigated in accordance with the CEQA document.

Second by Stallings. No vote taken.

SUBSTITUTE MOTION BY McCARTY TO MOVE THAT THE CITY COUNCIL ACCEPT THE WETLAND MITIGATION RATIOS AS OUTLINED IN THE ORIGINAL MANAGER'S REPORT RECOMMENDING THE 2:1 RATIOS WITH THE EXCEPTION OF THE CHANGE TO 4:1 IN SALT MARSH AND SALT PANNE IN THE COASTAL WETLANDS, NOT THE RPO GUIDELINES. TO

MAKE TEXT CHANGES IN CHAPTER 14 OF THE PROPOSED LAND DEVELOPMENT CODE TO ELIMINATE CHANGES MADE BY ATTACHMENTS 13, 14, AND 15 OF CITY MANAGER REPORT NO. P97-180 AND;

1. TO APPROVE THE BIOLOGY GUIDELINES IN SUBITEM C WITH THE FOLLOWING REVISIONS: A. RETAIN THE COASTAL WETLAND MITIGATION RATIO CHANGE FROM 2:1 TO 4:1 AS SHOWN ON ATTACHMENT 18, TABLE 2; B. REVISE ATTACHMENT 18, TABLE 2, BY CHANGING THE MITIGATION RATIOS FOR RIPARIAN SCRUB AND FRESHWATER MARSH FROM 3:1 TO 2:1 TO BE CONSISTENT WITH STATE AND FEDERAL MITIGATION REQUIREMENTS; C. RETAIN THE WETLAND MITIGATION METHOD REVISION THAT REQUIRES CREATION OR RESTORATION MITIGATION AT A 1:1 RATIO BEFORE WETLAND ENHANCEMENT OR ACQUISITION CAN BE USED (NO NET LOSS) AS SHOWN ON ATTACHMENT 18, PAGE 12; D. REVISE ATTACHMENT 18, PAGE 12 BY RETAINING THE DELETED LANGUAGE THAT WETLAND MITIGATION REQUIRED THROUGH A FEDERAL OR STATE PERMIT WILL SUPERSEDE MITIGATION IDENTIFIED IN A LOCAL CEQA DOCUMENT; AND 2. INTRODUCE THE ORDINANCE AS AMENDED IN SUBITEM-F WITH A REVISION TO DELETE THE LANGUAGE THAT LIMITS USES AND ACTIVITIES PERMITTED IN WETLANDS BECAUSE NO IMPACTS TO WETLANDS ARE ALLOWED BY THE REGULATIONS WITHOUT A DEVIATION PROCESS; AND 3. DIRECT THE MANAGER TO REFER IMPLEMENTING GUIDELINES AND REGULATIONS TO BE CONSISTENT WITH THE CURRENT RESOURCE REQUIREMENTS TO THE WETLANDS WORKING GROUP.

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

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS FOR SUBITEMS A, B, C, D, AND E, AND TO INTRODUCE THE ORDINANCE FOR SUBITEM G. 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:

SUBJECT: Matter of a proposal for a Carmel Valley Planned District Development Permit-96-0550 and Vesting Tentative Map (VTM) in the Carmel Valley Community Plan Area.

(CVPDDP/VTM-96-0550. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and D; adopt Subitems B and C to approve the permit and the map:

Subitem-A: (R-98-389) ADOPTED AS RESOLUTION R-289446

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-96-0550 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and that the declaration reflects the independent judgement of the City as Lead Agency, and adopting the Mitigation, Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-98-640) GRANTED PERMIT, ADOPTED AS RESOLUTION R-289447

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

Subitem-C: (R-98-641) GRANTED MAP, ADOPTED AS RESOLUTION R-289448

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

Subitem-D: (R-98-388) ADOPTED AS RESOLUTION R-289449

Adoption of a Resolution authorizing the abandonment of certain building site restriction, sewer, water and storm drain easements as provided for under Section 66499.20-1/2 of the State Map Act.

OTHER RECOMMENDATIONS:

Planning Commission voted 4-0 to approve; no opposition.

Ayes: Butler, Quinn, Skorepa, Watson
Abstaining: Steele
Not present: Anderson, White

SUBJECT: Matter of the New Century Center Development Plan - Proposed Redevelopment of the Kearny Mesa General Dynamics Site in the Kearny Mesa Community Plan Area. (PG/GP/RZ/VTM/PCD/PID/RPO-96-0165. Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-98-526) ADOPTED AS RESOLUTION R-289450

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-96-0165, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council; adopting appropriate Findings and Statement of Overriding Considerations and Mitigation, Monitoring and Reporting Program.

Subitem-B: (R-98-) GRANTED MAP WITH AMENDMENT TO CONDITIONS, ADOPTED AS RESOLUTION R-289451

Adoption of a Resolution granting or denying the Vesting Tentative Map VTM-96-0165, with appropriate findings to support Council action.

Subitem-C: (R-98-527) ADOPTED AS RESOLUTION R-289452

Adoption of a Resolution amending the Progress Guide and General Plan, the Kearny Mesa Community Plan and the New Century Center Master Plan.

Subitem-D: (R-98-665 Cor. Copy) GRANTED PERMITS WITH AMENDMENT TO CONDITIONS, ADOPTED AS RESOLUTION

R-289453

Adoption of a Resolution granting or denying the

PID/PCD/RPO-96-0165 Permits, with appropriate findings to support Council action.

Subitem-E: (O-98-39) INTRODUCED, TO BE ADOPTED
DECEMBER 2, 1997

Introduction of an Ordinance rezoning 83.8 acres from M1-B to CA; 7.9 acres from M1-B to M1-A; and 8.4 acres from M1-B to OS-TDR.

Subitem-F: (O-98-40) INTRODUCED WITH AMENDMENT TO
CONSERVATION AGREEMENT, TO BE
ADOPTED DECEMBER 2, 1997

Introduction of an Ordinance adopting the Development Agreement between the City of San Diego and General Dynamics Properties, Inc.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to approve.

Ayes: Steele, Anderson, Butler, Skorepa, White
Abstaining: Watson, Quinn

The Kearny Mesa Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The Kearny Mesa General Dynamics (GD) site is approximately 242 acres in size. Of this 242 acres, GD owns 232 acres; a 10-acre parcel centrally located on the site is owned independently by the Computer Sciences Corporation (CSC), and will be incorporated into the proposed New Century Center project. GD intends to redevelop the 232 acre site, with the goal of repositioning the property through flexible, market-driven land use designations which permit the Development of a mixed use business center with a variety of office, entertainment, institutional, retail and light industrial uses surrounding a central amenity area.

LEGAL DESCRIPTION:

The project site is located at 5001 Kearny Villa Road, between Clairemont Mesa Boulevard and Balboa Avenue, in the Kearny Mesa Community Plan Area and is more particularly described as Lots 4,5,6,11,12,13 and Portion of Lots 20,21 and 22 of the Highlands,

Map-284; Portion of Blocks 1,2,9 and 10 of Rosedale, Map-826.

FILE LOCATION: Subitems A,C: LAND - Kearny Mesa
Community Plan; Subitem B: SUBD - New
Century Center, VTM-96-0165; Subitem D:
PERM - PID/PCD/RPO-96-0165; Subitems
E,F: NONE

COUNCIL ACTION: (Tape location: B042-C492.)

Hearing began at 10:51 a.m. and halted at 12:03 p.m.

Testimony in favor by Steve Eimer, Gordon Carrier, Glen Best, Ed Bacani, and Mark Greedy.

Testimony in opposition by Michael Conger.

MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS AND INTRODUCE THE ORDINANCES, APPROVING THE CITY MANAGER'S RECOMMENDATIONS WITH THE FOLLOWING CHANGES:

AMEND THE CONSERVATION AGREEMENT TO READ:

INSTEAD OF A 40 PERCENT POTENTIAL REVENUE SPLIT, THE CITY OF SAN DIEGO WILL RECEIVE 50 PERCENT OF ANY POTENTIAL MITIGATION CREDITS THAT COME OUT OF THE 1,100 ACRES IN SYCAMORE CANYON. IN EXCHANGE FOR THAT 50 PERCENT, THE CITY OF SAN DIEGO AGREES TO DO EVERYTHING TO NEGOTIATE IN GOOD FAITH TO ASSIST GENERAL DYNAMICS PROPERTIES INC. IN ANY WAY POSSIBLE WITH THE RESOURCE AGENCIES, TO MAXIMIZE THE NUMBER OF MITIGATION CREDITS THAT ARE AVAILABLE WITHIN THOSE 1,100 ACRES. THE PROCEEDS OF THAT 50 PERCENT WILL BE DISTRIBUTED AS FOLLOWS: 40 PERCENT INTO THE MISSION TRAILS REGIONAL PARK FOUNDATION AS IDENTIFIED IN THE CONSERVATION AGREEMENT, AND 10 PERCENT INTO THE KEARNY MESA ENHANCEMENT FUND.

APPROVE THE FOLLOWING CHANGES ON THE ERRATA SHEET DISTRIBUTED TO COUNCIL DATED NOVEMBER 18, 1997:

1. ATTACHMENT 6, PID/RPO PERMIT CONDITIONS:

A. CONDITION #2, SECOND SENTENCE IS REVISED TO READ:

FAILURE TO UTILIZE THE PERMIT WITHIN 36 MONTHS, OR AS ALLOWED BY THE DEVELOPMENT AGREEMENT, WILL AUTOMATICALLY VOID THE PERMIT...

B. CONDITION #37 IS REVISED TO READ:

PRIOR TO RECORDATION OF THE FIRST MAP, THE SUBDIVIDER SHALL ENTER INTO AN AGREEMENT WITH MTDB TO DEDICATE IN FEE UP TO 2.0 ACRES FOR A BUS TRANSIT CENTER CONTAINING UP TO 10 STALLS IN THE BUS STAGING AREA. IN ADDITION, A PARK AND RIDE FACILITY CONTAINING UP TO 50 PARKING SPACES SHALL BE PROVIDED THROUGH A SHARED USE AGREEMENT.

2. ATTACHMENT 7, PCD/RPO PERMIT CONDITIONS:

A. CONDITION #2, SECOND SENTENCE IS REVISED TO READ:

FAILURE TO UTILIZE THE PERMIT WITHIN 36 MONTHS, OR AS ALLOWED BY THE DEVELOPMENT AGREEMENT, WILL AUTOMATICALLY VOID THE PERMIT...

B. CONDITION #34 IS REVISED TO READ:

PRIOR TO RECORDATION OF THE FIRST FINAL MAP, THE OWNER/PERMITTEE SHALL ENTER INTO AN AGREEMENT WITH MTDB TO DEDICATE IN FEE UP TO 2.0 ACRES FOR A BUS TRANSIT CENTER CONTAINING UP TO 10 STALLS IN THE BUS STAGING AREA. IN ADDITION, A PARK AND RIDE FACILITY CONTAINING UP TO 50 PARKING SPACES SHALL BE PROVIDED THROUGH A SHARED USE AGREEMENT.

3. ATTACHMENT 9, VESTING TENTATIVE MAP CONDITIONS:

A. CONDITION #51, LAST SENTENCE IS REVISED TO READ:

...IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL FOR VESTING TENTATIVE MAP 96-0165 OR THE DEVELOPMENT AGREEMENT EXHIBIT H.

B. CONDITION #54V IS REVISED TO READ:

PREPARATION OF A MANAGEMENT AND REPORTING PROGRAM, INCLUDING THE IDENTIFICATION OF A LONG-TERM MANAGEMENT ENTITY.

OR

C. CONDITION #57A IS REVISED TO READ:

PROVIDE THE CITY MANAGER WITH A COPY OF A

CONSERVATION BANK AGREEMENT WITH RESPECT TO THE SOUTHERN SECTION, DULY EXECUTED BY THE RESOURCE AGENCIES AND THE DEVELOPER OR OTHER EVIDENCE OF COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL AND STATE ENDANGERED SPECIES ACT AND SECTION 404 OF THE CLEAN WATER ACT, AS SATISFACTORY TO THE DEVELOPMENT SERVICES DEPARTMENT.

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-333:

SUBJECT: Election of North Bay Redevelopment Project Area
Committee (PAC) Members.

(See City Manager Report CMR-97-203. Clairemont Mesa,
Linda Vista, Mission Valley, Old Town, Uptown,
Midway/Pacific Highway and Peninsula Community Areas.
Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-544) ADOPTED AS RESOLUTION R-289463

Approving a Representative Project Area Committee for
the North Bay Redevelopment Project Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A326-599; H032-037.)

MOTION BY STALLINGS TO MOVE FORWARD TO RATIFY THE NORTH BAY
REDEVELOPMENT PROJECT AREA COMMITTEE MEMBERS. Second by
Wear. Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-nay, Vargas-yea, Mayor Golding-not present.

ITEM-CS-1: (R-98-534) ADOPTED AS RESOLUTION R-289464

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

Authorizing the City Manager to pay the sum of
\$150,000.00 in the settlement of each and every claim
against The City of San Diego, its agents and employees
resulting from property damage to Seville Realty
Services, et al.; authorizing the City Auditor and
Comptroller to issue various checks not to exceed the
total amount of \$150,000.00, made payable to Luth
Turley and various claimants in full settlement of all
claims.

Aud. Cert. 9800421

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Warden at
5:35 p.m. in honor of the memory of Kimball Moore as
requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H146.)