

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 28, 1999
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING:	3
ATTENDANCE DURING THE MEETING:	3
ITEM-300: ROLL CALL	4
CLOSED SESSION ANNOUNCEMENT:	4
NON-AGENDA COMMENT:	5
COUNCIL COMMENT:	6
ITEM-330: Centre Court Apartments.	6
ITEM-331: Market Creek Plaza	8
ITEM-332: Modifications to the Carmel Valley Community Plan.	11
ITEM-333: Amendments to the Land Development Code; Planned District Ordinances, Guidelines for Biology, Historical Resources and Coastal Bluffs and Beaches and Submittal Requirements for Deviations in the Coastal Overlay Zone.	13
ITEM-334: Carmel Valley Neighborhood 10 Park-Park Development Agreement.	16
ITEM-335: <u>Three</u> actions related to the Final Subdivision Map of Carmel Valley Neighborhood 10 Unit No. 3.	17
ITEM-336: Taxicab Task Force's Recommendations.	19
ITEM-337: Alternative Procurement Method for Design-Build Contracts.	22

ITEM-S400: Consul General Herrera-Lasso Day	23
NON-DOCKET ITEMS:	23
CLOSED SESSION ACTION:	23
ADJOURNMENT:	24

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:35 a.m. Mayor Golding recessed the regular meeting at 11:00 a.m. to convene the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 11:01 a.m. with Council Member Stallings and Council Member McCarty not present. Mayor Golding recessed the regular meeting at 11:45 a.m. to convene the Special Joint Council Workshop with the Redevelopment Agency. That meeting was recessed by Mayor Golding at 12:06 p.m. to reconvene at 2:00 p.m.

The regular meeting was reconvened by Deputy Mayor Wear at 2:08 p.m. with Mayor Golding and Council Members Stallings, McCarty, and Vargas not present. Deputy Mayor Wear recessed the regular meeting at 2:10 p.m. to reconvene the Special Joint Council Workshop with the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 3:24 p.m. with Council Members Stallings and McCarty not present. Mayor Golding adjourned the meeting at 6:08 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-excused by R-292310 (out of the country)
- (7) Council Member McCarty-excused by R-292520 (No reason given)
- (8) Council Member Vargas-present

Clerk-Abdelnour (pr/lw)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

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

CLOSED SESSION ANNOUNCEMENT:

Assistant City Attorney Leslie Devaney announced that in Closed Session the City Council voted unanimously with three Council Members being absent, to authorize the Appeal in the case of Trippi v. City, et. al., Superior Court Case Number 720089.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Dorcas Turoski regarding De Anza Cove and the future of the residents' homes. Ms. Turoski stated that the residents of De Anza Cove had a long-term rental agreement with the developer and that the residents were being held to their agreement; however, the developer had changed its mind and name which released it from the obligation to the residents. Ms. Turoski asked if the City wanted to do business with those types of people.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A104-133.)

PUBLIC COMMENT-2:

Comment by Gary Boatwright, a Logan Heights resident, complaining that there are not any handicap ramps in his neighborhood. Mr. Boatwright also expressed his concern regarding racial discrimination by the Police Department, and their failure to respond to his complaint in a satisfactory manner.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A134-163.)

PUBLIC COMMENT-3:

Comment by Ron Boshun expressing his opinion that the City Council is acting like an "empire" rather than a public agency. Mr. Boshun stated that the City Council was gearing up to get into the hotel business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A163-178.)

COUNCIL COMMENT:

NONE.

ITEM-330: Centre Court Apartments.

Matter of the appeal by John F. Graybill, from the decision of the Planning Commission in approving Mid-City Development Permit No. 98-0170 which would allow the demolition of five rental units and the development of 35 apartment units, provide underground parking and associated site landscaping.

(Continued from the meeting of August 3, 1999, Item 330, at the request of the City Manager, for further review.)

(Continued from the meeting of June 22, 1999, Item 334, at the request of Councilmember Kehoe, to allow time for staff, planners, and developers to meet and review the project, and come back with a proposal regarding a development that will enhance the neighborhood.)

(Case 98-0170. Uptown Community Plan area. District-3.)

NOTE: The public testimony portion of the hearing is closed. No public testimony taken on 8/3/99.

The public testimony portion of the hearing is closed. Public testimony taken on 6/22/99.

CITY MANAGER'S RECOMMENDATION:

Adopt the following Resolution in Subitem A, and adopt the Resolution in Subitem B to deny the appeal and grant the permit.

Subitem-A: (R-99-) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR-98-0170 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 pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-99-) GRANTED APPEAL, DENIED PERMIT
ADOPTED AS RESOLUTION R-292256

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

OTHER RECOMMENDATIONS:

Planning Commission voted 5 - 0 to deny the appeal and approve the project with the addition of a condition that requires the developer to complement the articulation of the building and reduce bulk and scale through color; was opposition.

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

The Uptown Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

The project proposes demolition of five rental units and construction of 35 apartment units within a four-story building, located at 3974-3992 Centre Street. The site consists of six contiguous 3,500 square-foot (25 x 140') legal lots comprising a total site area of 21,000 sq. ft., within the MR-800 (B) Zone of the Mid-City Communities Planned District. The Municipal Code permits a bonus density for premises containing 15,000 sq. ft. or more. This bonus density allows for the development of one dwelling unit per 600 sq. ft. of lot area (35 units), where one unit per 800 sq. ft. (26 units) would otherwise be allowed. For properties located within the MR-800(B) Zone, a discretionary Mid-City Development Permit is required for development of more than 30 units. Projects within the MR-800(B) Zone which propose 30 units or less, are not subject to discretionary review unless deviations from the Planned District Ordinance are proposed.

The Uptown Community Plan designates this area for high-density, multi-family residential development at 44-73 dwelling units per acre (one unit per 597-990 sq. ft. of lot area). Each unit would consist of two bedrooms and two baths. A total of 64 off street parking spaces accessed from the alley, are proposed within an underground parking garage. Of the 64 spaces, 21 spaces would be of standard configuration, 19 compact, and 42 with tandem spaces. Assignment and use of the required off-street parking spaces would be the responsibility of the property owner(s).

This project was approved by the Hearing Officer at a public hearing held on January 27, 1999. This decision was appealed to the Planning Commission by two individuals who spoke in opposition to the project. Issues discussed relate to bulk and scale of the project, traffic impacts, use by residents of the tandem off-street parking spaces and impacts on the availability of existing on-street parking.

NOTE: On May 25, 1999 Council voted 6-1 to hear the appeal, with 1 member not present.

LEGAL DESCRIPTION:

The project site is more particularly described as Lots 42-47, Block 191, University Heights, according to Amended Map made by G.A. D'Hemecourt, in Book 8, Page 36 et seq of Lis Penders on file in the Office of the County Recorder of San Diego.

FILE LOCATION: SUBITEMS A & B: LUP - Centre Court Apartments

COUNCIL ACTION: (Tape location: A329-429.)

Hearing began at 11:01 a.m. and halted at 11:06 a.m.

MOTION BY KEHOE TO GRANT THE APPEAL, TO NOT CERTIFY THE NEGATIVE DECLARATION, AND TO DENY THE MID-CITY DEVELOPMENT PERMIT NO. 98-0170. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-not present, Vargas-yea, Mayor Golding-not present.

ITEM-331: Market Creek Plaza.

Matter of a Rezone, Community Plan Amendment, and Planned District/Resource Protection Ordinance Permit in the Southeastern San Diego Community Plan area.

(Southeastern San Diego Plan Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Introduce Subitem A; adopt Subitems B, C and Subitem D to grant the permit:

Subitem-A: (O-2000-34) INTRODUCED, TO BE ADOPTED OCTOBER 18, 1999

Introduction of an Ordinance for a rezone in the Southeastern San Diego Community Plan area.

Subitem-B: (R-2000-318) ADOPTED AS RESOLUTION R-292242

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-99-0156 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said MND reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the final declaration has been reviewed and considered by the Council and adopting the Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-C: (R-2000-319) ADOPTED AS RESOLUTION R-292243

Adoption of a Resolution amending the Southeastern San Diego Community Plan.

Subitem-D: (R-2000-884) GRANTED PERMIT AS AMENDED, ADOPTED AS RESOLUTION R-292244

Adoption of a Resolution granting or denying the Southeast San Diego Planned District/Resource Protection Ordinance Permit.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to approve the Planning and Development Review recommendation together with conditions 2, 3, 5, 8, and 9 of the Southeast San Diego Development Committee recommendation.

Ayes: Steele, Anderson, Skorepa, Stryker

Not present: Stryker

On August 23, 1999, the Southeast San Diego Development Committee voted 7-2 to recommend approval of the project, with conditions.

CITY MANAGER SUPPORTING INFORMATION:

Market Creek Plaza project includes a Progress Guide and General Plan Amendment, Community Plan Amendment to reclassify the industrially designated site to a commercial designation, Rezone from the I-1 and I-2 (Industrial) zones to the CT-2 (Commercial) zone, and Southeast San Diego Planned District and Resource Protection Ordinance Permit to allow the development of a mixed use project on a 19.56 acre site which would include a community commercial center of approximately 95,171 square feet anchored by a super market, retail shops, and an office building complex of approximately 224,511 square feet with conference center, parking garage for 528 vehicles and on-site parking, community support buildings, child care center, recreation center/multi-purpose room, youth mall plaza, and 400 seat outdoor amphitheater with outdoor movie screen, flood control improvements to South Las Chollas Creek, landscaping, on and off-site public improvements.

Culbreth-Graft/Haase/Gentles

FISCAL IMPACT:

None.

LEGAL DESCRIPTION:

The project is located on two parcels in the Lincoln Park Neighborhood at 4981 Market Street and 310 Euclid Avenue in the Southeastern San Diego Community Plan area.

FILE LOCATION: SUBITEM A: NONE; SUBITEM B & D: PERM-99-0156
(65) SUBITEM C: LAND-SOUTHEASTERN SAN
DIEGO COMMUNITY PLAN (10)

COUNCIL ACTION: (Tape location: A429-657.)

Hearing began at 11:07 a.m. and halted at 11:18 a.m.

Testimony in favor by Ardelle Matthews.

MOTION BY STEVENS TO INTRODUCE THE ORDINANCE, ADOPT THE RESOLUTIONS, AND TO GRANT THE PERMIT AS AMENDED TO ADD LANGUAGE THAT ENCOURAGES THE APPLICANT AND LANDOWNER TO TRY TO PUT A MINIMUM TEN THOUSAND SQUARE FEET AFRICAN-AMERICAN MUSEUM WITHIN THE MARKET CREEK PLAZA. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-not present, Vargas-yea, Mayor Golding-not present.

ITEM-332: Modifications to the Carmel Valley Community Plan.

Matter of modifications to the Carmel Valley Community Plan, North City Local Coastal Program and Carmel Valley Neighborhood 8 Precise Plan to incorporate the Local Coastal Program amendment as approved by the California Coastal Commission. The Coastal Commission has approved the Local Coastal Program amendment with modifications.

(Carmel Valley Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A and B:

Subitem-A: (R-2000-307) ADOPTED AS RESOLUTION R-292245

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR No. 93-0287 was completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said final report has been reviewed and considered by the Council.

Subitem-B: (R-2000-241) ADOPTED AS RESOLUTION R-292246

Adoption of a Resolution approving the California Coastal Commission modifications to the Carmel Valley Community Plan, North City Local Coastal Program, and the Carmel Valley Neighborhood 8 Precise Plan.

SUPPORTING INFORMATION:

On March 18, 1997, the City Council approved amendments to the Progress Guide and General Plan and the Carmel Valley Community Plan related to the implementation of the Multiple Species Conservation Program (MSCP). The amendments resulted in a revised land use plan for the southern portion of Carmel Valley that achieved consistency between the plan and the MSCP (see Attachment 1 for Location Map). As part of the amendments, the City Council also requested Local Coastal Program (LCP) permit authority for all areas affected by the amendments.

Approval of the amendments constitutes an amendment to the North City LCP and requires approval by the California Coastal Commission. On July 13, 1999, the Coastal Commission approved the North City LCP amendment and transfer of permit authority with modifications to the Carmel Valley Land Use Plan, North City LCP Land Use Plan Segment, and the Carmel Valley Neighborhood 8 Precise Plan. These modifications must be approved by the City Council in order to complete the Coastal Commission certification process. The Coastal Commission's modifications are summarized below and provided as Attachments 2 and 3.

The Carmel Valley Land Use Plan has been revised to include within the open space designation, a small area along the southerly boundary of Neighborhood 8 that is mapped as sensitive slopes on Map C-720.

Language has been added to the North City LCP Land Use Plan Segment that acknowledges the areas of Carmel Valley to which the amendments are applicable, limits permitted uses within wetlands, and provides regulations for the provision of wetland buffers.

Language has been added to the Carmel Valley Neighborhood 8 Precise Plan that limits permitted uses within wetlands, provides regulations for the provision of wetland buffers, and corrects text, tables and Figure 7 of the Precise Plan to be consistent with the revised land use plan.

FISCAL IMPACT:

None.

Culbreth-Graft/Goldberg/RM

NOTE: The City of San Diego, as Lead Agency under CEQA, has reviewed and considered an EIR, LDR No. 93-0287, dated August, 1996, covering this activity. Adopted March 18, 1997, by Resolution No. R-288457.

FILE LOCATION: SUBITEMS A & B: LAND-CARMEL VALLEY (10)

COUNCIL ACTION: (Tape location: A180-320.)

Hearing began at 10:50 a.m. and halted at 10:59 a.m.

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

ITEM-333: Amendments to the Land Development Code; Planned District Ordinances, Guidelines for Biology, Historical Resources and Coastal Bluffs and Beaches and Submittal Requirements for Deviations in the Coastal Overlay Zone.

Matter of amendments to the Land Development Code (Chapters 11-14 of the Municipal Code), the Planned District Ordinances (Chapter Ten, Article 3, Division 1 of the Municipal Code), and the Guidelines for Biology, Historical Resources and Coastal Bluffs and Beaches as approved by the California Coastal Commission at its February 4, 1999 hearing, and adoption of the "Submittal Requirements for Deviations in the Coastal Overlay Zone" as approved by the California Coastal Commission at its February 4, 1999 hearing.

The amendments to the Land Development Code, the Planned District Ordinances, the Guidelines for Biology, Historical Resources and Coastal Bluffs and Beaches and the "Submittal Requirements for Deviations in the Coastal Overlay Zone" would be effective within the Coastal Overlay Zone, therefore, the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on these amendments will be with the California Coastal Commission. The amendments are not effective in the Coastal Overlay Zone until the Coastal Commission effectively certifies the amendments and the City has provided notice. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to Planning and Development Review, 1222 First Avenue, San Diego, CA 92101, attention: Linda Johnson, Program Manager, M.S. 302 before the close of the City Council public hearing.

(Districts-Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A, D, E, F and G; and introduce the ordinances in Subitems B, C and H:

Subitem-A: (R-99-1322 Cor.Copy) ADOPTED AS RESOLUTION R-292247

Adopting the modifications to Local Coastal Program Amendment Nos. 1-98B (Land Development Code) and 2-98C (Planned District Ordinances), as certified by the California Coastal Commission.

Subitem-B: (O-99-116) INTRODUCED, TO BE ADOPTED OCTOBER 18, 1999

Introduction of an Ordinance amending the Land Development Code Chapters 11-14 to conform to the Coastal Commission's suggested modifications on LCP Amendment 1-98B.

Subitem-C: (O-99-117) INTRODUCED, TO BE ADOPTED OCTOBER 18, 1999

Introduction of an Ordinance amending Planned District Ordinance provisions of Chapter X, Article 3, Division 1 of the Municipal Code to conform to Coastal Commission suggested modifications on LCP Amendment No. 2-98C.

Subitem-D: (R-99-1323 Cor. Copy) ADOPTED AS RESOLUTION R-292248

Adoption of a Resolution amending the Coastal Bluffs and Beaches Guidelines of the Land Development Manual.

Subitem-E: (R-99-1356 Cor. Copy) ADOPTED AS RESOLUTION R-292249

Adoption of a Resolution amending the Biology Guidelines of the Land Development Manual.

Subitem-F: (R-99-1357 Cor. Copy) ADOPTED AS RESOLUTION R-292250

Adoption of a Resolution amending the Historical Resources Guidelines of the Land Development Manual.

Subitem-G: (R-99-1350 Cor. Copy) ADOPTED AS RESOLUTION R-292251

Adoption of a Resolution adopting the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Manual.

Subitem-H (O-2000-28) INTRODUCED, TO BE ADOPTED OCTOBER 18, 1999

Introduction of an Ordinance amending Planned District Ordinances previously adopted to make the effective date conform with the effective date of the Land Development Code.

FISCAL IMPACT:

None.

NOTE: Environmental Impact Report LDR File No. 96-0333 dated October 18, 1997 was reviewed and considered by Council.

FILE LOCATION: SUBITEMS A, D, E, F & G: MEET
SUBITEMS B, C & H: NONE

COUNCIL ACTION: (Tape location: B057-339.)

Hearing began at 11:19 a.m. and halted at 11:42 a.m.

Testimony in opposition by Matt Peterson.

Testimony in favor by Rebecca Michael, John D. Leppert, and John Ziebarth.

MOTION BY KEHOE TO INTRODUCE THE ORDINANCES AND ADOPT THE RESOLUTIONS TO ADOPT THE CALIFORNIA COASTAL COMMISSION'S MODIFICATIONS TO THE LAND DEVELOPMENT CODE; ADOPT THE CALIFORNIA COASTAL COMMISSION'S MODIFICATIONS TO THE PLANNED DISTRICT ORDINANCES; ADOPT THE CALIFORNIA COASTAL COMMISSION'S MODIFICATIONS FOR THE GUIDELINES REGARDING BIOLOGY, HISTORICAL RESOURCES, AND COASTAL BLUFFS AND BEACHES; AND THE GUIDELINES FOR SUBMITTAL REQUIREMENTS FOR DEVIATIONS WITHIN THE COASTAL OVERLAY ZONE. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-334: Carmel Valley Neighborhood 10 Park-Park Development Agreement.

(Continued from the meeting of September 14, 1999, Item 202, at the City Manager's request, for further review.)

(Carmel Valley Community Area. District-1.)

NOTE: No testimony taken on 9/14/99.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-248) ADOPTED AS RESOLUTION R-292252

Authorizing the City Manager to execute the Park Development Agreement for Carmel Valley Neighborhood 10 Neighborhood Park.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Carmel Valley Neighborhood 10 Neighborhood Park is 10 acres in size and located in Carmel Valley south of State Highway 56. The Park will be located adjacent to an elementary school and will include a joint use facility. The Park and joint use area are scheduled in the Carmel Valley Facilities Financing Plan to be completed in 2003. However, this time schedule may be expedited in order to meet the Del Mar Union School District's desire to open the school by the fall of 2000. Negotiations are currently underway between the School District, the developer and the City to coordinate this proposed expedition.

FISCAL IMPACT:

None at this time; however, maintenance costs are projected to be approximately \$80,000 when the project is fully operational.

Culbreth-Graft/McLatchy/TM

NOTE: See Item 335 on today's docket for a companion item.

FILE LOCATION:

SUBD-Carmel Valley Neighborhood 10 Park-Park
Development Agreement (40)

COUNCIL ACTION: (Tape location: A180-320.)

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

ITEM-335: Three actions related to the Final Subdivision Map of Carmel Valley Neighborhood 10 Unit No. 3.

(Continued from the meeting of September 14, 1999, Item 203, at the City Manager's request, for further review.)

(This is a 109-lot subdivision. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-231) CONTINUED TO OCTOBER 5, 1999

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

Subitem-B: (R-2000-230 Cor. Copy) CONTINUED TO OCTOBER 5, 1999

Approving the final map.

Subitem-C: (R-2000-232) CONTINUED TO OCTOBER 5, 1999

Authorizing the execution of a Landscape Maintenance Agreement with Pardee Construction Company, for the installation and completion of public improvements.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of 59.265 acres into 109 lots for residential development. It is located south of Carmel Mountain Road in the Carmel Valley Community Plan area. On June 30, 1997, the Planning Commission of The City of San Diego approved VTM-96-0737, amending VTM-91-0834 by Resolution R-288908 for Carmel Valley Neighborhood 10. The City Engineer has approved the final map and states that all conditions of the Vesting Tentative Map have been satisfied.

City Council action is required to give final approval of all final maps and agreements. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28047-1-D through 28047-26-D, filed in the Office of the City Clerk under Micro Number 140.09. All improvements are to be completed within two years. The Engineers estimate for the cost of public improvements is now \$2,088,821 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$15,000, as determined by the surveyors estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility. Lot "A" is being deeded by separate instrument to the City at no cost as a condition of tentative map approval. This lot totals 25.038 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/SH

NOTE: See Item 334 on today's docket for a companion item.

FILE LOCATION: SUBITEMS A, B, & C: NONE

COUNCIL ACTION: (Tape location: A180-320.)

CONSENT MOTION BY WARDEN TO CONTINUE THIS ITEM TO OCTOBER 5, 1999, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-336: Taxicab Task Force's Recommendations.

(Continued from the meeting of September 14, 1999, Item 344, at Mayor Golding's request, due to lack of time.)

NOTE: Hearing open. Testimony taken on 9/14/99. Councilmember Stallings not present.

(See City Manager Report CMR-99-83.)

CITY MANAGER'S RECOMMENDATION:

Adoption of the following resolution:

(R-2000-234) NOTED AND FILED

Authorizing the City Manager as follow: 1) to increase the number of taxicab permits to 1,020; 2) to use a lottery process to equitably distribute all new taxicab permits; 3) to allow a three year period from the issuance of the first new taxicab permits to evaluate whether changes in regulations are warranted for: satisfaction of level of service, increased competition, high value of permits, service to the disabled, and short trips and services to the elderly.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 4/26/99, Rules voted 5-0 to issue the ADA accessible permits (Class II) as recommended by the Task Force with 15 this year and 15 next year; refer all other issues of the Task Force

recommendation to the City Council and allow for an opinion by the City Attorney on the allocation of permits to specific companies. (Councilmembers Mathis, Wear, Warden, Vargas and Mayor Golding voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

At the September 14, 1998, Rules Committee meeting, it was recommended that a Taxicab Task Force be formed to review the City's current taxi policy and develop a recommendation on the number of taxicabs needed to provide quality taxi service in San Diego. The Task Force makes several recommendations that are described in detail in the attached report. The primary recommendation by the Task Force is to increase the number of taxicab permits from 870 to 1,020, and to issue the new permits over a two-year period (75 per year) under three categories:

Class I - 40 permits to: West Coast Cab, Star Cab, Ethio Star Cab, and Personalized Transportation, Incorporated (10 permits each)

Class II - 15 permits to qualified applicants providing wheelchair accessible vehicles, via a lottery process.

Class III - 20 permits to qualified applicants without wheelchair accessible vehicles, via a lottery process.

To provide for equitable distribution of taxicab permits, it is recommended that each year, one lottery be held for the distribution of the 15 permits requiring wheelchair accessibility, and another lottery be held for the other 60 permits. This recommendation departs from the recommendation made by the Taxicab Task Force.

While the efforts of these four taxicab organizations: West Coast Cab, Star Cab, Ethio Star Cab, and Personalized Transportation, Incorporated, are acknowledged, allocation of 80 permits to these organizations merely on the basis of demonstrating their persistency, may be construed as preferential treatment. This is further aggravated by the fact that there were no criteria established for persistency. Additionally, considering the many avenues people have to claim that they were persistent in requesting taxicab permits, it would be impractical to verify such claims. Therefore, to ensure that new permits are distributed in an equitable fashion, a lottery process should be used to issue all new taxicab permits.

FISCAL IMPACT:

None at this time.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E461-I391.)

Motion by Kehoe to direct the City Manager to return with a recommendation for a professional consultant to evaluate the cab industry here in the City and the market in order to answer the following questions: 1) Do we need more cabs? If so, how many? 2) Is it all being absorbed by other modes of public transit? Include as part of the conversation, the issue of cabs in outlying districts; and the issue of an open market. Direct the City Manager to provide a more clear policy as requested by Council Member Warden; and that permits be issued by lottery. Council Member Kehoe requested that the study be done as soon as possible, preferably within a 6-month period. Second by Wear.

Substitute motion by Stevens to actually issue those 58 permits by verification made by those persons who attempted to actually get those permits. No second.

Substitute motion by Mathis to have the 928 permits manageable by MTDB; to issue the 58 permits by lottery; direct staff to set up qualifications for people to participate in the lottery; that the permits be issued with the understanding that they are non-transferable, and set up a process for review at the end of a two-year period; and as part of the study, come back to Council with a recommendation on how to deal with the existing transferability problem and that staff consult with the Taxicab Task Force about what needs to go into the study. Also, to direct MTDB on a lottery process to use. Second by Stevens. Failed. Vote: Yeas-145M; Nays-238; 67-not present.

MOTION BY KEHOE TO DIRECT THE MANAGER TO RETURN TO COUNCIL WITH A REQUEST FOR PROPOSAL FOR A CONSULTANT TO PROVIDE A STUDY, PREFERABLY WITHIN 6-MONTHS, THAT WOULD LOOK AT OUR TAXICAB MARKET HERE IN THE CITY; HOW MANY PERMITS WE SHOULD HAVE ON THE STREET; HOW THEY WOULD BE DISTRIBUTED; LOOK AT THE ISSUE OF TRANSFERABILITY; AND LOOK AT WHAT OTHER CITIES ARE DOING IN THIS AREA. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ADDITIONAL BUSINESS: (R-2000-385) ADOPTED AS RESOLUTION R-292257

Adoption of a Resolution giving directions to the City Manager.

ITEM-337: Alternative Procurement Method for Design-Build Contracts.

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-41) INTRODUCED, TO BE ADOPTED OCTOBER 18, 1999.

Introduction of an Ordinance amending Chapter II, Article 2, of the San Diego Municipal Code by creating a new Division 34, titled Alternative Procurement of Design-Build Contracts for Qualifying Complex Public Facilities, and adding to it Sections 22.3401, 22.3402, 22.3403, 22.3404, 22.3405, 22.3406, 22.3407, 22.3408, 22.3409, and 22.3410, relating to Design-Build Contracts for Qualifying Complex Public Facilities.

SUPPORTING INFORMATION:

On November 3, 1998, the City's electorate added Section 94.2 to the City Charter, authorizing the use of design-build contracts for public works construction. Pursuant to the new Charter section's requirements, on April 12, 1999, the Council adopted implementing provisions set forth in the Municipal Code in Division 33, Sections 22.2201-22.2209. This ordinance would adopt an additional alternative for the procurement of design-build contracts, utilizing the services of a "procurement consultant," for certain complex projects. The procurement consultant could be responsible for any combination of the procurement, administration and performance of the design-build contract. Competitive negotiating procedures set forth in Division 33 are also maintained.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D010-022.)

MOTION BY MATHIS TO INTRODUCE THE ORDINANCE APPROVING THE CITY ATTORNEY'S RECOMMENDATION. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-not present, Vargas-not present, Mayor Golding-not present.

ITEM-S400: Consul General Herrera-Lasso Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-375) ADOPTED AS RESOLUTION R-292253

Proclaiming September 27, 1999, to be "Consul General Herrera-Lasso Day" and commending him for his role in building an exemplary binational relationship between San Diego and Tijuana.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A022-099.)

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

NON-DOCKET ITEMS:

NONE.

CLOSED SESSION ACTION:

ITEM-CS-1: (R-2000-169) ADOPTED AS RESOLUTION R-292254

A Resolution adopted by the City Council in Closed Session on September 28, 1999:

Authorizing the City Manager to pay the sum of \$109,964.11 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 Felix Smith, et al.; authorizing the City Auditor and Comptroller to issue one check, made payable to Luth & Turley, Inc., final settlement of the property damage claim of Felix Smith, et al.

Aud. Cert. 2000164

FILE LOCATION: MEET

ITEM-CS-2: (R-2000-323) ADOPTED AS RESOLUTION R-292255

A Resolution adopted by the City Council in Closed Session on September 28, 1999:

Authorizing the City Manager to pay the sum of \$7,592.45 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 David and Jennifer Jueschke, et al.; authorizing the City Auditor and Comptroller to issue one check in the amount of \$7,592.45 made payable to Luth and Turley, as the complete and final settlement of the property damage claim.

Aud. Cert. 2000165

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:08 p.m. in honor of the memory of:

O.D. "Tex" Hedrick as requested by Council Member Vargas; and

Norma Sullivan as requested by Mayor Golding and Council Member Kehoe.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: I391-463).