

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 25, 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 10:20 a.m.
The meeting was recessed by Mayor Golding at 12:15 p.m.

The meeting was reconvened by Mayor Golding at 2:12 p.m. with all Councilmembers present. Mayor Golding adjourned the meeting at 3:51 p.m. to meet immediately in Closed Session in the twelfth floor conference room to discuss existing litigation.

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 (pr/lw)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Scott McLachlan regarding the Padres Task Force and his feeling that they are not addressing the financial liability of the Padres in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A046-059.)

ITEM-PC-2:

Comment by Don Stillwell regarding the Stadium Authority and his request to the Mayor and the Council to take action to continue the Stadium Authority. Mr. Stillwell stated according to the paper, the Stadium Authority will be "out of business" within five weeks, and he feels their opinions are less bias than the City Council's.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A060-073.)

ITEM-PC-3: REFERRED TO THE CITY MANAGER

Comment by Ken Bourke regarding having a Web Site Address on Police cars, water trucks and other City vehicles to enable citizens to report thefts, water

breaks, etc., quicker and more efficiently.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A074-107.)

ITEM-PC-4:

Comment by Al Strohlein regarding the Director of the Museum of Art and his feeling he cannot read or write, nor is willing to have someone in his employe reply to letters written to him. Mr. Strohlein stated he was questioning the Museums' priorities and public access to its fine resources.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A111-135.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Mathis recognizing and welcoming Mr. Sidney McClain and his wife Marium who are first time visitors to San Diego. Mr. McClain previously served in the Texas Legislature as a State Assemblyman representing Austin and is now an Attorney in Texas. He is also the Uncle of Jan Fuchs, Chair of Carmel Valley Planning Board.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A163-170.)

ITEM-106: RETURNED TO THE CITY MANAGER

SUBJECT: Update on Negotiations with Brown Field Airport.

(See City Manager Report CMR-97-168. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-604)

Approving preliminarily for the purposes of preparing environmental analysis and feasibility study the deal point negotiated by the City Manager as stated in City Manager Report CMR-97-168;

Acknowledging the concerns expressed by the public and tenants at Brown Field Airport;

Authorizing the City Manager to enter into exclusive negotiations with Brown Field Aviation Park, LLC, to lease the property known as "Heritage West" located at the southwest corner of Otay Mesa Road and Heritage Road.

CITY MANAGER SUPPORTING INFORMATION:

On September 24, 1997 the Land Use and Housing Committee was updated on the negotiations with Brown Field Aviation Park (BFAP) on the major deal points for the Brown Field Development Project (City Manager's Report CMR-97-168). The Committee recommended approval of the preliminary key terms and conditions of the operating, ground lease and development agreements as outlined in the City Manager's Report in order to complete the feasibility study and environmental review. In addition, the Committee recommended exclusive negotiations with BFAP for the Heritage Road west parcel which is part of the airport, but is located off the airport property.

The Committee received a number of inquiries about the project and on Exhibit "D" to Manager's Report, staff has enumerated the questions and provided responses. All those making inquiry have received a copy of Exhibit "D". The City Manager has not formed an opinion of feasibility of the project but is awaiting an opinion from its aviation consultant, Leigh Fisher. Additionally, the City has engaged the services of outside legal counsel. Staff anticipates making continued reports to LU&H Committee on the status of the project. It is anticipated that the BFAP Project will be before the City Council for its consideration in August 1998.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A014-161.)

CONSENT MOTION BY VARGAS TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. 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: Preliminary Application for Participation in the Federal Aviation Administration's Pilot Privatization Project for Brown Field Airport.

(See City Manager Report CMR-97-209. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-603) ADOPTED AS RESOLUTION R-289482

Authorizing the City Manager to submit a preliminary application to participate in the Federal Aviation Administration's Pilot Privatization Project for Brown Field Airport.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A014-161.)

CONSENT MOTION BY VARGAS 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 meeting of November 10, 1997, Item 601, at Mayor Golding's request, to meet with those members of the public who expressed concerns about the expansion.)

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.)

NOTE: Hearing open. Testimony taken on 11/10/97.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/28/97. (Council voted 9-0):

(O-98-34 Cor.Copy) ADOPTED AS ORDINANCE O-18443 (New Series)

Adoption 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 d) other 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.

NOTE: Six votes required pursuant to Section 99 of the City Charter. A notice regarding the adoption of this ordinance was published in the Daily Transcript on 10/31/97.

FILE LOCATION: MEET (62-Conv. Ctr.) CONFY98-3

COUNCIL ACTION: (Tape location: A164-C316; D015-356)

Hearing began at 10:34 a.m. and recessed at 12:15 p.m.

Testimony in opposition by Richard Rider, Bruce Henderson, Ron Bochun, and Don Stillwell.

Testimony in favor by Mike McDade, Reint Reinders, David Nuffer, Julie Wright, Bill Adams, Kip Howard, Stephen Zolezzi, Richard Willey, Tom Fat, Anne Evans, Saivdy Purdon, Marilee Bankert, Robert Rauch, Scott Barnett, Jim Fitzpatrick, John Hawkins, Steve Zipfel, David Seastrom, Bill Prater, Adil Tyfail, Karima Zaki, James Hartman, Leslie Wade, Jim Dawe, Jerry Butkiewicz, Abdul-Rahim Hamed, and Patti Rose.

Hearing resumed at 2:13 p.m. and halted at 2:40 p.m.

MOTION BY WEAR TO ADOPT THE CITY MANAGER'S RECOMMENDATION. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: RETURNED TO THE CITY MANAGER

SUBJECT: Convention Center Expansion.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-575)

Authorizing and approving the Preliminary Official Statement and the Continuing Disclosure Agreement between the City and BNY Western Trust Company.

CITY MANAGER SUPPORTING INFORMATION:

Due to the delay in the financing caused by the litigation, portions of the financing documents originally approved by the City Council in March 1996 (O-18279), contain information that is out of date. It is requested that the City Council approve the revised versions of the Preliminary Official Statement and the Continuing Disclosure Agreement in conjunction with the City's issuance of Certificates of Participation to finance the Convention Center Expansion.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A014-161.)

CONSENT MOTION BY VARGAS TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. 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-332: There is no Item 332 on today's docket.

ITEM-333:

(Continued from the meeting of October 21, 1997, Item 338, at the joint request of the applicant and City, for an extension of the deadline to be consistent with the action taken in Closed Session.)

SUBJECT: Carmel Valley Neighborhood 8C; Adoption of a Precise Plan, Amendment to the Progress Guide and General Plan, Carmel Valley Community Plan, Carmel Valley Planned District Ordinance and Approving VTM/RPO/CVPD-96-7499.

(Case-96-7499. District-1.)

NOTE: Hearing open. No testimony taken on 10/21/97.

CITY MANAGER'S RECOMMENDATION:

Adopt the Findings and Statement of Overriding Considerations and the Mitigation, Monitoring and Reporting Program as identified in Subitem A; introduce Subitem B; approve Subitems C through E:

Subitem-A: (R-98-588) ADOPTED AS RESOLUTION R-289489

Certifying that the information contained in EIR-96-7499 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said EIR reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final EIR has been reviewed and considered prior to

approving the project; adopting the Findings and Statement of Overriding Considerations; adopting the Mitigation, Monitoring and Reporting Program.

Subitem-B: (O-98-45) INTRODUCED, TO BE ADOPTED
DECEMBER 9, 1997

Introduction of an Ordinance amending the Carmel Valley Planned District Ordinance rezoning the Neighborhood 8C Precise Plan Area from A-1-10 (Hillside Review Overlay) to SF3 (Single Family Residential) and OS (Open Space).

Subitem-C: (R-98-587) ADOPTED AS AMENDED AS RESOLUTION
R-289490

Adopting the Carmel Valley Neighborhood 8C Precise Plan and amending the Progress Guide and General Plan and the Carmel Valley Community Plan to develop 156 single family dwelling units.

Subitem-D: (R-98-696) GRANTED MAP, ADOPTED AS RESOLUTION
R-289491

Granting or denying Vesting Tentative Subdivision Map (VTM-96-7499), with appropriate findings to support Council action.

Subitem-E: (R-98-697) GRANTED PERMIT AS AMENDED, ADOPTED
AS RESOLUTION R-289492

Granting or denying Resource Protection Ordinance Permit and Carmel Valley Planned District Permit (RPO/PD-96-7499), with appropriate findings to support Council action.

PROJECT DESCRIPTION:

Neighborhood 8C and amendment to the Progress Guide and General Plan and Carmel Valley Community Plan to designate a 40 acre site located at the southerly boundaries of the Carmel Valley Community for 156 single family homes; approval of a Vesting Tentative Map, Resource Protection Ordinance Permit and Carmel Valley Planned Development Permit to construct 145 single family homes; and Rezone the A-1-10 [Agriculture] zone to the SF3 [Single Family Residential] zone and OS [Open Space] zone.

LEGAL DESCRIPTION:

The 40-acre site is located on the southerly boundaries of the Carmel Valley Community, described as a portion of Section 30, T14S, R3W, SBM.

FILE LOCATION: Subitem A,C: LAND - Carmel Valley
 Neighborhood 8C; Subitem B: NONE;
 Subitem D: SUBD - Carmel Valley
 Neighborhood 8C; Subitem E:
 PERM - RPO/CVPDP-96-7499

COUNCIL ACTION: (Tape location: E040-F117.)

Hearing began at 3:00 p.m. and halted at 3:50 p.m.

Testimony in favor by Mike Madigan, Michael Beck, Scott C. Sandstrom, and Oliver Ryder.

Testimony in opposition by Cindy Burrascano, Anne Harvey, Jan Fuchs, Lisa Ross, Janine Moniot, Daniel R. Patterson, Janet A. Anderson, and Lillian Justice.

MOTION BY MATHIS TO APPROVE THE MANAGER'S RECOMMENDATION REGARDING THE REDUCED PROJECT ALTERNATIVE WHICH IS THE REVISED APPLICATION PROVIDED:

1. PARDEE AGREES NOT TO REQUIRE ISSUANCE OF BUILDING PERMITS FOR THE REDUCED PROJECT ALTERNATIVE UNTIL AFTER NOVEMBER 3, 1998.
2. PARDEE FURTHER AGREES THAT THE REDUCED PROJECT ALTERNATIVE APPROVALS SHALL BE NULL AND VOID AND OF NO FURTHER FORCE AND EFFECT IF THE PHASE SHIFT VOTE FOR SUBAREA III IS SUCCESSFUL ON NOVEMBER 3, 1998, AND IF THE PLANNING GROUP ALTERNATIVE PROJECT IS APPROVED BY THE COUNCIL (AFTER CONSIDERATION OF THAT PROJECT ALTERNATIVE CONCURRENT WITH THE SPECIFIC PLAN/PRECISE PLAN IN PROCESS FOR NEIGHBORHOOD 8A BY SEPTEMBER 30, 1998) AND BECOMES EFFECTIVE AFTER A SUCCESSFUL PHASE SHIFT VOTE FOR SUBAREA III.
3. SUBJECT TO TIMELY SUBMISSION OF NECESSARY APPLICATIONS AND REQUIRED DOCUMENTATION BY PARDEE, THE CITY MANAGER IS DIRECTED TO EXPEDITIOUSLY PROCESS AND APPROVE, PRIOR TO NOVEMBER 3, 1998, ALL CITY ENTITLEMENTS FOR THE REDUCED PROJECT ALTERNATIVE BUT NOT ISSUE OR RELEASE THOSE ENTITLEMENTS PRIOR TO THAT DATE.

4. SUBJECT TO TIMELY SUBMISSION OF NECESSARY APPLICATIONS AND REVISED DOCUMENTATION BY PARDEE, THE CITY MANAGER IS DIRECTED TO EXPEDITIOUSLY PROCESS A REVISED NEIGHBORHOOD 8C PRECISE PLAN AND A TENTATIVE MAP APPLICATION FOR THE ALTERNATIVE PROPOSED BY THE PLANNING GROUP AND RETURN THE PROJECT APPLICATIONS TO THE CITY COUNCIL FOR CONSIDERATION OF APPROVAL CONCORDANT WITH CONSIDERATION OF THE SPECIFIC PLAN/PRECISE PLAN WHICH IS IN PROCESS FOR NEIGHBORHOOD 8A.

A. THE PLANNING GROUP ALTERNATIVE FOR PARCEL C SHALL ALSO BE INCLUDED AS AN ALTERNATIVE FOR POTENTIAL ADOPTION AS PART OF THE SPECIFIC PLAN/PRECISE PLAN. IF THE PLANNING GROUP ALTERNATIVE IS APPROVED AS PART OF THE SPECIFIC PLAN OR APPROVED SEPARATELY AS A REVISED NEIGHBORHOOD 8C PRECISE PLAN, THE APPROVAL SHALL BE CONDITIONED SUCH THAT THE 8C PROJECT APPROVALS BECOME EFFECTIVE ONLY UPON A SUCCESSFUL PHASE SHIFT VOTE FOR SUBAREA III ON NOVEMBER 3, 1998.

B. THE RESIDENTIAL AREA IN THE PLANNING GROUP ALTERNATIVE WOULD BE SEPARATED FROM THE UNDISTURBED NATURAL OPEN SPACE BY A VERTICAL GRADE SEPARATION. THIS VERTICAL GRADE SEPARATION WILL BE DESIGNED SO THAT A PERSON STANDING IN THE NATURAL OPEN SPACE AREA AT THE TOP OF THE MESA WOULD FIND THE TOPMOST POINT OF THE ROOFS OF THE HOUSES AT THEIR FEET. THE VERTICAL SEPARATION MUST BE ENOUGH TO ENSURE THAT THE ROOFS OF THE HOUSES WOULD NOT EXTEND BEYOND THE LEVEL OF THE ADJACENT MESA TOP.

5. SUBJECT TO TIMELY SUBMISSION OF NECESSARY APPLICATIONS AND REQUIRED DOCUMENTATION BY PARDEE, THE CITY MANAGER IS DIRECTED TO PROCESS AND APPROVE PRIOR TO NOVEMBER 3, 1998, ALL CITY ENTITLEMENTS FOR SUCH ALTERNATIVE BUT NOT ISSUE OR RELEASE THOSE ENTITLEMENTS PRIOR TO THAT DATE AND SUBJECT TO CITY COUNCIL APPROVAL OF THE PLANNING GROUP ALTERNATIVE.
6. DIRECT THE CITY MANAGER TO AMEND CERTAIN PORTIONS OF THE "SECOND ADDENDUM TO SETTLEMENT AGREEMENT BETWEEN PARDEE CONSTRUCTION COMPANY AND THE CITY OF SAN DIEGO," AMONG THEM SECTIONS 1.2 AND 3.1 AND OTHERS AS NEEDED, TO MAKE THE DATES CONSISTENT WITH OUR ACTION TODAY.

ALSO, APPROVE THE PROJECT SUBJECT TO THE DRAFT CONDITIONS

CONTAINED WITH THE WRITTEN REPORT AS STATED BY STAFF AND SUPPLEMENTED BY CONDITION CHANGES CONTAINED IN THE ERRATA SHEET DATED NOVEMBER 25, 1997, TO THE MAYOR AND COUNCILMEMBERS AS FOLLOWS:

1. ATTACHMENT 8, PAGE 1, FINDING 1, LAST TWO SENTENCES. CHANGE TO READ, "THIS TYPE OF DEVELOPMENT IS CONSISTENT WITH THE GENERAL PLAN AND CARMEL VALLEY COMMUNITY PLAN, WHICH DESIGNATE THE PROPERTY FOR RESIDENTIAL USE. THE PROPOSED MAP WILL RETAIN THE COMMUNITY'S CHARACTER BY RETAINING OPEN SPACE AND ENCOURAGING ORDERLY DEVELOPMENT CONSISTENT WITH SURROUNDING DEVELOPMENT."
2. ATTACHMENT 8, PAGE 3, CONDITION 9. CHANGE TO READ, "THE SUBDIVIDER SHALL COMPLY WITH THE MITIGATION, MONITORING AND REPORTING PROGRAM AS SPECIFIED IN ENVIRONMENTAL IMPACT REPORT NO. 96-7499, TO INCLUDE:
 - A. GRADING AND OTHER SURFACE-DISTURBING ACTIVITIES EITHER SHALL BE PLANNED TO AVOID THE RAINY SEASON (I.E. NOVEMBER THROUGH MARCH) TO REDUCE POTENTIAL EROSION IMPACTS OR SHALL EMPLOY CONSTRUCTION PHASE EROSION CONTROL MEASURES, INCLUDING THE SHORT-TERM USE OF SANDBAGS, MATTING, BERMS, HAY BALES OR SIMILAR DEVICES ALONG ALL GRADED AREAS TO MINIMIZE SEDIMENT TRANSPORT. THE EXACT DESIGN, LOCATION AND SCHEDULE OF USE FOR SUCH DEVICES SHALL BE CONDUCTED PURSUANT TO DIRECTION AND APPROVAL BY THE CITY ENGINEER.
 - B. THE DEVELOPER SHALL, WITHIN 90 DAYS OF COMPLETION OF GRADING ACTIVITIES, HYDROSEED AND LANDSCAPE GRADED AND COMMON AREAS WITH APPROPRIATE GROUND COVER VEGETATION CONSISTENT WITH THE BIOLOGY SECTION MITIGATION REQUIREMENTS (E.G. USE OF NATIVE OR NONINVASIVE PLANTS). THESE RE-VEGETATED AREAS SHALL BE INSPECTED MONTHLY BY A QUALIFIED BIOLOGIST UNTIL VEGETATION HAS BEEN FIRMLY ESTABLISHED AS DETERMINED BY THE CITY'S GRADING INSPECTOR.
 - C. COMPACTED AREAS SHALL BE SCARIFIED, WHERE APPROPRIATE, TO INDUCE SURFACE WATER INFILTRATION AND RE-VEGETATION AS DIRECTED BY THE PROJECT GEOLOGIST, ENGINEER AND/OR BIOLOGIST.
 - D. SPECIFIED VEHICLE FUELING AND MAINTENANCE PROCEDURES AND HAZARDOUS MATERIALS STORAGE AREAS SHALL

BE DESIGNATED TO PRECLUDE THE DISCHARGE OF HAZARDOUS MATERIALS USED DURING CONSTRUCTION (E.G. FUELS, LUBRICANTS AND SOLVENTS). SUCH DESIGNATIONS SHALL INCLUDE SPECIFIC MEASURES TO PRECLUDE SPILLS OR CONTAIN HAZARDOUS MATERIALS, INCLUDING PROPER HANDLING AND DISPOSAL TECHNIQUES AND USE OF TEMPORARY IMPERVIOUS LINERS TO PREVENT SOILS AND WATER CONTAMINATION.

E. POST-CONSTRUCTION EROSION CONTROL MEASURES SHALL BE IMPLEMENTED WHERE PROPOSED DISTURBANCE IS ADJACENT TO OR ENCROACHES WITHIN EXISTING DRAINAGE COURSES AND PROJECTED RUNOFF VELOCITIES EXCEED 5 CUBIC FEET PER SECOND (CFS).

F. ENERGY-DISSIPATING STRUCTURES (E.G. DETENTION PONDS, RIPRAP, OR DROP STRUCTURES) SHALL BE USED AT STORM OUTLETS, DRAINAGE CROSSINGS AND/OR DOWNSTREAM OF ALL CULVERTS, PIPE OUTLETS AND BROW DITCHES TO REDUCE VELOCITY AND PREVENT EROSION.

G. LONG-TERM MAINTENANCE RESPONSIBILITY OF THE DETENTION BASIN MAY BE ACCEPTED BY THE CITY OF SAN DIEGO OR THROUGH OTHER ACCEPTABLE MECHANISMS (E.G. HOMEOWNERS' ASSOCIATION OR ASSESSMENT DISTRICT)."

3. ATTACHMENT 8, PAGE 6, CONDITION 26, ADD TO THE END OF THE FIRST SENTENCE: "OR SATISFACTORY TO THE CITY ENGINEER AND FIRE DEPARTMENT."
4. ATTACHMENT 9, PAGE 3, PARAGRAPH B, FIRST LINE. DELETE THE WORDS, "ALTERNATIVE COMPLIANCE."
5. ATTACHMENT 10, PAGE 13, CONDITION 31, FIRST SENTENCE. ADD THE WORDS, "OF HIGH," TO THE END OF THE SENTENCE.

INCLUDE ONE ADDITIONAL CHANGE TO DRAFT CONDITION NO. 35 OF THE TENTATIVE MAP TO READ AS FOLLOWS:

"THE SUBDIVIDER SHALL PROVIDE ADEQUATE ACCESS FOR A RESIDENTIAL DEVELOPMENT OF THE OFF-SITE PARCEL WESTERLY OF LOTS A AND LOTS 14 THROUGH 19 SATISFACTORY TO THE CITY ENGINEER UNLESS OTHER ACCESS IS APPROVED BY THE CITY ENGINEER. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the proposed North University City Facilities Benefit Assessment District. Council will take action at the subsequent hearing which has been scheduled on December 16, 1997.

(See City Manager Report P-97-118; Public Facilities Financing Plan and FBA, FY98 Draft; North University City FBA Alternatives; and Kevin T. Wirsing's 9/23/97 letters. District-1.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled for December 16, 1997 at 10:00 a.m.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/24/97, LU&H voted 5-0 to: 1) Approve a North University City Public Facilities Financing Plan for Fiscal Year 1998; 2) adopt a Resolution of Intention to designate an area of benefit for an FBA in the North University City portion of the University City Community Planning Area; 3) adopt a Resolution of Designation; and 4) direct staff to equalize FBA fees over a one-year period between commercial and residential. (Councilmembers Mathis, Wear, Kehoe, Stevens and Vargas voted yea.)

FILE LOCATION: STRT-FB-1

COUNCIL ACTION: (Tape location: A014-161.)

Hearing began at 10:28 a.m. and halted at 10:34 a.m.

CONSENT MOTION BY VARGAS TO APPROVE THE HEARING. 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-335:

SUBJECT: Amendment to the Housing Element of the Progress Guide and General Plan.

(Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-573) ADOPTED AS RESOLUTION R-289493

Adoption of a Resolution to amend the Housing Element of the City's Progress Guide and General Plan with specific changes to comply with the Government Code section 65583(c)(1).

SUPPORTING INFORMATION:

The amendment would be for the purpose of adding maps and text to more fully describe the need for emergency shelters and transitional housing and zoning districts in the City where such shelters and transitional facilities would be suitable. It would also describe how the City proposes to modify its development regulations for emergency shelters and transitional housing so as to facilitate the location of such facilities. The proposed amendment to the Housing Element of the Progress Guide and General Plan also constitutes an amendment to the City of San Diego's Local Coastal Program. If approved by the City Council, the proposed Local Coastal Program Amendment must be submitted to the California Coastal Commission for review and final approval. The proposed Local Coastal Program Amendment would not become effective until after approval by the California Coastal Commission.

FILE LOCATION: LAND - Housing Element of the Progress Guide and General Plan

COUNCIL ACTION: (Tape location: D357-634.)

Hearing began at 2:41 p.m. and halted at 2:56 p.m.

Testimony in favor by Ann T. Fathy and Leslie Wade.

MOTION BY WEAR TO ADOPT WITH DIRECTION TO STAFF TO WORK WITH CCDC TO MAKE THE APPROPRIATE CORRECTIONS TO THESE MAPS AND INCORPORATE TRANSIENT ORIENTED RESIDENTIAL DEVELOPMENT GOALS

DOWNTOWN AND ADOPT FOCUS PLAN REQUIREMENTS. 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-yea.

ITEM-336:

SUBJECT: Section 108 Loan Application for Transitional Housing Facilities to Implement the Homeless Element of the Naval Training Center Reuse Plan.

(Centre City East, Midway-Pacific Highway and Peninsula Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-535) ADOPTED AS RESOLUTION R-289483

Adoption of a Resolution authorizing amendment of the Community Development Block Grant(CDBG) "Action Plan" (the "Plan") to include financing for three transitional housing projects associated with implementation of the Homeless Element of the NTC Reuse Plan.

Subitem-B: (R-98-536) ADOPTED AS RESOLUTION R-289484

Authorizing the City Manager to apply for \$1.85 million in Section 108 Loan Guarantee Funds.

Subitem-C: (R-98-537) ADOPTED AS RESOLUTION R-289485

Resolution setting forth the legal authority and certifications necessary to make application for Section 108 Loan Guarantee Funds.

SUPPORTING INFORMATION:

This action would authorize the City Manager to submit an application to the U.S. Department of Housing and Urban Development for a Section 108 loan in the amount of \$1.85 million.

The funds would be borrowed against the City's future CDBG entitlements and would be repaid from District 2 CDBG funds. The funds would fulfill part of the City's commitment to provide funding of \$7.5 million to implement the Homeless Assistance Element of the Naval Training Center Reuse Plan. Specifically, the Section 108 loan would provide partial funding for three off-site transitional housing projects in Council District 2. The City Council and HUD have already approved the City's agreement with representatives of the homeless regarding the Homeless Assistance Element of the NTC Reuse Plan.

FILE LOCATION: SUBITEMS A-C: LAND-Naval Training
 Center - NTC #67 (10)
COUNCIL ACTION: (Tape location: A014-161.)

Hearing began at 10:28 a.m. and halted at 10:34 a.m.

CONSENT MOTION BY VARGAS 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-337:

SUBJECT: Three actions related to Ocean View Hills Parkway (Palm Avenue Extension).

(See City Manager Report CMR-97-202. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-457) ADOPTED AS RESOLUTION R-289486

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION.

Determining and declaring that the public interest, convenience and necessity of the City of San Diego requires the acquisition of slope easements and drainage easements for the construction, improvement, operation and maintenance of the Ocean View Hills

Parkway Project (Palm Avenue Extension), located east of Interstate 805 and on the north side of Otay Mesa Road, east of its intersection with Old Otay Mesa Road, and that the public interest, convenience and necessity demand the acquisition of fee title to the property for said slope easements and drainage easements;

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

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

NOTE: 6 votes required for Subitem A.

Subitem-B: (R-98-458) ADOPTED AS RESOLUTION R-289487

Authorizing the expenditure of not to exceed \$174,274 from Developer's Trust Fund No. 63020, Ocean View Hills Parkway Project, Org. 102, Object Account 4638, Job Order 650021, for costs related to condemnation of fee simple title, slope easements and drainage easements in connection with the Ocean View Hills Parkway (Palm Avenue Extension) condemnation project.

Subitem-C: (R-98-549) ADOPTED AS RESOLUTION R-289488

Authorizing a Subdivision Offsite Right-of-Way Agreement with Pardee Construction Company for construction of public street improvements for Ocean View Hills VTM-86-1032.

Aud. Cert. 9800528.

FILE LOCATION: SUBITEMS A-C: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A014-161.)

Hearing began at 10:28 a.m. and halted at 10:34 a.m.

CONSENT MOTION BY VARGAS 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-338: HEARING HELD

SUBJECT: This is the first of two scheduled public meetings regarding the annual assessments for the Calle Cristobal Landscape Maintenance District. Council will take action at the subsequent hearing scheduled for December 9, 1997 at 10:00 a.m. Public testimony will also be taken at that meeting.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled for December 9, 1997 at 10:00 a.m.

CITY MANAGER SUPPORTING INFORMATION:

The Calle Cristobal Landscape Maintenance District (LMD) was established in 1987 to provide maintenance for the street side of the sound attenuator wall along Calle Cristobal, 67,227 square feet of median (of which 27,992 contains landscaping) and 373,110 square feet of street scape.

The Fiscal Year 1998 proposed maintenance costs for the district are as follows:

DESCRIPTION	FUND		
	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$ 15,913.00	\$ 15,913.00
REVENUE:			
Assessments	\$122,000.00	\$ 0.00	\$122,000.00
Interest	0.00	1,900.00	1,900.00
City Contribution	\$ 8,057.00	\$ 0.00	\$ 8,057.00
TOTAL REVENUE	\$130,067.00	\$ 1,900.00	\$131,967.00
TRANSFER	(1,843.00)	(1,843.00)	0.00
EXPENSE:			
Personnel	\$ 18,731.00	\$ 0.00	\$ 18,731.00
Contractual	61,000.00	0.00	61,000.00
Incidental	20,629.00	0.00	20,629.00
Utilities	31,550.00	0.00	31,550.00

TOTAL EXPENSE	\$131,910.00	0.00	\$131,910.00
ENDING BALANCE	\$ 0.00	\$15,970.00	\$ 15,970.00

The District has been re-engineered to meet the Proposition 218 guidelines, requiring a change in methodology and apportionment. The proposed assessment for Fiscal Year 1998 in Zone 1 is \$86.61 per equivalent benefit unit (EBU) in Zone 1, \$25.98 per EBU in Zone 2 and \$43.30 per EBU in Zone 3. The maximum authorized assessment is \$89.15 per EBU indexed annually to the San Diego CPI-U. The district contains a total of 1,408.6 equivalent benefitting units (EBU's). Zone 1 contains 1,037.4 EBU's, Zone 2 contains 234.9 EBU's, and Zone 3 contains 136.3 EBU's.

FILE LOCATION: STRT - M-405-98

COUNCIL ACTION: (Tape location: E009-039.)

Hearing began at 2:57 p.m. and halted at 2:59 p.m.

Testimony in opposition by Scott Barnett.

NON-DOCKET ITEMS:

NONE

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:51 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F120).