

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 8, 1998
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 10:50 a.m. The meeting was recessed by Mayor Golding at 11:16 a.m. to convene as the Redevelopment Agency and thereafter the Housing Authority. Mayor Golding reconvened the regular meeting at 11:20 a.m. with Council Member McCarty not present. The meeting was recessed into closed session in the twelfth floor conference room at 12:14 p.m. to discuss real property negotiations and meet and confer and to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Wear at 2:09 p.m. with Mayor Golding and Council Member McCarty not present. The meeting was recessed by Mayor Golding at 5:21 p.m. to convene as the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 6:22 p.m. with Council Member McCarty not present.

Mayor Golding said that San Diego has been voted the Most Fit City in the United States by Men's Fitness Magazine in their January 1999 issue.

The meeting was adjourned by Mayor Golding at 6:25 p.m. to meet immediately in Closed Session in the 12th Floor Conference Room to discuss real property negotiation.

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-not present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (lw/ms)

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

NON-AGENDA COMMENT:

ITEM-PC-1:

Comment by John O'Brien regarding the development of the ballpark for the Padres. Mayor Golding reminded

everyone that the ballpark was approved by the voters of this City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A019-033.)

ITEM-PC-2: REFERRED TO MTDB VIA THE CITY MANAGER

Comment by Don Stillwell regarding the amount of force used by police. Mr. Stillwell also commented on an incident he witnessed involving trolley security. Mayor Golding said she would forward his concern to the Metropolitan Transit Development Board.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A034-057.)

ITEM-PC-3:

Comment by Parnell Lovelace regarding a piece of American history known as Allensworth which is a township founded by African-Americans in 1908. Mr. Lovelace wanted to acknowledge the support of Council Member Stevens and presented him with a plaque.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A058-087.)

ITEM-PC-4:

Comment by Yosef regarding human decency and the right to live as we choose.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A088-108.)

ITEM-PC-5: REFERRED TO THE CITY MANAGER

Comment by Vilnette J. Allen regarding the Mid-City Police Station and the hours it is manned. She also expressed her concern due to the amount of time it took for the police to respond to a burglary call. Council Member Kehoe gave the 24-hour non-emergency phone number to the station and also stated she would meet with Ms. Allen to discuss her concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A109-153.)

ITEM-PC-6: REFERRED TO THE CITY MANAGER

Comment by Billy Paul regarding the sale of toy cigarettes and the upcoming parades in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A154-180.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Stallings announced that Billy Paul is now the president of the Clairmont Town Council. She said this is the new and reformed Billy Paul.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A181-195.)

ITEM-CC-2:

Council Member Stevens made a correction to his statement on December 7, 1998, regarding CDBG funds in the district with regard to the city-wide allocation procedure. He said it was \$248,800.00 instead of \$50,000.00.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A196-199.)

ITEM-CC-3:

Mayor Golding noted that due to the voters approving vast portions of the future urbanizing area on the ballot, and the proposed development and conservation of open space, we have preserved an incredible amount of land for the Multiple Species Habitat Conservation Plan and for the citizens. She said there was a ceremony to dedicate the parcel known as "8A" which has been the subject of debate at Council for several years. She stated that the land is now preserved for future generations at no cost to the City.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A200-225.)

ITEM-208:

SUBJECT: Maintenance Assessment District Ordinance.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-79) DISCUSSED AND AMENDED, TO BE INTRODUCED
JANUARY 11, 1999

Introduction of an Ordinance amending Chapter VI,
Article 5, Division 2 of the San Diego Municipal Code
by amending Sections 65.0202, 62.0212, and 65.0214; all
pertaining to Maintenance Assessment Districts.

CITY MANAGER SUPPORTING INFORMATION:

This ordinance will amend Municipal Code Sections 65.0202,
65.0212, and 65.0214. The amendments enumerated below are
introduced to enable the City to evaluate the viability of a non-
profit corporation administering the provision of services to a
specific zone within a Maintenance Assessment District.
Specifically, this ordinance will effect the following amendments
to Chapter VI, Article 5, Division 2 of the San Diego Municipal
Code:

- 1) This ordinance will add a defining term for "Zone" to mean
Zone 3 of the Downtown Landscape and Lighting Maintenance
District. Additionally, this ordinance will amend the
Municipal Code to allow Zone 3 of the Downtown Landscape and
Lighting District to be administered by a Non-profit
Corporation for a one year period provided that the Non-
profit Corporation can obtain written documentation from
property owners, representing a majority of the parcel area
within Zone 3, indicating their support for Zone 3 to be
administered by the same Non-profit Corporation.

- 2) This ordinance will establish additional agreement provisions with Non-profit Corporations which administer maintenance contracts for Maintenance Assessment Districts or Zone 3 of the Downtown Landscape and Lighting District to include on-site inspections, financial interest disclosure, noticed meetings with property owners, separate accounting with annual audit review and clarifying certain existing provisions of Chapter VI, Article 5, Division 2, Section 65.0212.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A258-287.)

MOTION BY WEAR TO AMEND THE LANGUAGE OF THE ORDINANCE AS FOLLOWS AND BRING BACK FOR INTRODUCTION JANUARY 11, 1999:

EXCEPT AS PROVIDED IN SECTION 65.0212 (B), ANY NON-PROFIT CORPORATION WISHING TO ESTABLISH THE RIGHT TO ADMINISTER CONTRACTS FOR GOODS AND SERVICES FOR A DISTRICT OR ZONE SHALL PROVIDE WRITTEN DOCUMENTATION TO THE CITY MANAGER VERIFYING THAT THE PROPERTY OWNERS REPRESENTING A WEIGHTED MAJORITY DEMONSTRATES SUPPORT THROUGH AN APPROVED VOTING PROCEDURE OF THE RELEVANT ZONE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-310: GRANTED REQUEST FOR HEARING OF APPEAL

SUBJECT: Request by Hal Pollard, Vice President, National Enterprises, Inc. for a hearing of an appeal from the decision of the Planning Commission in approving with conditions the request for Otay Mesa Development Permit (OMD-96-7653) (De La Fuente Business Park Truck Parking).

(OMD-96-7653. Otay Mesa Community Area. District-8.)

TODAY'S ACTION IS:

A motion either granting or denying the request for a hearing of the appeal.

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, a date and time will be determined for the hearing when the Legislative Calendar for January 1999 is approved.

SUPPORTING INFORMATION:

The appeal is being requested for a permit to operate three commercial truck parking/storage facilities within the existing De La Fuente Business Park in Otay Mesa.

The project features a total of 187 truck and tractor trailer parking spaces, visitor and employee parking spaces, security pole lighting, decomposed granite and asphalt paving surfaces, modular office trailers, perimeter site landscaping and irrigation improvements, and an eight-foot-high chain link security fence (with dark green shade-cloth screening material) surrounding each facility. The 8.39 gross acre project area is generally located west of Avenida Costa Este, north of Avenida De La Fuente, south of Airway Road and east of Avenida Costa Del Sol within the OMDD-I Zone of the Otay Mesa Community Plan Area (Otay Mesa Planned District).

The Hearing Officer recommended approval of the temporary permit.

The Planning Commission voted 6-0 to deny the appeal and approve the Otay Mesa Development (OMD) Permit-96-7653, subject to conditions.

Ayes: Steele, Watson, Butler, Andersen, Skorepa, White
Not Present: Stryker

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

FILE LOCATION: PERM - 96-7653 (65)

COUNCIL ACTION: (Tape location: A240-255.)

MOTION BY VARGAS TO GRANT THE REQUEST FOR A HEARING OF THE APPEAL AS RECOMMENDED BY STAFF. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Matter of an application to develop a 50-unit, single-family residential project, including site grading, landscaping and associated improvements, on a vacant 6.72 acre site located on Carmel Canyon Road, between Carmel Country Road and Almondwood Drive, in the NC zone of the Carmel Valley Planned District, within the Carmel Valley Community (Carmel Del Mar Neighborhood 4-South).

(CVPD/TM/RZ/CVCPA/CDM N4,5,6 PPA/PG&GP-96-7824.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Note and File the Resolution in Subitem A; **DO NOT** introduce the Ordinance in Subitem B; adopt the Resolution in Subitem C; and adopt the Resolutions in Subitems D and E to deny the permits and map:

Subitem-A: (R-99-635) ADOPTED AS RESOLUTION R-291082

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-96-7824 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the Mitigated Negative Declaration has been reviewed and considered prior to denying the project and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-99-78) INTRODUCED, TO BE ADOPTED
JANUARY 11, 1999

Introduction of an Ordinance changing 6.72 acres located north of State Route 56 and Carmel Country Road, and southeast of Carmel Canyon Road, Within the Carmel Del Mar Neighborhoods 4, 5, and 6 Precise Plan and the Carmel Valley Community Plan in the City of San Diego, California, from the Neighborhood Commercial (NC) Zone into the Single-Family-3 (SF-3) Zone as defined by San Diego Municipal Code Section 103.0608; and repealing Ordinance No. O-18015 (New Series), adopted November 29, 1993, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-99-636 REV.) GRANTED APPLICATION, ADOPTED
AS RESOLUTION R-291083

Adoption of a Resolution denying the application to amend the Carmel Del Mar Neighborhoods 4, 5, and 6 Precise Plan, the Carmel Valley Community Plan and the City of San Diego Progress Guide and General Plan to redesignate a neighborhood commercial site to small lot attached and detached residential use.

Subitem-D: (R-99-751) GRANTED MAP, ADOPTED AS RESOLUTION
R-291084

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

Subitem-E: (R-99-752) GRANTED PLAN, ADOPTED AS RESOLUTION
R-291085

Adoption of a Resolution granting or denying the Carmel
Valley Planned District Plan (amendment), with
appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to approve the amendments; no
opposition.

Ayes: Steele, Butler, Stryker, Watson, White
Not present: Anderson, Skorepa,

The Carmel Valley Community Planning Board has recommended
approval of this project.

SUPPORTING INFORMATION:

The project proposes to amend the City's Progress Guide and
General Plan (PG&GP), the Carmel Del Mar Neighborhoods 4, 5 and 6
Precise Plan, and the Carmel Valley Community Plan (CVCP), and
includes a rezone of the site from NC (Neighborhood Commercial)
to SF-3 (low density, detached residential, up to 14 dwelling
units per acre) (RZ), a Tentative Map (TM) and a Carmel Valley
Planned District (CVPD) Development Permit in order to implement
the proposed project.

LEGAL DESCRIPTION:

The project site is more particularly describe as being located on Carmel Canyon Road, between Carmel Country Road and Almondwood Drive, in the Carmel Valley Community (Carmel Del Mar Neighborhood 4 South, Unit 13, Lot 48, Map-13118), City of San Diego, County of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The Carmel Del Mar Neighborhood 4-South project proposes a Progress Guide and General Plan Amendment, Community Plan Amendment, Precise Plan Amendment, Rezone, Tentative Map, and Carmel Valley Planned District Development Plan to redesignate a neighborhood commercial site to small lot attached and detached residential land use, for a 50 unit detached single-family residential development.

The Carmel Valley Community Planning Board voted on July 14, 1998, 8:2:2 to recommend approval of the project, supporting the proposed plan amendments to allow residential land use on the subject site. However, the Board expressed concern that the proposed density and lot sizes are not consistent with the existing development in Neighborhood 4.

On November 19, 1998, the Planning Commission voted 5:0:0 to recommend to the City Council approval of the proposed project, finding that the project will meet a housing need in the Carmel Valley Community, and additionally, that the location of the project site is better suited for residential development rather than neighborhood commercial use. Report P98-216 details staff's position based on the commercial goals and recommendations of the adopted Carmel Valley Community Plan and the Progress Guide and General Plan which call for a variety of commercial opportunities, including neighborhood commercial centers, to serve the needs of the community. Staff, while recommending denial, recognizes the competing goal of providing an adequate supply of housing units to meet the needs of the City's future population growth.

FILE LOCATION: Subitems A,B,C,D,E: LAND - PG & GP
CARMEL VALLEY (9)

COUNCIL ACTION: (Tape location: A421-572.)

Hearing began at 11:22 a.m. and halted at 11:29 a.m.

Council Member Kehoe left at 11:28 a.m.

MOTION BY MATHIS TO APPROVE SUBITEM A: ADOPTION OF A RESOLUTION CERTIFYING MITIGATED NEGATIVE DECLARATION LDR-96-7824;

APPROVE SUBITEM B: INTRODUCTION OF AN ORDINANCE CHANGING 6.72 ACRES LOCATED NORTH OF STATE ROUTE 56 AND CARMEL COUNTRY ROAD, AND SOUTHEAST OF CARMEL CANYON ROAD, WITHIN THE CARMEL DEL MAR NEIGHBORHOODS 4, 5, AND 6 PRECISE PLAN AND THE CARMEL VALLEY COMMUNITY PLAN IN THE CITY OF SAN DIEGO FROM THE NEIGHBORHOOD COMMERCIAL ZONE WHERE IT IS CURRENTLY ZONED, TO A SINGLE-FAMILY-3 (SF-3) ZONE;

DENY SUBITEM C AS REFLECTED IN THE DOCKET WHICH IS A RECOMMENDED DENIAL BY THE CITY. INSTEAD, APPROVE THE ADOPTION OF A RESOLUTION APPROVING THE APPLICATION TO AMEND THE CARMEL DEL MAR NEIGHBORHOODS 4, 5, AND 6 PRECISE PLAN, THE CARMEL VALLEY COMMUNITY PLAN AND THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN WITH APPROPRIATE FINDINGS (SEE MEMO DATED DECEMBER 8, 1998, FROM COUNCIL MEMBER MATHIS) WHICH HAVE BEEN APPROVED BY THE CITY ATTORNEY TO SUPPORT COUNCIL ACTION;

APPROVE SUBITEM D: ADOPTION OF A RESOLUTION GRANTING THE TENTATIVE MAP WITH APPROPRIATE FINDINGS TO SUPPORT COUNCIL ACTION (SEE MEMO DATED DECEMBER 8, 1998, FROM COUNCIL MEMBER MATHIS); AND

APPROVE SUBITEM E: ADOPTION OF A RESOLUTION GRANTING THE CARMEL VALLEY PLANNED DISTRICT PLAN (AMENDMENT), WITH APPROPRIATE FINDINGS TO SUPPORT COUNCIL ACTION (SEE MEMO DATED DECEMBER 8, 1998, FROM COUNCIL MEMBER MATHIS).

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

ITEM-331:

SUBJECT: Matter of a proposed 500,000 square-foot office development located at the southeast corner of Carmel View Road and Valley Center Drive in the Specialized Commercial (SC) Zone of the Carmel Valley Planned District. (Kilroy Carmel Center).

(CDP/CVPD/CVCP/LCP/PG & GP-98-0227. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the Resolution in Subitem A; adopt the Resolution in Subitem B to grant the permit; and adopt the Resolution in Subitem C.

Subitem-A: (R-99-643) ADOPTED AS RESOLUTION R-291086

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0227 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 of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-99-600) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-291087

Adoption of a Resolution granting or denying Coastal
Development and Carmel Valley Planned District Permit
(Amendment) No. 98-0227.

Subitem-C: (R-99-644) ADOPTED AS RESOLUTION R-291088

Adoption of a Resolution amending the City's Progress
Guide and General Plan, the Carmel Valley Community
Plan, the City of San Diego Local Coastal Program and
the adopted Carmel Del Mar Neighborhoods 4, 5, and 6
Precise Plan to re-designate the project site from
specialized commercial to office- commercial.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to approve; no opposition.

Ayes: Steele, Anderson, Butler, Stryker, Watson, White
Not present: Skorepa

The Carmel Valley Community Planning Board has recommended
approval of this project.

SUPPORTING INFORMATION:

The Kilroy Carmel project site is located at the southwest corner
of Valley Center Drive and Carmel Creek Road in the SC Zone of
the Neighborhood 6. The project is for a proposal to finish grade
portions of a partially improved 17.3 acre site as necessary to
accommodate the construction of four (five-story) detached steel
frame office buildings (total of approximately 495,000 square-
feet of office and 5,000 square-feet of limited commercial) (floor
area) and implement associated site facilities/improvements (as
described in and by reference to conditions of approval and
Exhibits contained within the corresponding Coastal Development
and Carmel Valley Planned District Permit No. 98-0227).

LEGAL DESCRIPTION:

The Kilroy Carmel Center project site is more particularly described as Lots 1 through 6 and 9, Unit 1 of recorded Piazza Carmel Map-13138.

CITY MANAGER SUPPORTING INFORMATION:

The applicant is proposing an approximately one-half million square-foot office development on the subject 17.33-acre site, which is located at the southeast corner of Carmel View Road and Valley Center Drive. The project features the construction of four (five-story) steel frame office buildings, a three-level concrete parking structure, and implementation of various other corresponding site improvements. Existing zoning on the site is SC (Specialized Commercial) per the adopted Development Unit Six Precise Plan (Carmel Valley Planned District Ordinance).

The project features a combined total of approximately 495,000 square-feet of office floor area and 5,000 square-feet of commercial (restaurant) floor area to be contained within the four proposed office buildings, site landscaping, signage, finished grading, paving, retaining walls, and off-street parking spaces. The project represents an amendment to Coastal Development, Conditional Use and Carmel Valley Planned District Permit No. 93-0451, which was approved by the City Council in 1993.

On November 19, 1998, the Planning Commission voted to recommend to the City Council approval of the proposed project. On their motion to approve the project, the Commission also recommended that the City Council adopt the associated project amendments to the City's Local Coastal Program, the City's Progress Guide and General Plan, the Carmel Valley Community Plan and the Development Unit Six Precise Plan (Carmel Valley Planned District Ordinance).

Project approval will require City Council adoption of proposed amendments to the Carmel Valley Planned District Ordinance, the City's Local Coastal Program Land Use Plan, the City's Progress Guide and General Plan, and the Carmel Valley Community Plan in order to implement the land use re-designation of the site from specialized commercial to commercial-office, which would allow the proposed office development component of the project. Final approval of the project will require State Coastal Commission approval of the proposed amendment to the City's Local Coastal Program.

On October 13, 1998, the Carmel Valley Community Planning Group voted unanimously to recommend approval of the proposed Coastal Development and Carmel Valley Planned District Permit (Amendment) as well as the proposed amendments to the Local Coastal Program, the Carmel Valley PDO (Development Unit Six Precise Plan), the Progress Guide and General Plan and the Carmel Valley Community Plan.

FILE LOCATION: Subitems A,B,C: LAND - PG&GP CARMEL VALLEY (9)

COUNCIL ACTION: (Tape location: A290-320.)

Hearing began at 11:14 a.m. and halted at 11:15 a.m.

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

ITEM-332:

SUBJECT: Two actions related to the Morena Business Improvement District.

(Linda Vista & Clairemont Mesa Community Planning Areas. District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-99-52) INTRODUCED, TO BE ADOPTED
JANUARY 11, 1999

Introduction of an Ordinance establishing the Morena Business Improvement District pursuant to the Parking and Business Improvement Area Law of 1989 and levying an assessment and charge for upgrading and promoting the area.

Subitem-B: (R-99-368) ADOPTED AS RESOLUTION R-291089

Authorizing an agreement with the Morena Shopping Quarter to operate and administer the Morena Business Improvement District.

CITY MANAGER SUPPORTING INFORMATION:

The City Council recognizes the usefulness of Business Improvement Districts (BIDs) in the revitalization of older commercial neighborhoods. There are currently 16 active districts in the City of San Diego where merchants assess themselves to provide for business development and marketing activities, as well as street-scaping and other physical improvements in their respective areas. Pursuant to Council Policy 900-07, Morena Shopping Quarter has garnered approximately 20 percent support from the affected businesses for establishment of the district. Additionally, a mailed ballot procedure was conducted in May, 1998 under the auspices of the Office of Small Business to determine if a majority of responding businesses, by assessed value, support the formation of the BID. The result for

Morena is 63 percent in favor. The supporting organization now requests that the Council proceed with the public meeting and hearing required by State law to form the business improvement district. The public meeting required by State law will be held on November 10, 1998 and the public hearing will be held on December 8, 1998. This action would constitute the final hearing on the matter, establish the district and authorize the City Manager to enter into an agreement with the business association to administer the district. The Small Business Advisory Board (SBAB) has heard the issue and recommends establishment of the district. The Business Improvement District Council (BIDC) recommends establishment of the district.

FILE LOCATION: Subitems A,B: STRT - L-19 (32)

COUNCIL ACTION: (Tape location: A573-596.)

Hearing began at 11:30 a.m. and halted at 12:13 p.m.

Council Member Kehoe entered at 11:37 a.m.

Testimony in opposition by Mark Blase, Gustavo Blankenburg, Dolores Neal, and Milton Bush.

Testimony in favor by Doris Mera, Robert Fowble, Carol Charette, Gary Weber, Bill Howe, Doug Berkham, Bob Williams, Ted Nestor, and Tina Alo.

MOTION BY STALLINGS TO ADOPT WITH DIRECTION TO: (1) PLAN A GENERAL MEETING IN JANUARY TO EXPLAIN WHAT A BUSINESS IMPROVEMENT DISTRICT IS AND IS NOT; (2) IN FEBRUARY, HAVE A NOMINATING MEETING FOR A NEW BOARD; (3) IN MARCH, HAVE A MEETING ELECTING THE NEW BOARD; (4) SIX MONTHS FROM NOW, BRING THE BUSINESS IMPROVEMENT DISTRICT BACK TO COUNCIL FOR RE-EXAMINATION. IN ADDITION, DOCKET FOR RULES COMMITTEE THE DISCUSSION OF THE BUSINESS IMPROVEMENT DISTRICT POLICY. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-nay.

ITEM-333:

SUBJECT: Two actions related to the San Ysidro Business Improvement District.

(San Ysidro Community Planning Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-99-51) INTRODUCED, TO BE ADOPTED
JANUARY 11, 1999

Introduction of an Ordinance establishing the San Ysidro Business Improvement District pursuant to the Parking and Business Improvement Area Law of 1989 and levying an assessment and charge for upgrading and promoting the area.

Subitem-B: (R-99-366) ADOPTED AS RESOLUTION R-291102

Authorizing an agreement with the San Ysidro Chamber of Commerce to operate and administer the San Ysidro Business Improvement District.

CITY MANAGER SUPPORTING INFORMATION:

The City Council recognizes the usefulness of Business Improvement Districts (BIDs) in the revitalization of older commercial neighborhoods. There are currently 16 active districts in the City of San Diego where merchants assess themselves to provide for business development and marketing activities, as well as streetscaping and other physical improvements in their respective areas. Pursuant to Council Policy 900-07, San Ysidro Business Chamber of Commerce has

garnered approximately 20 percent support from the affected businesses for establishment of the district. Additionally, a mailed ballot procedure was conducted in May, 1998 under the auspices of the Office of Small Business to determine if a majority of responding businesses, by assessed value, support the formation of the BID. The result for San Ysidro is 70 percent in favor of the BID. The supporting organization now requests that the Council proceed with the public meeting and hearing required by State law to form the business improvement district. The public meeting required by State law will be held on November 10, 1998 and the public hearing will be held on December 8, 1998. This action would constitute the final hearing on the matter, establish the district and authorize the City Manager to enter into an agreement with the business association to administer the district. The Small Business Advisory Board (SBAB) has heard the issue and recommends establishment of the district. The Business Improvement District Council (BIDC) recommends establishment of the district.

FILE LOCATION: Subitems A and B: STRT-L-20 (32)

COUNCIL ACTION: (Tape location: C005-558.)

Hearing began at 2:10 p.m. and halted at 2:49 p.m.

Mayor Golding arrived at 2:15 p.m.

Testimony in opposition by Marvin Carpenter, Juan Mariscal, Teresa Balboa, and Karla Sanchez.

Testimony in favor by Michael St. Clair, Bernice Trickett, Alan Samuel Merha, Doug Perry, Irene Stallard-Rodriquez, Manuel Mendivil, and Maro Mandri.

MOTION BY VARGAS TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B, WITH THE DIRECTION THAT THE METHOD OF ASSESSMENT WILL BE REVIEWED AT THE RULES COMMITTEE. Second by Kehoe. Passed by the following vote:

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

ITEM-334:

SUBJECT: Eastgate Mall (I-805 to Miramar Road) Underground Utility District.

(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-469) ADOPTED AS RESOLUTION R-291090

Establishing the Eastgate Mall (I-805 to Miramar Road) Underground Utility District;

Authorizing the expenditure not to exceed \$30,000 from Annual Allocation - Under-grounding of City Utilities, CIP-37-028.0, Sublet 37-2971, TransNet Fund No. 30300, for the purpose of administering the Underground Utility District, minor City force work, replacement of existing street lights, and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Under-grounding of City Utilities, and will underground the overhead utility facilities in the Eastgate Mall (I-805 to Miramar Road) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego

Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required under-grounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the under-grounding work approaches completion.

FILE LOCATION: STRT - K-258 (38)

COUNCIL ACTION: (Tape location: A290-320.)

Hearing began at 11:14 a.m. and halted at 11:15 a.m.

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

ITEM-335:

SUBJECT: Eastgate Mall (Genesee Avenue to Towne Centre Drive)
Underground Utility District.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-467) ADOPTED AS RESOLUTION R-291091

Establishing the Eastgate Mall (Genesee Avenue to Towne Centre Drive) Underground Utility District;

Authorizing the expenditure of not to exceed \$30,000 from Annual Allocation - Under-grounding of City Utilities, CIP-37-028.0, Sublet 37-2972, TransNet Fund No. 30300, for the purpose of administering the Underground Utility District, minor City force work, replacement of existing street lights, and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Under-grounding of City Utilities, and will underground the overhead utility facilities in the Eastgate Mall (Genesee Avenue to Towne Centre Drive) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required under-grounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the under-grounding work approaches completion.

FILE LOCATION: STRT - K-259 (38)

COUNCIL ACTION: (Tape location: A290-320.)

Hearing began at 11:14 a.m. and halted at 11:15 a.m.

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

ITEM-336:

SUBJECT: West Point Loma Boulevard (Brighton Avenue to Sunset Cliffs Boulevard) Underground Utility District.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-465) ADOPTED AS RESOLUTION R-291092

Establishing the West Point Loma Boulevard (Brighton Avenue to Sunset Cliffs Boulevard) Underground Utility District;

Authorizing the expenditure of not to exceed \$30,000 from Annual Allocation-Under-grounding of City Utilities, CIP-37-028.0, Sublet 37-2974, TransNet Fund No. 30300, for the purpose of administering the Underground Utility District, minor City force work, replacement of existing street lights, and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Under-grounding of City Utilities, and will

underground the overhead utility facilities in the West Point Loma Boulevard (Brighton Avenue to Sunset Cliffs Boulevard) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required under-grounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the under-grounding work approaches completion.

FILE LOCATION: STRT - K-260 (38)

COUNCIL ACTION: (Tape location: A290-320.)

Hearing began at 11:14 a.m. and halted at 11:15 a.m.

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

ITEM-337:

SUBJECT: University Avenue (Washington Street to Third Avenue)
Underground Utility District.

(Uptown Community Area. Districts-2 & 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-463) ADOPTED AS RESOLUTION R-291093

Establishing the University Avenue (Washington Street to Third Avenue) Underground Utility District;

Authorizing the expenditure of not to exceed \$30,000 from Annual Allocation - Under-grounding of City Utilities, CIP-37-028.0, Sublet 37-2909, TransNet Fund No. 30300, for the purpose of administering the Underground Utility District, minor City force work, replacement of existing street lights, and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Under-grounding of City Utilities, and will underground the overhead utility facilities in the University Avenue (Washington Street to Third Avenue) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required under-grounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request

for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the under-grounding work approaches completion.

FILE LOCATION: STRT - K-261 (38)

COUNCIL ACTION: (Tape location: A290-320.)

Hearing began at 11:14 a.m. and halted at 11:15 a.m.

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

ITEM-338:

SUBJECT: Two actions related to Rancho Penasquitos FY 1999 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report P98-196. Public Facilities Financing Plan and FBA, FY 99 Draft. Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-622) ADOPTED AS RESOLUTION R-291094

Approving the document entitled "Rancho Penasquitos Public Facilities Financing Plan and Facilities Benefit Assessment, August 1998."

Subitem-B: (R-99-623) ADOPTED AS RESOLUTION R-291095

Resolution of Intention to designate an area of benefit in Rancho Penasquitos and setting the time and place for holding a public hearing.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/18/98, LU&H voted 4-0 to approve on consent. (Councilmembers Mathis, Stallings, McCarty and Vargas voted yea. Councilmember Stevens not present.)

FILE LOCATION: Subitems A,B: STRT - FB-13 (33)

COUNCIL ACTION: (Tape location: A290-320.)

Hearing began at 11:14 a.m. and halted at 11:15 a.m.

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS AND SET THE PUBLIC HEARING DATE FOR JANUARY 11, 1999, AS REQUESTED BY MAYOR GOLDING. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-339:

SUBJECT: Two actions related to Mira Mesa FY 1999 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P98-197. Public Facilities Financing Plan and FBA, Draft FY 99. Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-615) ADOPTED AS RESOLUTION R-291096

Approving the document entitled "Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, August, 1998."

Subitem-B: (R-99-616 COR.COPY) ADOPTED AS RESOLUTION R-291097

Resolution of Intention to designate an area of benefit in Mira Mesa and setting the time and place for holding a public hearing.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/18/98, LU&H voted 4-0 to approve on consent. (Councilmembers Mathis, Stallings, McCarty and Vargas voted yea. Councilmember Stevens not present.)

FILE LOCATION: Subitems A,B: STRT - FB-12 (33)

COUNCIL ACTION: (Tape location: A290-320.)

Hearing began at 11:14 a.m. and halted at 11:15 a.m.

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS AND SET THE PUBLIC HEARING DATE FOR JANUARY 11, 1999, AS REQUESTED BY MAYOR GOLDING. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-340:

SUBJECT: Authorizing the Addition of CIP-70-950.0, Otay Filtration Plant - Backwash Pipe Relocation.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-99-76) INTRODUCED AND ADOPTED AS ORDINANCE O-18607
(New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-18551 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1998-99 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document No. OO-18551, by amending the Capital Improvement Program Budget to add CIP-70-950.0, Otay Filtration Plant - Backwash Pipe Relocation; and by increasing the total appropriations in the Water Revenue Fund 41500 by \$397,600 from the Unappropriated Fund Balance.

CITY MANAGER SUPPORTING INFORMATION:

The existing 18 inch backwash water pipeline at Otay Filtration Plant discharges an average of 1.1 million gallons of backwash water into Lower Otay Reservoir each day. This backwash water contains hydroxides of chemical coagulants, clay, silt, organic and inorganic precipitates removed from drinking water during filtration at the Otay plant. Currently, this filter waste is discharged in close proximity to the lake outlet tower, with the potential of negative impact on the water quality entering the Otay plant. As a result of this impact, pumped flows are reduced from the lake to maintain the highest water quality possible. Treated water, at significantly higher cost, is purchased from the San Diego County Water Authority to satisfy demands the Otay plant is unable to meet. This project will relocate the backwash pipeline, thereby diverting the flow into Lower Otay Reservoir at a point further away from the outlet tower. Benefits of this relocation will be improved water quality, reduced demand on

imported water purchases, and a more efficient and cost effective operation at the Otay Filtration Plant. Prior to the start of design and construction, approval of this project is required for its addition to the Water Department's Capital Improvements Program.

Aud. Cert. 9900541.

CIP-14-99-08.

NOTE: See Item 205 on the regular docket of Monday, December 7, 1998 for the first public hearing. Today's action is the second public hearing and the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A290-320.)

CONSENT MOTION BY WARDEN TO INTRODUCE, 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-not present, Vargas-yea, Mayor Golding-yea.

ITEM-341:

SUBJECT: Revised Conflict of Interest Code for the San Diego Housing Commission.

(See San Diego Housing Commission Report HCR-98-100.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-608) ADOPTED AS RESOLUTION R-291098

Adopting the Revised Conflict of Interest Code for the San Diego Housing Commission.

NOTE: See the Housing Commission Agenda of 12/8/98 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A290-320.)

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

ITEM-342:

SUBJECT: Two actions related to City Heights Urban Village Disposition and Development Agreement and Bond Issuance.

(See Redevelopment Agency Report RA98-11. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-409) ADOPTED AS RESOLUTION R-291103

Approving the sale of certain property in the City Heights Redevelopment Project Area to CityLink Investment Corporation Inc.;

Approving the Disposition and Development Agreement and making certain findings with respect to the sale.

Subitem-B: (R-99-614) ADOPTED AS RESOLUTION R-291104

Approving the issuance by the Redevelopment Agency of the City of San Diego of Tax Allocation Bonds in two series to finance a portion of the cost of a redevelopment project in the City Heights Redevelopment Project, releasing and subordinating certain City revenues and approving certain related matters.

NOTE: See the Redevelopment Agency Agenda of 12/8/98 for a companion item.

FILE LOCATION: Subitems A and B: MEET

COUNCIL ACTION: (Tape location: C562-F366.)

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

ITEM-S500:

(Continued from the meeting of December 1, 1998, Item #331, at the City Attorney's request, due to a missing element of noticing.)

SUBJECT: Matter of a consideration of withdrawal and cancellation of objections from the Historic Sites Board and approval of a Resource Protection Permit for historical landmark No. 367-The Jessop Building, and approval of a Conditional Use Permit/Centre City Development Permit 98-0357 for the Music Village Project-core district of the expansion sub-area of the Centre City Redevelopment Project. (Music Village)

(CCDP/CUP/RPO-98-0357. District-2.)

NOTE: Hearing open. No testimony taken on 12/1/98.

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt Subitems A through D:

Subitem-A: (R-99-594 COR.COPY) ADOPTED AS RESOLUTION R-291105

Adoption of a Resolution withdrawing and canceling the objections of the Historical Sites Board and approving an application for a Resource Protection Ordinance Permit for modifications to the Jessop Building.

Subitem-B: (R-99-591) ADOPTED AS RESOLUTION R-291106

Adoption of a Resolution certifying that the Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project and the Secondary Study with respect to Centre City Development/Conditional Use Permit 98-0357 (Music Village), and making certain findings and determinations regarding environmental impacts of the development pursuant thereto.

Subitem-C: (R-99-592) ADOPTED AS RESOLUTION R-291107

Adoption of a Resolution approving Conditional Use Permit CUP-98-0357 (Music Village) to allow for a public parking garage within the Centre City Redevelopment project area.

Subitem-D: (R-99-593) ADOPTED AS RESOLUTION R-291108

Adoption of a resolution approving Centre City Development Permit 98-0357 (Music Village), including the Basic Concept/Schematic Drawings subject to conditions.

SUPPORTING INFORMATION:

The Music Village mixed-use project is located on a 20,000 square-foot site in the block bounded by Broadway, 5th Avenue, C Street and 6th Avenue. The project will reuse two existing buildings (the former Woolworth's store and the historic Jessop Building) into restaurant/entertainment uses and add seven stories of public parking and three stories of live/work lofts. The garage entry is located within the southern facade bay of the Jessop Building, with the exist located at the northern end of the Sixth Avenue frontage. The project will be eleven stories tall with an overall height of 125 feet and consists of 240,000 square feet, including the basement level, for an FAR of 11.0. While the permitted base FAR in this area is 10.0, the site is also located within the Street Level Use Incentive Area which allows street level uses within the ground floor, such as the restaurant/retail uses proposed, to be excluded from the calculable FAR. The project thereby complies with the FAR, as well as all other, development regulations of the CCPDO.

LEGAL DESCRIPTION:

The project site is located at 1041-1049 Fifth Avenue/1040-1060 Sixth Avenue and is more particularly described as Lots "B", "C", "J", and "K" of Block 35 of Horton's Addition in the City of San Diego, County of San Diego, State of California, of the Centre City Community Plan Area.

FISCAL IMPACT:

None.

FILE LOCATION: Subitems A,B,C,D: LUP - Music Village

COUNCIL ACTION: (Tape location: F367-G264.)

Hearing began at 4:46 p.m. and halted at 5:20 p.m.

Testimony in opposition by Marsha Sewell.

Testimony in favor by Gina Champion-Cain, Laurie Black, and Jim Shaw.

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

ITEM-S501:

SUBJECT: City Council Resolution Supporting an Amendment to Section 190.2 of the State of California Penal Code, "Matthew's Law."

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-99-683) ADOPTED, RECONSIDERED, AND ADOPTED AS
RESOLUTION R-291099

Supporting the efforts of Assemblyman Baldwin to amend section 190.2 of the State of California Penal Code, "Matthew's Law."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A365-419, H592-603.)

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

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

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

NON-DOCKET ITEMS:

None.

ITEM-CS-1: (R-99-689) ADOPTED AS RESOLUTION R-291100

A Resolution adopted by the City Council in Closed Session on December 8, 1998:

Authorizing the City Manager to pay the sum of \$2,500.00 in the settlement of each and every claim against The City of San Diego, its agents and employees, In Superior Court Case No. 712958, Theopolis Transportation v. City of San Diego, resulting from property damage to Theopolis Transportation Terminal; authorizing the City Auditor and Comptroller to issue one check in the amount of \$2,500.00 made payable to Theopolis Transportation, Joyce Davis, Theopolis Davis and Joan T. Jackson, their attorney or record, in full settlement of all claims.

Aud. Cert. 9900638

FILE LOCATION: MEET

ITEM-CS-2: (R-99-674) ADOPTED AS RESOLUTION R-291101

A Resolution adopted by the City Council in Closed Session on December 8, 1998:

Authorizing the City Manager to pay the sum of \$177,274.72 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the property damage claim of Poway Unified School District which occurred on October 19, 1997; authorizing the City Auditor and Comptroller to issue one check in the amount of \$177,274.72 made payable to Luth & Turley, Inc., in full settlement of all claims.

Aud. Cert. 9900594

FILE LOCATION: MEET

ITEM-CS-3: (R-99-) ADOPTED AS RESOLUTION R-291109

A Resolution adopted by the City Council in Closed Session on December 8, 1998:

Meet and confer.

Aud. Cert. 9900639

FILE LOCATION: MEET

ITEM-CS-4: (R-99-) ADOPTED AS RESOLUTION R-291110

A Resolution adopted by the City Council in Closed Session on December 8, 1998:

Number of cases: one.

Aud. Cert. 9900641

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:25 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H604-622.)