

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 16, 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 10:14 a.m. Special presentation was given by Mayor Golding to Coleman Conrad who will be retiring after serving the City of San Diego and its citizens with honor and distinction for the past 28 years. She thanked him for demonstrating a real commitment to professionalism, quality, and loyalty to those who he has worked for and with. Mayor Golding recessed the meeting at 11:34 a.m. to meet immediately in Closed Session in the twelfth floor conference room to discuss the matter of real property interests at Qualcomm Stadium and to reconvene the regular meeting at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:09 p.m. with all members present. Mayor Golding adjourned the regular meeting at 3:08 p.m. to the next regular City Council Meeting of Monday, January 12, 1998 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 (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-present

(8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Father Phillip of the
St. George Antiochian Eastern Orthodox Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Wear.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Al Strohlein regarding the amount of food that has been offered by Service America and accepted over the years well in advance of a vote. Mr. Strohlein feels that this should be rendered a gift and is a conflict of interest that should be reported on the Statement of Economic Interest. Mr. Strohlein also commented on the California Code Regulation, Section 18944.1b with references to receiving tickets.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A029-049.)

ITEM-PC-2:

Comment by Don Stillwell regarding the six to six policy to keep schools open and operating the hours that most parents work.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A051-075.)

ITEM-PC-3:

Comment by Sky complimenting the Mayor for all the work she has done over the past years. He also commented on the six to six policy for schools.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A076-102.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Kehoe regarding the Navy's decision to dump the replenishment sand in the ocean rather than on our beaches. She asked Council to discuss the possibility of the City Council sending a letter to the Attorney General's Office to support the Coastal Commission's attempt to get a temporary restraining order.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A108-120.)

COUNCIL COMMENT:

ITEM-CC-2:

Comment by Council Member Wear regarding the "Adopt a Beach License Plate Program." He encouraged everyone to order personalized license plates through the DMV.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A121-133.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

11/24/97
11/25/97
12/1/97 Adjourned
12/2/97

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A103-107.)

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

ITEM-31:

(Continued from the meeting of December 2, 1997, Item 32, at Councilmember Vargas's request, until the Pastor could be at the meeting to accept the resolution.)

SUBJECT: Bethel African Methodist Episcopal Church Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-600) ADOPTED AS RESOLUTION R-289558

Proclaiming November 23, 1997 to be "Bethel African Methodist Episcopal Church Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A136-175.)

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

ITEM-32:

SUBJECT: The Voices of Fulfillment Community Choir Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-657) ADOPTED AS RESOLUTION R-289559

Commending Minister Eddie Baltrip and The Voices of Fulfillment for 16 years of dedication, devotion, and unselfish efforts in spreading the word of God to all people;

Proclaiming December 6, 1997 to be "The Voices of Fulfillment Community Choir Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

ITEM-33:

SUBJECT: Two actions related to Recognizing the Community Service of Dr. Paul Zedler and Dr. Joy Zedler.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-698) ADOPTED AS RESOLUTION R-289560

Recognizing and thanking Dr. Paul Zedler for his outstanding professional and civic contributions and wishing him well in his professional, civic and personal life.

Subitem-B: (R-98-699) ADOPTED AS RESOLUTION R-289561

Recognizing and thanking Dr. Joy Zedler for her outstanding civic and professional contributions and wishing her well in her professional, civic and personal life.

FILE LOCATION: Subitems A,B: AGENDA

COUNCIL ACTION: (Tape location: A177-228; A285-318.)

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

* ITEM-50:

SUBJECT: Fixed Buffer Zone Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/2/97. (Council voted 7-1. Councilmember Stevens voted nay. Councilmember Mathis not present):

(O-98-72 Rev.1) ADOPTED AS ORDINANCE O-18452 (New Series)

Amending Chapter V, Article 2, Division 10 of the San Diego Municipal Code by amending Sections 52.1001 and 52.1002 establishing a fixed buffer zone pertaining to access to health care facilities, places of worship, and school grounds.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A319-B028.)

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

* ITEM-51:

SUBJECT: Adoption of Current Flood Insurance Rate Maps.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/2/97. (Council voted 8-0. District 1 not present):

(O-98-46) ADOPTED AS ORDINANCE O-18453 (New Series)

Amending Chapter VI, Article 2, Division 4, of the San Diego Municipal Code by amending Section 62.0423 and amending Chapter IX, Article 1, Division 89, by amending Section 91.8901, relating to areas of Special Flood Hazard.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A319-B028.)

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

SUBJECT: Rezoning 12.7 acres into Multifamily/Hillside Review R-3000 and R-3000 (HR) for Mercy Road Homes Development.

(Case-96-7108. Mira Mesa Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/2/97. (Council voted 8-0. District 1 not present):

(O-98-41) ADOPTED AS ORDINANCE O-18454 (New Series)

Rezoning 12.7 acres located on the southeast corner of Mercy Road and Kika Court, west of Interstate 15, into Multifamily/Hillside Review R-3000 and R-3000 (HR).

FILE LOCATION: ZONE - Ord. No. 18454

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-53: CONTINUED TO MONDAY, JANUARY 12, 1998

SUBJECT: Land Dedication - Mission Trails Regional Park.

(Located on Father Junipero Serra Trail and Bushy Hill Drive. Camp Elliott Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/2/97. (Council voted 8-0. District 1 not present):

(O-98-29)

Dedicating portions of Lots 1 and 2, Blocks G and H, Fanita Ranch, and portions of Tract C and T, Rancho El Cajon, as a park, and for inclusion in Mission Trails Regional Park.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT MOTION BY McCARTY TO CONTINUE THIS ITEM TO JANUARY 12, 1998 AT THE REQUEST OF THE CITY MANAGER 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-100:

SUBJECT: Three actions related to the Final Subdivision Map of
Carmel Mountain Ranch Unit 23B-2.

(This is a 38-lot subdivision. Carmel Mountain Ranch
Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-497) ADOPTED AS RESOLUTION R-289562

Authorizing a Subdivision Improvement Agreement with
Carmel Mountain Ranch for the installation and
completion of public improvements.

Subitem-B: (R-98-496) ADOPTED AS RESOLUTION R-289563

Approving the final map.

Subitem-C: (R-98-498) ADOPTED AS RESOLUTION R-289564

Accepting a grant deed of Carmel Mountain Ranch,
granting to the City Lot 37 of Carmel Mountain Ranch
Unit 23B-2 for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 47.132 acre site into 38
lots for residential development. It is located south of Ted

CONSENT 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-yea.

* ITEM-101:

SUBJECT: Two actions related to Approving the Final Subdivision Map of Carmel Mountain Ranch Unit 23A-4.

(This is a 49-lot subdivision. Carmel Mountain Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-646) ADOPTED AS RESOLUTION R-289565

Authorizing a Subdivision Improvement Agreement with Carmel Mountain Ranch, for the installation and completion of public improvements.

Subitem-B: (R-98-645) ADOPTED AS RESOLUTION R-289566

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of an 11.314 acre site into 49 lots for residential development. It is located south of Ted Williams Parkway and east of Shoal Creek Drive in the Carmel Mountain Ranch Community Plan area. On July 18, 1996 the Planning Commission of the City of San Diego approved Planned Residential Development Permit PRD-87-1082 for Carmel Mountain Ranch Unit 23. The City Engineer has approved the final map and

* ITEM-102:

SUBJECT: Lot Consolidation and Easement Abandonment - Parcel Map
W.O. No. 032000 (I.D. 96-088).

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-632) ADOPTED AS RESOLUTION R-289567

Approving Parcel Map W.O. No. 032000 (I.D. 96-088),
being a lot line consolidation of Lots 9 and 22 of
Bernardo Vista del Lago, including the abandonment of
water and sewer facilities and the building restricted
easements according to Map-12768.

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 easement and building restricted easement are no
longer necessary because of the redesign, therefore they are
being abandoned. New easements conforming to the new design are
being granted on the map to replace the abandoned easements.
Staff has determined that the revised project is consistent with
all previously approved permits.

FILE LOCATION: SUBD - Map W.O. No. 032000 (I.D. 96-088)

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-103:

SUBJECT: Lot Line Adjustment and Easement Abandonment - Parcel
Map W.O. No. 032000 (I.D. 97-052).

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-633) ADOPTED AS RESOLUTION R-289568

Approving Parcel Map W.O. No. 032000 (I.D. 97-052),
including the abandonment of unneeded portions of a
building restricted easement granted per Map-12768, for
a recreation lot.

CITY MANAGER SUPPORTING INFORMATION:

This lot line adjustment parcel map reflects a redesign of a portion of a previously approved residential condominium project (Map-12768). One of the lot lines being adjusted is between a developable lot and a lot designated for recreation use. The map requires City Council approval because portions of an existing building restricted easement over the recreation lot are being abandoned on the map. Those portions of the easement are no longer necessary because of the redesign. The lot line adjustment also adds new land to the recreation lot to compensate for the land lost. A new building restricted easement is placed on the new land by the map. The area lost to the recreation lot equals the area added to it. Staff has determined that the revised project is consistent with all previously approved permits.

FILE LOCATION: SUBD - Map W.O. No. 032000 (I.D. 97-052)

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-104:

SUBJECT: Lot Line Adjustment and Consolidation, Street Vacation and Easement Abandonment - Parcel Map W.O. No. 032000 (I.D. 96000629).

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-631) ADOPTED AS RESOLUTION R-289569

Approving Parcel Map W.O. No. 032000 (I.D. 96000629);

Abandoning a reclaimed water drainage easement granted to the City per Parcel Map PM-17228, which is no longer needed for public purpose, pursuant to Section 66499.20 of the State Subdivision Map Act;

Declaring that the Council finds that Towne Centre Place and a portion of Towne Centre Drive dedicated per Parcel Map PM-17228 are no longer needed for the public purpose for which they were granted.

CITY MANAGER SUPPORTING INFORMATION:

This action approves a lot line adjustment and consolidation parcel map over a previously approved Parcel Map PM-17228. The

map requires City Council approval because the City of San Diego is the owner of the property and an existing street (Towne Centre Place) and portions of another existing street (Towne Centre Drive) are being vacated. A reclaimed water easement is also being abandoned on the map. The streets and the easement are no longer needed because all of the re-configured lots now have direct access to Towne Centre Drive, a dedicated public street. Staff has determined that the revised project is consistent with all previously approved permits. The redesigned project will continue to participate in the reclaimed water program.

FILE LOCATION: SUBD - Map W.O. No. 032000 (I.D.
96000629)

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-105:

SUBJECT: Easement Abandonment and Access Revested - Arco Station at Home Avenue and I-805.

(Mid-City Heights Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-677) ADOPTED AS RESOLUTION R-289570

Vacating the sewer easement located within Parcel 2 of Parcel Map PM-3429, in connection with Conditional Use

Permit CUP-96-7374, pursuant to Section 8330 et. seq.
of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

These actions are requested as part of the approvals needed to implement Conditional Use Permit CUP-96-7374 granted on September 17, 1997. The permit authorized the construction of an Arco Service Station at the corner of Home Avenue and Interstate 805. The first action requests the Council to abandon an unused and unneeded sewer easement passing through the subject property. Staff investigation disclosed that the easement was acquired at no cost to the City, that there are no facilities currently in the easement and that there is no future prospective use for the easement. The easement to be abandoned is shown on engineering drawing No. 18716-B. Staff recommends approval of the abandonment. The second action reverts access to a 39-foot portion of Home Avenue where access was previously relinquished to provide for construction of a driveway. Staff has reviewed the request, finds that is consistent with the approved Conditional Use Permit, and that the proposed driveway location is safe and meets City standards. The area of access reversionment is shown on engineering drawing No. 18727-B. Staff recommends reversionment.

FILE LOCATION: DEED F-7137 DEEDFY98-1

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-106:

SUBJECT: Reprogramming Council District Three CDBG Funds.

(District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-616) ADOPTED AS RESOLUTION R-289571

Authorizing the City Manager to reprogram \$70,000 in Community Development Block Grant (CDBG) Funds from Council District Three CDBG AIDS Foundation Allocation Fund 18502 to: a) Christmas in April (\$10,000); b) District Three Mid-Block Lights (\$20,000); c) El Cajon Boulevard Bridge Lighting (\$15,000); and d) North Park Defensible Space (\$25,000);

Authorizing the expenditure of not to exceed \$70,000 from CDBG Fund 18533.

CITY MANAGER SUPPORTING INFORMATION:

The \$70,000 represents Council District Three's share of the proceeds from the sale of the AIDS Foundation Building. This action transfers the funds from the CDBG Program Income Account to the four named projects.

Aud. Cert. 9800614.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-107:

SUBJECT: Shared Costs for State Stormwater Permit Fees.

(City-Wide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-643) ADOPTED AS RESOLUTION R-289572

Authorizing the City Auditor and Comptroller to accept funds from participating agencies up to \$22,159.77 to be deposited in Storm Drain Fee Fund #105083;

Authorizing the expenditure of a sum not to exceed \$22,159.77 from Storm Drain Fee Fund #105083 and \$7,840.23 from Street Division Operating Fund #10440 for Stormwater Permit Fees.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego, the San Diego Unified Port District, the County of San Diego, and the other incorporated cities in San Diego County are co-permittees on a Municipal Stormwater Pollution Control Permit (NPDES No. CA 0108758). As a group, the co-permittees share the costs for complying with this permit, such as joint wet weather testing, permit fees, and education programs. The cost for the permit fees are split based on a percentage of the total SANDAG population for each jurisdiction and on an equally split administrative fee.

Aud. Cert. 9800629.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-108:

SUBJECT: Mid-Year Budget Adjustment to Add San Dieguito Road Traffic Improvements.

(Fairbanks Ranch Country Club Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-673) ADOPTED AS RESOLUTION R-289573

Approving a new CIP Project CIP-62-303.0 entitled "San Dieguito Road Traffic Improvements";

Authorizing the City Auditor and Comptroller to transfer \$380,000 from Fund No. 39051 - Fairbanks Ranch Country Club DIF, to CIP-62-303.0 "San Dieguito Road Traffic Improvements."

CITY MANAGER SUPPORTING INFORMATION:

The proposed new CIP project will provide funds to construct right turn lanes and install traffic signals at the intersections of Derby Farms Road and Camino Santa Fe with San Dieguito Road.

Aud. Cert. 9800665.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-109:

SUBJECT: Settlement of the Claim of Attorney's Fees in the Litigation Matter of Kevin Hoffmaster.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-647) ADOPTED AS RESOLUTION R-289574

A Resolution approved by the City Council in Closed Session on Tuesday, November 18, 1997 by the following vote: Mathis-yea; Wear-yea; Kehoe-not present; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$25,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the Plaintiffs/Respondents' attorney's fees incurred during the City of San Diego's appeal of the case, (Superior Court Case No. 682920, Fourth District Court of Appeal Civil Case No. D025961, Hoffmaster, et al. v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$25,000 made payable to Robert H. Lynn, Esq., in full settlement of Plaintiffs/Respondents' attorney's fees incurred during the City of San Diego's appeal;

Declaring that funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of Robert H. Lynn's request for attorney fees.

Aud. Cert. 9800631.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-110:

SUBJECT: Request for Creation of Foreign Trade Subzone for use by Hewlett-Packard Company.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-663)

ADOPTED AS RESOLUTION R-289575

Authorizing the City Manager to request the Foreign-Trade Zones Board, International Trade Administration, United States Department of Commerce, to execute the application for a special purpose subzone in accordance with regulations pursuant to Federal law (15 C.F.R. Part 400) for the use and benefit of Hewlett-Packard Company.

CITY MANAGER SUPPORTING INFORMATION:

In 1988, the U.S. Department of Commerce, Foreign Trade Zone Board authorized the City of San Diego to establish a general purpose Foreign Trade Zone (FTZ) for the Otay Mesa area. The regulations for foreign trade zones, governed by the U.S. Department of Commerce, Foreign Trade Zones Board, entitles grantees to apply for authority to establish subzones. A subzone is an area separated from a general purpose zone and designated for a specific use and user that is unable to locate at the general purpose site. Hewlett-Packard Company, a high technology manufacturer of electronic products located in the Rancho Bernardo area, has requested from the City to authorize the creation of a foreign subzone at its five Rancho Bernardo facilities, occupying 125.7 acres and containing 14 buildings of 1,339,021 square feet. Hewlett-Packard relies much more heavily than does many of its competitors on U.S. production and distribution to serve global markets. The company has created a unified global distribution network that depends on a series of U.S. locations to supply world wide demand. The subzone application in San Diego is one of six initial applications to be filed with the Foreign Trade Zones Board and more locations may be added at a future date. Foreign Trade Zone status is an essential element of this nationwide network because it will help the company reduce the costs and complexity of its U.S. production and distribution operations. Cost reductions are necessary to make these facilities more internationally competitive, which will allow the company to keep more of its global production and distribution activities in the United States. The subzone proposal for Hewlett-Packard's San Diego

facilities will be used for the receipt, storage, manufacture, and distribution for import and export of electronic products and systems for measurement, computing and communication. The scope of authority will include a broad range of products but initially will include the production of computer printers and supplies.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-111:

SUBJECT: Amendment to the Agreement with Logan Heights Family Health Center for Phase IV of the Master Plan.

(Logan Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-630) ADOPTED AS RESOLUTION R-289576

Authorizing an amendment to the agreement of October 16, 1995 with the Logan Heights Family Health Center, for the design, renovation, and part of construction for Phase IV of the Master Plan;

Authorizing the expenditure of not to exceed \$395,000 from funds previously dedicated to the Health Center as follows:

\$195,000 from CDBG Fund 18533, Dept. 4132, Org. 3214;
\$100,000 from CDBG Fund 18532, Dept. 4112, Org. 1220;
\$100,000 from CDBG Fund 18531, Dept. 4082, Org. 8220.

CITY MANAGER SUPPORTING INFORMATION:

Logan Heights Family Health Center (LHFHC) is a non-profit organization established to provide health services to low and medium income communities. LHFHC has been providing such services since 1969 and established other satellite clinics in different areas of the City. LHFHC has been expanding and renovating these buildings which are leased from the City with the help of CDBG funding since 1987 and this stage is the fourth phase of the master plan. This action will allow \$395,000 of CDBG grant funds to be used for the design and part of the construction to retrofit this building for expansion and to bring it into compliance with the new codes and the ADA requirements. These funds represent the balance available to LHFHC under four prior resolutions as follows:

- On May 1, 1995, the City Council adopted Resolution No. R-285685 of the Fiscal Year 1996 CDBG Funds to the LHFHC
- On April 23, 1996, the City Council adopted Resolution No. R-287238 of the Fiscal Year 1997 CDBG Funds to the LHFHC
- On April 20, 1997, the City Council adopted Resolution No. R-288602 of the Fiscal Year 1998 CDBG Funds to the LHFHC.

Aud. Cert. 9800606.

FILE LOCATION: MEET CCONFY98-1

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-112:

SUBJECT: Power Purchase Contract with San Diego Gas and Electric Company.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-658) ADOPTED AS RESOLUTION R-289577

Authorizing the City Manager to execute a contract with San Diego Gas & Electric Company, for their purchase of excess electrical energy generated by the City's gas utilization facility but not used at the Point Loma Wastewater Treatment Plant, in accordance with the rules and regulations of the California Public Utilities Commission.

CITY MANAGER SUPPORTING INFORMATION:

Upon completion in May 1998 of the Gas Utilization Facility Upgrade portion of the Power Generation and Distribution Upgrade Project at the Point Loma Wastewater Treatment Plant, the power generation capacity of the Gas Utilization Facility (GUF), will increase. In order to reduce the operating cost of the treatment plant and take full advantage of the availability of this free energy, it will continue to be desirable to sell any excess electrical energy either to SDG&E or, after January 1, 1998, to the new PUC Power Exchange. The contract that is currently in

place between the City and SDG&E will not meet the demand and revenue conditions of the upgraded GUF. When the Power Exchange becomes operational, contracts in this form will no longer be offered. Therefore, it is necessary to have a new contract in place prior to January 1, 1998. This will give the City the option of either continuing under the new contract or negotiating a separate contract through the Power Exchange.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-113:

SUBJECT: Construction Change Order for Reclaimed Water Retrofitting.

(Miramar Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-644) ADOPTED AS RESOLUTION R-289578

Authorizing a construction change order with CalTrans for Reclaimed Water Retrofitting in the amount of \$133,429;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$148,429 from Water Revenue

Fund 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems of which \$133,429 is to fund the Cooperative Agreement and \$15,000 is to fund required work by City Forces;

Establishing the Reclaimed Water Rates for CalTrans at 80 percent of the rate for potable water.

CITY MANAGER SUPPORTING INFORMATION:

This construction change order is to upsize a proposed 6-inch pipeline to 10 inches and retrofit existing irrigation systems along Interstate 15 from Miramar/Pomerado Road, south to the I-15/163 split. This is required for design and construction costs to retrofit the existing CalTrans onsite potable water distribution system to accept reclaimed water for the purpose of irrigation. This change order is consistent with Council Resolution R-287560 authorizing such actions. The City will deposit with the State \$133,429 to cover construction costs. The term of the agreement shall not exceed \$133,429. This change order will result in an initial 65 acre-feet/year beneficial reclaimed water use. By upsizing the proposed pipeline, an additional 100 acre-feet/year usage will be realized in future retrofit phases which will allow reclaimed water to be distributed for CalTrans use south of the Interstate 15/163 split along Interstate 15 to Interstate 8. In addition, it is requested that a resolution be adopted for reclaimed water to be sold to the State at a cost of 20 percent below the current potable water rate. This is due to the use of the State's right-of-way for construction of a portion of the I-15 Reclaimed Water Subsystem Pipeline at no cost to the City, as was previously stated in the May 15, 1996, City Manager's Report CMR-96-12.

Aud. Cert. 9800640.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-nay, Vargas-yea, Mayor Golding-yea.

* ITEM-114:

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-98-620) ADOPTED AS RESOLUTION R-289579

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: A319-B028.)

CONSENT 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-yea.

* ITEM-115:

SUBJECT: Second Amendment to the Reimbursement Agreement with the San Diego Civic Light Opera Association for the Starlight Bowl Improvements.

(See City Manager Reports CMR-97-201 and CMR-97-185; and memorandum from Councilmember Kehoe dated 8/18/97. Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-577) ADOPTED AS RESOLUTION R-289580

Authorizing a Second Amendment to the Reimbursement Agreement with the San Diego Civic Light Opera Association, for reimbursement of improvements to the Starlight Bowl in Balboa Park;

Authoring the expenditure of not to exceed \$90,000 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, San Diego Facilities and Equipment Leasing Corporation Construction Fund 91106 (Certificate of Participation Phase 1C proceeds).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/5/97, NR&C voted 4-0 to recommend the City Council consider options to be identified by the City Manager to fund Starlight Theater improvements. (Councilmembers Mathis, Stallings, McCarty, and Vargas voted yea. Councilmember Kehoe not present.)

CITY MANAGER SUPPORTING INFORMATION:

On November 5, 1997, the Committee on Natural Resources and Culture (NR&C) approved a motion directing the City Manager to identify an additional \$90,000 for the Starlight Bowl's tenant

reimbursed improvements, and forward the authorization to reimburse the San Diego Civic Light Opera Association (SDCLOA) with these funds to the City Council. This motion was reached after discussing the concerns, options available, and the history of the project. The City entered into the reimbursement agreement with the SDCLOA in May 1994 to assist in the construction of improvements at the Starlight Bowl. The reimbursement agreement contained provisions specifying a maximum dollar amount to be provided by the City and a detailed scope of work to be completed by the tenant. The agreement contained an up to date project cost estimate of \$1,347,650 which exceeded the City's contribution of \$1,273,360 by \$74,290. On August 11, 1997, the City Council approved the first amendment to the agreement increasing the City's contribution by \$245,000. This additional funding addressed a portion of the \$380,000 requested by SDCLOA for cost increases due to inflation, environmental issues, and code changes. On November 5, 1997, the NR&C committee discussed the remaining \$163,000 of improvements identified in the original agreement but currently unfunded, and the request from the SDCLOA for an additional \$135,000 to help fund this shortfall. These unfunded improvements include \$90,000 identified to provide metal siding necessary to cover the new steel frame and protect the improvements from the weather. Another option to protect the new improvements, reviewed by the NR&C Committee, was to temporarily cover the steel frame with a polyethylene plastics sheeting for a cost of approximately \$20,000. Subsequent to the committee meeting, the proposed contractor for plastic sheeting provided a written quote of \$12,000 for this work. After discussing the merits of these options a motion was unanimously passed to direct the City Manager to identify the additional \$90,000 and come forward with an amendment to the SDCLOA's reimbursement agreement. Funding for this purpose can be temporarily moved from the Pepper Grove Playground without adversely impacting the project schedule. Replacement of these funds is anticipated from either FY 1999 Transient Occupancy Tax fund allocations or from future savings in the Certificates of Participation Phase 1C projects. City Council approval to amend the existing SDCLOA agreement will provide part of the funding necessary to complete some of the

Starlight Bowl improvements and protect the new improvements from the winter storms.

Aud. Cert. 9800576.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-116:

SUBJECT: Approving the Final Map of Mercado's Subdivision.

(Mountain View Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-648) ADOPTED AS RESOLUTION R-289581

Approving the final map of Mercado's Subdivision.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 1.268 acre site into 6 lots for residential development. It is located between West Street and 46th Street in the Mountain View Community Plan Area. On March 31, 1994 the Planning Commission of the City of San Diego approved Tentative Map TM-93-0484 by Planning Commission Resolution No. 2101-PC for Mercado's 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 No. 28430-D. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$7,589.56. A cash bond in that amount has been paid and an Engineering Permit issued to insure completion of the improvements. A cash bond in the amount of \$800, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. 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. The 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.

FILE LOCATION: SUBD - Mercado's Subdivision

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-117:

SUBJECT: Four actions related to the Final Subdivision Map of Rancho La Cresta Unit No. 4.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-650) ADOPTED AS RESOLUTION R-289582

Authorizing a Subdivision Improvement Agreement with Kaufman and Broad of San Diego, Inc. for the installation and completion of public improvements.

Subitem-B: (R-98-649) ADOPTED AS RESOLUTION R-289583

Approving the final map.

Subitem-C: (R-98-652) ADOPTED AS RESOLUTION R-289584

Authorizing the execution of an Agreement for the Maintenance and Monitoring of Manufactured Slopes with Kaufman and Broad of San Diego, Inc. for the maintenance and monitoring of landscaping in the public right-of-way and the revegetation of all manufactured slopes.

Subitem-D: (R-98-653) ADOPTED AS RESOLUTION R-289585

Accepting a grant deed of Security First National Corporation, granting to the City an easement for public street purposes in all that portion of the Northwest Quarter of the Southeast Quarter of Section 27, Township 14 South, Range 2 West, San Bernardino Meridian; dedicating and naming the street Cypress Canyon Road.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 8.910 acre site into 30 lots for residential development. It is located north and south of Cypress Canyon Road in the Scripps Miramar Ranch Community Plan Area. On April 27, 1992 the City Council of the City of San Diego adopted Resolution R-279851, approving City Council

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-118:

SUBJECT: Amended Subdivision Improvement Agreement for Liew's Subdivision.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-654) ADOPTED AS RESOLUTION R-289586

Authorizing an amendment to the agreement with L & W Investments, Inc., dba Continental Homes, for the construction of public improvements for Liew's Subdivision;

Authorizing the Auditor and Comptroller to release existing Bond No. 121263593729 issued by Amwest Surety Insurance Company in the amount of \$299,661.

CITY MANAGER SUPPORTING INFORMATION:

On July 9, 1990, the City entered into a Subdivision Improvement Agreement with Fah Seong Liew and Polly R. Liew, for the construction of public improvements for Liew's Subdivision. The property was recently purchased by Continental Homes. The new owner has signed an Amendment to the Subdivision Improvement

Agreement to assume all of the obligations of the original subdivider and complete the required work. L & W Investments, Inc., dba Continental Homes, has provided a performance bond in the amount of \$351,987.73, which is more than the original performance bond (\$299,661). The original estimate was over six years old and was not sufficient, based on current prices, for the work to be done as shown in the approved construction plans. The Amended Agreement is in accordance with Council Policy 600-21. Staff recommends approval.

FILE LOCATION: SUBD - Liew's CONFY98-1

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-119:

SUBJECT: Community Plan Amendment for the Sabre Springs
Community Plan for Potential Military Housing Sites.

(Sabre Springs Community Area. District-5.)

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-98-685) ADOPTED AS RESOLUTION R-289587

Directing the City Manager to process a Community Plan Amendment for the Sabre Springs Community Plan to modify land use designations and/or residential density designations to reflect the reduction of densities proposed for future development sites.

SUPPORTING INFORMATION:

The Sabre Springs Community Planning Group has unanimously supported the applicant's request to amend the Community Plan to reflect the community's desire to change land-use designations within the applicant's ownership and to provide some additional flexibility in the language governing the Sabre Springs Business Park. This Plan Amendment will provide for no additional environmental impacts, will not result in the reduction of community facilities, and will be processed concurrently with other maps and permits to reflect current land use changes. As part of the Community Plan Amendment, the applicant, Pardee Construction Company, will be paying for the processing costs, and will be meeting with the Navy and Marine Corps to explore possibilities for creating some private-sector housing for the military where appropriate. The City Manager should complete the Plan Amendment process by May 1, 1998.

FILE LOCATION: LAND - Sabre Springs Community Plan

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-120:

SUBJECT: Excusing Councilmember Mathis from the Closed Session and Council Meeting of 12/2/97.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-684) ADOPTED AS RESOLUTION R-289588

Excusing Councilmember Harry Mathis from attending the regularly scheduled Closed Session meeting and City Council meeting of December 2, 1997, due to the death of his father.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-121:

SUBJECT: Appointment to the City Employees' Retirement System Board of Administration.

(See memorandum from Mayor Golding dated 12/1/97.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-666) ADOPTED AS RESOLUTION R-289589

After full and complete public discussion and deliberation, appointing Frederick Watson Pierce, IV to serve as a member of the City Employees' Retirement System Board of Administration for a term ending December 7, 2003.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-122:

SUBJECT: Appointments and Reappointments to the Citizens Equal Opportunity Commission.

(See memorandum from Mayor Golding dated 12/2/97.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-678) ADOPTED AS RESOLUTION R-289590

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Citizens Equal Opportunity Commission, for two-year terms as indicated:

Name	Category	Term Ending
Arlene Damasco (replacing Philip Tuan Nguyen, whose term has expired)	Asian	January 1, 1999
Juanita C. Santos (reappointment)	Filipino	January 1, 1999

Michael M. Sandez (replacing Maria Sardinas, whose term has expired)	Mexican- American	January 1, 1999
Clarence E. McCoy (reappointment)	Black	January 1, 1999
Armin R. Callo (replacing Sylvia Rios, whose term has expired)	City at Large	January 1, 2000
George C. Aguilar (reappointment)	City at Large	January 1, 2000
Dr. Dianette "Doni" Mitchell (replacing Cheryl Sueing-Jones, whose term has expired)	City at Large	January 1, 1999

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-123:

SUBJECT: Black Mountain Ranch Vernal Pool Mitigation for Carmel Valley Road.

(North City Future Urbanizing Area and Mira Mesa
Community Area. Districts-1 & 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-686) ADOPTED AS RESOLUTION R-289591

Authorizing an agreement with Black Mountain Ranch Limited Partnership (BMR), for an exclusive option to acquire a conservation easement over .36 of an acre of vernal pool land at Winterwood Lane Community Park to satisfy mitigation requirements of Section 404 Permit No. 95-20192-DZ for the ultimate improvement of Carmel Valley Road.

CITY MANAGER SUPPORTING INFORMATION:

The City Manager is requesting that the City Council approve the Agreement for Exclusive Option to Purchase Conservation Easement at the Winterwood Lane Community Park, in order to facilitate the construction of Carmel Valley Road extension. On October 31, 1995 the City Council of the City of San Diego considered and approved an application for the Black Mountain Ranch (BMR) Project (Development Agreement, Vesting Tentative Map, Planned Residential Development Permit, and Resource Protection Ordinance Permit No. 95-0173 - Development Plan). As part of the approval of the Development Plan, BMR was required to mitigate for the loss of 0.012 of an acre of off-site vernal pool impacts in order to construct an extension of Carmel Valley Road. EIR-95-0173 adopted by Council on October 31, 1995, identified the impacts created by the extension of Carmel Valley Road and set forth Mitigation Measures for the impact.

BMR was authorized under its Permit No. 95-20192-DZ, which was issued pursuant to Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) (the Section 404 Permit), to fill 0.012 acre of

vernal pool in order to construct an extension of Carmel Valley Road. Pursuant to its Section 404 Permit, BMR must purchase, restore and preserve in perpetuity 0.024 acre of vernal pool surface area as approved by the United States Army Corps of Engineers (ACOE) and the United States Fish and Wildlife Service (USFWS). The ACOE, USFWS and the City prefer that BMR mitigate for its vernal pool impacts by purchasing the required mitigation credits from the proposed Maddox Park mitigation bank or some other mitigation bank. However, the Maddox Park mitigation bank is still in the early stages of being established and is currently unavailable for purchase. The Section 404 Permit requires that the vernal pool impacts be mitigated at a ratio of 2:1 by purchasing and restoring a total of 0.024 acres of vernal pools. The City, because of its desire to see that the extension of Carmel Valley Road is completed in a timely fashion, is willing to convey an exclusive option to acquire a conservation easement for purchase of 0.36 of an acre over a portion of the City's Winterwood Lane Community Park, as described in Exhibit "A" of the Agreement for Exclusive Option to Purchase Conservation Easement at the Winterwood Lane Community Park for a total purchase price of \$60,000.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-124:

SUBJECT: Three actions related to Approving the Final Subdivision Map of Stargaze Estates.

(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-656) ADOPTED AS RESOLUTION R-289592

Authorizing a Subdivision Improvement Agreement with Hallmark Stargaze Ltd., for the installation and completion of public improvements.

Subitem-B: (R-98-655) ADOPTED AS RESOLUTION R-289593

Approving the final map.

Subitem-C: (R-98-675) ADOPTED AS RESOLUTION R-289594

Authorizing a Landscape Maintenance Agreement with Hallmark Stargaze Ltd., for the maintenance of landscaping in the public right-of-way in the subdivision to be known as Stargaze Estates.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 4.067 acre site into 15 lots for residential development. It is located west of Black Mountain Road and north of Stargaze Avenue in the Rancho Penasquitos Community Plan area. On June 10, 1997 the Council of the City of San Diego approved Tentative Map TM-96-0711 by Resolution R-288836 for Stargaze Estates 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. 28747-1-D through 28747-12-D, filed in the Office of the City Clerk under Micro Number 139-55. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is

\$230,978 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$2,500, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Penasquitos East 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. The 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."

FILE LOCATION: Subitems A-C: SUBD - Stargaze Estates
CONFY98-2

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

ITEM-150: HEARING HELD

SUBJECT: Distribution of the Transient Occupancy Tax Fund - Coastal Infrastructure and Facilities for FY 98.

(See City Manager Report CMR-97-200; and City Clerk Route Slip dated 10/8/97. La Jolla Shores, Mission Beach and Pacific Beach Community Areas. Districts-1 and 2.)

TODAY'S ACTION IS:

First public hearing of the following ordinance:

(0-98-)

First public hearing of an Ordinance amending Ordinance O-18424 (NS), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1997-98 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," by amending Document No. 00-18424, as amended and adopted therein, by amending the Capital Improvement Program Budget to add CIP-29-471.0, CIP-29-472.0 and CIP-29-473.0; by allocating funds for a 0.25 Coastal Engineer position.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/5/97, NR&C voted 4-0 to recommend the City Council approve the City Manager's recommendation to allocate the Coastal Infrastructure and Facilities Fund for: One-quarter (1/4) Coastal Erosion Engineering position for Park and Recreation Department projects, design of the Lifeguard Station at Pacific Beach, design and construction of restroom replacements at South Kellogg Park, design of restroom replacements at Grand Avenue and South Belmont Park, and the City's share of the annual cost for the San Diego Association of Governments (SANDAG) to monitor the region's coastal erosion. (Councilmembers Mathis, Stallings, McCarty and Vargas voted yea. Councilmember Kehoe not present.)

Aud. Cert. 9800669.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT MOTION BY McCARTY TO APPROVE THE FIRST 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-200: HEARING HELD

SUBJECT: Participation Agreement for the Design and Construction
of the South San Diego Pipeline No. 2 - Phase II.

(Otay Mesa-Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the following ordinance:

(O-98-73)

First public hearing of an Ordinance amending Ordinance
No. O-18424 (New Series), entitled "An Ordinance
Adopting the Annual Budget for the Fiscal Year 1997-98
and Appropriating the Necessary Money to Operate the
City of San Diego for Said Fiscal Year," by increasing
total appropriations in the Water Operating Fund 41500
by \$627,135 from Unappropriated Fund Balance and
Revenue.

CITY MANAGER SUPPORTING INFORMATION:

On February 25, 1997, \$206,000 was approved for the funding of
Phase I-A, Document No. RR-288361. On June 30, 1997, \$338,494
was approved for the funding of Phase I-B, Document No.
RR-288874. This request is for the funding approval of Phase II.

TMP Homes, Inc., a California Corporation, is the developer
designing and constructing the South San Diego Pipeline No. 2 and

is a partner in the ownership of the Remington Hills Development Project located in the Otay Mesa Area of the City of San Diego. A second water pipeline is needed to provide the South San Diego and Otay Mesa areas with a redundant supply of potable water. This participation agreement will provide funding for the design and construction of the needed water improvements in three phases as follows: Phase I-A commenced a study for up to four alternative pipeline alignments. Phase I-B is on-going and will finalize the alignment study. The alignment study will be completed by December 1997. Phase II will design the final alignment and Phase III will encompass construction of the second water transmission pipeline between the South San Diego Reservoir and Palm Avenue adjacent to Interstate 805. These public water system improvements are necessary and are for the benefit of the City as a whole. Final payment for the Phase III improvements shall be made upon the City's acceptance of the completed project and submission of the original mylar as-built drawings.

Aud. Cert. 9800624.

WWF-DSD-97-305.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT MOTION BY McCARTY TO APPROVE THE FIRST 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-201: (R-98-743) ADOPTED AS RESOLUTION R-289609

SUBJECT: Discussion of the Stadium Authority Board and the
Stadium Director's Area.

(See memorandum from Mayor Golding dated 11/26/97.)

FILE LOCATION: MEET (61-Stadium)

COUNCIL ACTION: (Tape location: B029-261; D073-138.)

MOTION BY McCARTY TO ADOPT THE CITY MANAGER'S RECOMMENDATION ALTERNATIVE 1, REPORT #97-219 ALLOWING THE JPA TO EXPIRE ON JANUARY 15, 1998 EXCEPT THAT THE EXISTING STADIUM AUTHORITY MEMBERSHIP BE EXTENDED ANOTHER 60 DAYS IN ORDER THAT THEY MIGHT ADVISE THE MAYOR AND COUNCIL ON A POSSIBLE STRUCTURE FOR ANY FUTURE ADVISORY GROUP. FURTHER, MINOR CHANGES IN WORDING OF COUNCIL POLICY 700-22 ARE NEEDED TO PROVIDE POLICY DIRECTION TO THE MANAGER TO BRING BACK TO RULES COMMITTEE ALONG WITH EXAMPLES OF OTHER CITY STRUCTURES WHEN FINAL APPROVAL OF ANY FUTURE ADVISORY GROUP IS ESTABLISHED FOR THE STADIUM; AND THAT COUNCIL POLICY 700-22 BE REVISED AS FOLLOWS:

PURPOSE: TO ESTABLISH GUIDELINES FOR ADMISSION OF OFFICIALS AND THEIR GUESTS TO THE DIRECTORS' AREA AT THE SAN DIEGO STADIUM;

POLICY: THE DIRECTORS' AREA WAS DEVELOPED FOR USE BY THE SAN DIEGO CITY COUNCIL, SAN DIEGO COUNTY SUPERVISORS AND THE SAN DIEGO STADIUM AUTHORITY AND THEIR GUESTS, AND TO PROVIDE ACCESS TO THE STADIUM FOR PERSONS WHO CAN AIDE THE IMPROVEMENT AND PROMOTION OF THE CITY AND COUNTY OF SAN DIEGO. EACH CREDENTIAL HOLDER SHALL HAVE ACCESS TO: (A) RESERVED PARKING FOR ONE CAR, AND (B) TWO SEATS IN THE DIRECTORS' AREA. EACH CREDENTIAL HOLDER WILL BE ISSUED TWO (2) TICKETS TO THE DIRECTORS' "F" BOX FOR EACH SCHEDULED NATIONAL FOOTBALL LEAGUE AND COLLEGIATE FOOTBALL GAME AND TO THE DIRECTORS' "B" BOX FOR EACH SCHEDULED NATIONAL LEAGUE BASEBALL GAME. TICKETS WILL PROVIDE ENTRY TO THE STADIUM AT ANY GATE AND ACCESS TO THE APPROPRIATE DIRECTORS' AREA. ANY TICKETS NOT BEING UTILIZED BY A CREDENTIAL HOLDER FOR A SPECIFIC GAME DATE SHOULD BE MADE AVAILABLE TO OTHER CREDENTIAL HOLDERS FOR SPECIAL CIVIC GUESTS, SUCH AS FLAG

OFFICERS, CONGRESSMEN, STATE SENATORS, STATE ASSEMBLYMEN AND OTHER GUESTS. A GUEST BOOK WILL BE MAINTAINED IN THE DIRECTORS' BOX FOR ALL GUESTS ENTERING TO SIGN.

IN ADDITION, DIRECT THE CITY ATTORNEY INCLUDE THESE POLICY CHANGES IN THE CITY'S OFFICIAL RESPONSE TO THE GRAND JURY. 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-202:

SUBJECT: City Welfare Reform Proposals.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-689) ADOPTED AS RESOLUTION R-289595

Approving Mayor Golding's City Welfare Reform Proposals to introduce new job creation and child care proposals for welfare to work recipients, as described in Mayor Golding's memorandum dated December 9, 1997.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

ITEM-330: 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 January 20, 1998.

NOTE: Due to a public noticing problem, today's hearing is considered the first of two public hearings. The second hearing has been re-scheduled for January 20, 1998.

(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 January 20, 1998 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 a 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: A319-B028.)

Hearing began at 10:39 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY McCARTY TO APPROVE THE FIRST 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-331:

SUBJECT: Matter of a proposal for an Amendment to the University
Community Plan(CPA), Progress Guide and General Plan
(PG & GP), City Lease Agreement, Code Covenant and
Restrictions (CC&R's), and CUP-96-7145 (Amendment to
CUP-82-0358) in the University Community Plan Area.

(CPA/CUP-96-7145. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A, B, D & E and
adopt Subitem C to approve the permit:

Subitem-A: (R-98-628) ADOPTED AS RESOLUTION R-289596

Adoption of a Resolution certifying that the
information contained in Mitigated Negative Declaration
MND-96-7145 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; adopting
appropriate findings of mitigation, feasibility or
project alternatives pursuant to California Public
Resources Code Section 21081.

Subitem-B: (R-98-625) ADOPTED AS RESOLUTION R-289597

Adoption of a Resolution approving the amendment to the
University Community Plan and Progress Guide and
General Plan.

Subitem-C: (R-98-787) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-289598

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

Subitem-D: (R-98-626) ADOPTED AS RESOLUTION R-289599

Adoption of a Resolution approving the amendment to the City Lease.

Subitem-E: (R-98-627) ADOPTED AS RESOLUTION R-289600

Adoption of a Resolution approving the Fifth Amendment to the Declaration of Restrictions.

SUPPORTING INFORMATION:

The Lawrence Family Jewish Community Center (JCC) is located within the Mandel Weiss Community Park site on the north side of Executive Drive between Regents Road and Genesee Avenue. The site is currently owned by the City of San Diego and leased to the JCC for the operation of a recreation and meeting facility serving the University Community Plan Area and the surrounding communities. The 10.49-acre site is zoned OS-P (Open Space/Park) and designated for park and recreational uses within the University Community Plan. The project proposes to expand and renovate the existing community center by adding approximately 76,163 square feet of new building area to the existing 24,000 square foot facility for a total of 101,163 square feet of permanent building. The new facility would contain a theater/multi-purpose area, kitchen area, classrooms, meeting rooms, library, day care center, senior citizen and youth area, administrative office, and ancillary facilities. The development intensity element of the University Community Plan currently limits development of this site to 43,034 square feet. A

community plan amendment is required, and was initiated by the Planning Commission on January 16, 1997. The proposed amendment to the University Community Plan would increase the land use and development intensity for the subject property from 43,034 square feet on 10.49 acres to 101,163 square feet. The land use would remain unchanged as Neighborhood Park/Jewish Community Center. The subject property has a Declaration of Restrictions that limits the setbacks and restricts the height of buildings. As part of this action the applicant is processing the Fifth Amendment to the Declaration of Restrictions to modify the height restriction on this site from 35 feet to 50 feet for the theater/theater stage portion of the building and reduce the setback to 25 feet where currently 50 feet is required. This modification would be compatible with surrounding development. The applicant has also requested that the term of the lease be extended to expire in 50 years where the lease has approximately 34 years remaining on its term. The proposal would not require changes to the existing lease boundaries or type of use; however the lease is being amended to bring its terms and conditions to current day standards and policies. Discretionary actions required prior to project implementation include approval of an amendment to the Community Plan, the City lease, the CC&R's and a Conditional Use Permit. The proposed development complies with all relevant regulations of the Municipal Code including the CUP Ordinance; therefore the City Manager recommends approval of the project subject to conditions of CUP-96-7145. Park Committees and Boards have also reviewed the proposed plan for the development of this park and have recommended approval subject to the conditions of the permit and lease agreement.

LEGAL DESCRIPTION:

The project site is more particularly described as a portion of Parcel 2, Map-4967.

FILE LOCATION: Subitems A-C,E: LAND - University Community Plan; Subitem D: LEAS - Lawrence Family Jewish Community Center of San Diego County" LEASFY98-1

COUNCIL ACTION: (Tape location: A319-B028.)

Hearing began at 10:39 a.m. and halted at 11:01 a.m.

CONSENT 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-yea.

ITEM-332:

SUBJECT: A matter of a request to rezone a 1.6 acre parcel from A-1-10 to either R-2000 (applicant's request) or R-3000 (staff recommendation), or any zone between R-2000 and R-3000 within the Otay Mesa-Nestor Community Planning Area (Beyer Way Rezone).

(RZ-96-7591. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A and introduce the ordinance in Subitem B; do not introduce the ordinance in Subitem C:

Subitem-A: (R-98-624) ADOPTED AS RESOLUTION R-289601

Adoption of a Resolution certifying that the information contained in Negative Declaration LDR-96-7591 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council, and adopting appropriate findings pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-98-63) INTRODUCED, TO BE ADOPTED
JANUARY 12, 1998

Introduction of an Ordinance approving a rezoning from
A-1-10 to R-3000.

OR

Subitem-C: (O-98-64) NOTED AND FILED

Introduction of an Ordinance approving a rezoning from
A-1-10 to R-2000.

SUPPORTING INFORMATION:

The subject property is located at 521 Beyer Way within the Otay Mesa-Nestor Community Planning Area. The applicant is requesting a re-zoning from A-1-10 to R-2000, which would allow approximately 35 residential dwelling units to be developed on the site. The Otay Mesa-Nestor Community Plan recommends that this property be re-zoned to R-3000, which would allow approximately 23 units to be developed on the site. Therefore, the City Manager is recommending that this property be re-zoned from A-1-10 to R-3000.

LEGAL DESCRIPTION:

The subject property is more particularly described as all the portion of the Southeast Quarter of the Southwest Quarter of Section 23, Township 18 South, Range 2 West, San Bernardino Base and Meridian.

FILE LOCATION: Subitems A,C: Zone - Ord. No. ;
Subitem B: NONE

COUNCIL ACTION: (Tape location: A319-B028.)

Hearing began at 10:39 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY McCARTY TO ADOPT THE RESOLUTION FOR SUBITEM A, INTRODUCE THE ORDINANCE FOR SUBITEM B, AND NOTE AND FILE THE ORDINANCE FOR SUBITEM C. 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-333:

SUBJECT: Matter of a proposal for Amendments to Municipal Code Section 101.0462 (Resource Protection Ordinance-RPO) to incorporate the revisions approved by City Council on November 18, 1997 in the Environmentally Sensitive Lands Regulations to comply with the provisions of the City's Multiple Species Conservation Program (MSCP) Implementing Agreement.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-47) INTRODUCED AS AMENDED, TO BE ADOPTED JANUARY
12, 1997

Introduction of an Ordinance to amend the San Diego
Municipal Code Section 101.0462.

CITY MANAGER SUPPORTING INFORMATION:

The amendments to the San Diego Municipal Code Section 101.0462 (RPO) are requested in order to comply with the provisions of the City's Multiple Species Conservation Program's (MSCP) Implementing Agreement (IA) which became effective on July 17, 1997. Section 10.8(G) of the IA requires that no later than 180 days after the effective date (of the IA), and following any environmental review required by CEQA, the Council of the City of

San Diego shall amend the San Diego Municipal Code to adopt the Environmentally Sensitive Lands Regulations in order to achieve the level of protection for Covered Species and their habitats as provided for in the MSCP Plan and Subarea Plan. The 180 day period would be met in January 1998. The proposed revisions to the Land Development Code, including the Environmentally Sensitive Lands Regulations, were approved by the City Council on November 18, 1997. However, approval of the Land Development Code requires approval by the California Coastal Commission (CCC) to be effective in the coastal zone. Due to the complexity of the update project, the CCC review and approval process is only expected to be completed by May 1998.

As an interim measure, amendments to Municipal Code Section 101.0462 (the existing Resource Protection Ordinance) are proposed to incorporate the portions of the Environmentally Sensitive Lands Regulations as they relate to Sensitive Biological Resources. This would, to the extent possible, incorporate the MSCP policies and regulations of the draft Environmentally Sensitive Lands Regulations. The amendments would only be in effect outside of the Coastal Zone. Section 101.0480 (existing Sensitive Coastal Resource Overlay Zone) would continue to apply in the Coastal Zone until the Coastal Commission approves and certifies the full Land Development Code project.

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

COUNCIL ACTION: (Tape location: B262-369; D172-186.)

Hearing began at 11:20 a.m. and recessed at 11:27 a.m.

Trailed to afternoon session.

Hearing resumed at 3:05 p.m. and halted at 3:07 p.m.

MOTION BY KEHOE TO INTRODUCE THE ORDINANCE AS AMENDED TO REFLECT THE LANGUAGE CHANGES TO SEC. 101.0462.004 GENERAL

PROVISIONS AS FOLLOWS: 7. FOR SENSITIVE BIOLOGICAL RESOURCES, SECTIONS 101.0462.0005, 101.0462.0007, 101.0462.0009, 101.0462.0010, 101.0462.0011, 101.0462.0012, AND 101.0462.0017 OF THE RESOURCE PROTECTION ORDINANCE DO NOT APPLY. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500:

(Continued from the meetings of December 2, 1997, Item 101; and December 9, 1997, Item S502; last continued at Councilmember Warden's request, because information was received late and Council did not have time to review it.)

SUBJECT: Two actions related to the City of San Diego Ultra-Low Flush Toilet Rebate Program.

(See City Manager Report CMR-97-212.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-518) ADOPTED AS AMENDED AS RESOLUTION R-289607

Authorizing an agreement with Volt Viewtech for services associated with the day-to-day operation of the City's Ultra-Low Flush Toilet Rebate Program in an amount not to exceed \$3,000,000.

Subitem-B: (R-98-517) ADOPTED AS AMENDED AS RESOLUTION R-289608

Authorizing the City Manager to continue the Ultra-Low Flush Toilet Rebate Program;

Authorizing the City Manager to enter into an agreement with the San Diego County Water Authority for receipt of funds from the Metropolitan Water District of Southern California to be used to pay half of the program costs for approximately 30,000 ultra-low flush toilet rebates;

Authorizing the City Auditor and Comptroller to increase the annual appropriation in the Water Operating Fund 41500, Program 70622, by \$2,100,300 for the City of San Diego's Rebate Program;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$3,000,000 from the Water Operating Fund 41500, Water Conservation Program, for the purpose of operating the Rebate Program in Fiscal Year 1998.

Aud. Cert. 9800586.

FILE LOCATION: SUBITEMS A & B: MEET CONFY98-2

COUNCIL ACTION: (Tape location: C010-D067.)

Motion by Vargas to extend Volt Viewtech's contract by six months and to rebid the contract in order to come back to Council with a better price. Second by Warden.

Substitute motion by Kehoe to approve the City Manager's Recommendation. Second by Mathis. Failed. Yeas-1,3. Nays-2,4,5,6,7,8,M. Not present-none.

AMENDMENT TO THE MOTION BY VARGAS TO ADOPT THE RESOLUTIONS AS AMENDED EXTENDING VOLT VIEWTECH'S CONTRACT BY ONE YEAR AS SUGGESTED BY MAYOR GOLDING, AND TO ACCEPT AS PART OF THE MOTION COUNCIL MEMBER McCARTY'S REQUEST TO DIRECT STAFF TO RETURN TO COUNCIL WITH A COST BENEFIT ANALYSIS AND TO ANSWER

THE QUESTION WHETHER OR NOT THIS PROGRAM IS PUTTING OUR CONSERVATION DOLLARS TO THE BEST POSSIBLE USE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding yea.

* ITEM-S501:

SUBJECT: Settlement of the Personal Injury Claim of Magdalena Dominguez.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-703) ADOPTED AS RESOLUTION R-289602

A Resolution approved by the City Council in Closed Session on Tuesday, November 25, 1997 by the following vote: Mathis-yea; Wear-yea; Kehoe-not present; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$25,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Magdalena Dominguez (Superior Court Case No. SB5561, Magdalena Dominguez v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$25,000 made payable to Magdalena Dominguez and her attorney of record, Steven A. Wickman, in full settlement of the lawsuit and all claims;

Declaring that the funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Magdalena Dominguez against the City of San Diego, its agents and employees, as a result of an incident which occurred on March 14, 1996.

Aud. Cert. 9800688.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

* ITEM-S502:

SUBJECT: Three actions related to Assessment District Nos. 4011, 4030 and 4036.

(District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-693) ADOPTED AS RESOLUTION R-289603

A Resolution approved by the City Council in Closed Session on Tuesday, December 9, 1997 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-not present; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Ordering foreclosure actions to foreclose the delinquent special assessment liens against delinquent parcels of land in Assessment District No. 4011 - De La Fuente Business Park Phase 1 and ordering the recordation of a Notice of Intent to remove delinquent special assessment installments from the tax roll; ordering action to transmit to the County of San Diego documents necessary to credit the County of San Diego upon the tax roll and to relieve tax collector further duty in Assessment District No. 4011.

Subitem-B: (R-98-694) ADOPTED AS RESOLUTION R-289604

A Resolution approved by the City Council in Closed Session on Tuesday, December 9, 1997 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-not present; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Ordering foreclosure actions to foreclose the delinquent special assessment liens against delinquent parcels of land in Assessment District No. 4030 - Otay Mesa Industrial Park and ordering the recordation of a Notice of Intent to remove delinquent special assessment installments from the tax roll; ordering action to transmit to the County of San Diego documents necessary to credit the County of San Diego upon the tax roll and to relieve tax collector further duty in Assessment District No. 4030.

Subitem-C: (R-98-695) ADOPTED AS RESOLUTION R-289605

A Resolution approved by the City Council in Closed Session on Tuesday, December 9, 1997 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-not present; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Ordering foreclosure actions to foreclose the delinquent special assessment liens against delinquent parcels of land in Assessment District No. 4036 - Otay International Business Center and ordering the recordation of a Notice of Intent to remove delinquent special assessment installments from the tax roll; ordering action to transmit to the County of San Diego documents necessary to credit the County of San Diego upon the tax roll and to relieve tax collector further duty in Assessment District No. 4036.

FILE LOCATION: Subitems A,B: STRT - D-2265;
Subitem C: STRT - D-2275

COUNCIL ACTION: (Tape location: A319-B028.)

CONSENT 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-yea.

NON-DOCKET ITEMS:

ITEM-ND-1: (R-98-738) ADOPTED AS RESOLUTION R-289610

Resolution directing the City Manager and City Attorney to write a letter in support of the Attorney General's action requesting the temporary restraining order for the U.S. Navy to not continue dumping the sand in the deep ocean.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A108-120; B380-417)

MOTION BY KEHOE TO DISCUSS THE ISSUE OF THE NAVY DUMPING SAND IN THE OCEAN RATHER THAN ON OUR BEACHES AS A NON-DOCKET ITEM. Second by Stallings. Passed by the following vote:

Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY KEHOE TO ADOPT A RESOLUTION DIRECTING THE CITY
MANAGER AND CITY ATTORNEY TO WRITE A LETTER IN SUPPORT OF
THE ATTORNEY GENERAL'S ACTION REQUESTING THE TEMPORARY
RESTRAINING ORDER FOR THE U.S. NAVY TO NOT CONTINUE DUMPING
THE SAND IN THE DEEP OCEAN. THIS WOULD ALLOW THE CITY MORE
TIME WITH THE NAVY TO SEE IF THERE ARE ANY ALTERNATIVE
SOLUTIONS TO SAFELY PROCEED WITH DUMPING THE SAND WHICH WAS
INTENDED FOR FLOOD AND EROSION CONTROL ON THE BEACHES.

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-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:08 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D188.)