

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR THE SPECIAL JOINT MEETING
WITH THE
REDEVELOPMENT AGENCY
OF
TUESDAY, OCTOBER 26, 1999
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:16 p.m. Mayor Golding adjourned the meeting at 4:30 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-excused by R-292689 (No reason given)
- Clerk-Abdelnour (pr)

FILE LOCATION: MINUTES

ITEM-700: 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-not present

CITY ATTORNEY ANNOUNCEMENT:

A number of people have raised the issue of whether any of the actions proposed to be taken today by the Council, acting on behalf of the City and the Agency, are subject to the Referendum power reserved to the people by the State Constitution and City Charter. The City Attorney's Office is working on a comprehensive analysis of that issue, but the answer to the question has long been clear based upon the cases handed down by the Courts of Appeal and the Supreme Court of this state. It is important that the City's position be clearly set forth today for the benefit of interested persons.

The Courts of this state have long held that only legislative acts of local governments are Referrable, or subject to the Referendum power. A long line of cases have cited the following rule: The power to be exercised is legislative in its nature if it prescribes a new policy or plan; whereas, it is administrative in its nature if it merely pursues a plan already adopted by the legislative body itself, or some power superior to it.

In this matter, the important clause of the cited rule is the last clause, which refers to a power superior to the legislative body or City Council. As we all well know, last November the Electorate of this city adopted an Ordinance which authorized and directed the City Manager to enter into, for and on behalf of the City and Agency, the MOU regarding the ballpark and redevelopment project. As that Ordinance and the MOU recite, it was the intent of the Electorate that the Ordinance and MOU constitute the legislative act setting policy for the City and the Agency - all other acts are to implement that legislative policy. The MOU contained the basic principles of the policy and plan which the Council today is considering to implement in part, all subject to full compliance with the California Environmental Quality Act as directed by the Electorate. This principle,

that the Ordinance and MOU represent the legislative act setting the policy for this project, was recognized by the Superior Court in its ruling on the pre-election case seeking to keep Proposition C off the ballot.

It is true that some of the actions being considered today by the Council would, in other contexts, be legislative acts which may be Referred. The cases have made clear, however, that each matter must be decided on its own facts, and acts otherwise legislative in nature may be administrative under a given set of circumstances. That is the situation here. A superior authority, the Electorate, has set the policy. The Council will now determine whether that policy can be implemented in light of the requirements of the California Environmental Quality Act. The Electorate entrusted the Council with that determination, and the fact that the Council makes that decision today does not change the character of the actions from administrative to legislative.

To hold otherwise, that any of your actions today are Referrable, would frustrate the ability of the Electorate to set policy for the Council through the adoption of an initiative with the expectation that the policy would be carried out. Opponents of a project could, by gathering a relatively small number of signatures, conceivably seek a series of Referendums on implementing actions and, by the mere delay inherent in presenting and considering those petitions, frustrate the will of the Electorate. We do not believe that the will of the Electorate expressed through the adoption of an initiative is subject to repeated elections or votes by application of the Power of Referendum.

In sum, it is the opinion of the City Attorney that none of the actions being considered today are Referrable under the facts and circumstances presented in this matter - each of the actions implements a plan or policy previously set by a superior body, the Electorate. The actions of the Council today implement that policy and are thus administrative in nature.

ITEM-701: Four actions related to the Sports/Entertainment District and Related Matters.

(Continued from the meeting of October 22, 1999.)

(See Centre City Development Corporation Report. East Village-Centre City Redevelopment Project. Districts-3 and 8)

- (a) Continued Concurrent Meeting by the City Council on the
 - (1) Proposed Centre City Community Plan Amendments Pertaining to the Sports/Entertainment District and Related Matters.
 - (2) Proposed Centre City Planned District Ordinance Amendments Pertaining to the Sports/ Entertainment District and Related Matters, and
- (b) Continued Concurrent and Joint Meeting of the City Council and the Redevelopment Agency on the Proposed Third Amendment to the Redevelopment Plan for the Centre City Redevelopment Project (with the possibility of reopening the Joint Public Hearing on the proposed Third Amendment to the Redevelopment Plan if changes are proposed by the Council/Agency).

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Conduct the continued Concurrent Meeting of the Council on the proposed amendments to the Centre City Community Plan and Centre City Planned District Ordinance. Conduct the continued Concurrent Meeting of the Agency on the proposed First Amendments to the Centre City East and Historic Preservation Focus Plans and the Implementation Plans for the Centre City and Horton Plaza

Redevelopment Projects. Conduct the continued Joint Meeting of the City Council and Agency on the proposed Third Amendment to the Redevelopment Plan. Adopt all resolutions and introduce all ordinances.

Subitem-A: (R-2000-368 Cor. Copy 10/20/99) ADOPTED AS RESOLUTION R-292363

Adoption of a Resolution certifying the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project (and addressing the Centre City Community Plan and related documents) for the proposed Ballpark and Ancillary Development Projects, and associated plan amendments, as it pertains to the proposed Ballpark and Ancillary Development Projects, amendments to the Centre City Community Plan and Planned District Ordinance related thereto, and the proposed Third Amendment to the Centre City Redevelopment Plan; making certain findings

regarding the Environmental Impacts of the proposed Ballpark and Ancillary Development Projects and related actions; adopting a Mitigation, Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations.

Subitem-B: (R-2000-365 Cor. Copy 10/20/99) ADOPTED AS RESOLUTION R-292364

Adoption of a Resolution of the City Council of the City of San Diego adopting Written Findings in response to each written objection of an affected property owner or Taxing Entity to the Proposed Third Amendment to the Redevelopment Plan for the Centre City Redevelopment Project.

Subitem-C: (R-2000-391 Cor. Copy 10/20/99) ADOPTED AS RESOLUTION R-292365

Adoption of a Resolution approving the Centre City Community Plan Amendments pertaining to the Sports/Entertainment District and related matters.

Subitem-D: (O-2000-36 Cor. Copy 10/20/99) INTRODUCED AS AMENDED, TO BE ADOPTED NOVEMBER 8, 1999

Introduction of an Ordinance amending Chapter X, Article 3, Division 19, of the San Diego Municipal Code by amending various Sections by replacing "Executive Vice President" appearing within the text of those Sections to read "President"; by amending Section 103.1910; by adding Sections 103.1913 and 103.1914; by amending Sections 103.1915 and 103.1925; by amending Figures 2, 3, 4, 5, 7, 9 and 10 with revised Figures 2, 3, 4, 5, 7, 9 and 10; by amending Figures 1, 6, 8 and 11 by replacing the existing base map for these figures with a revised base map, all relating to the Centre City Planned District Regulations.

Subitem-E: (O-2000-47 Cor. Copy 10/20/99) INTRODUCED, TO BE ADOPTED NOVEMBER 8, 1999

Introduction of an Ordinance approving and adopting the Third Amendment to the Redevelopment Plan for the Centre City Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of 10/26/99 for a companion item

FILE LOCATION: SUBITEMS A, B, & C: MEET (64) SUBITEMS D & E:
NONE

COUNCIL ACTION: (Tape location: D006-E375.)

MOTION BY WEAR TO MOVE THAT COUNCIL ADOPT RESOLUTIONS R-2000-368, R-2000-365, R-2000-391, AND TO INTRODUCE ORDINANCE O-2000-36 AS AMENDED TO REFLECT NEW WORDING FOR SECTION 103.1914 C IN THE ERRATA SHEET DISTRIBUTED BY STAFF AS FOLLOWS:

ALL COMPREHENSIVE SIGN PLANS FOR THE BALLPARK, PARK AT THE PARK, AND MIXED USE DEVELOPMENTS SURROUNDING THE PARK SHALL BE PROCESSED IN ACCORDANCE WITH PROCESS FIVE (FINAL REVIEW BY CITY COUNCIL); AND TO INCORPORATE THE WORD OTHER IN THE FINAL PARAGRAPH OF SECTION C OF THE ORDINANCE AS FOLLOWS: ALL OTHER COMPREHENSIVE SIGNS.

TO INTRODUCE ORDINANCE O-2000-47, AND TO MOVE THAT THE REDEVELOPMENT AGENCY ADOPT RESOLUTIONS RA 2000-40, RA 2000-34, RA-2000-36, RA 2000-37, AND RA 2000-38.

TO DIRECT THE CITY MANAGER TO BRING BACK TO COUNCIL A PLAN FOR URBAN RUN-OFF TO DIVERT STORM WATER FROM THE ENTIRE DOWNTOWN AREA INTO THE SEWER SYSTEM UNDER A LOW FLOW SYSTEM PLAN. Second by Mathis. 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-702: Four actions related to the First Hotel (Sixth and J Street Site) Amendments.

(Continued from the meeting of October 22, 1999.).

(See Centre City Development Corporation Report. East Village - Centre City Redevelopment Project. Districts-3 and 8.)

(a) Continued Concurrent Meeting by the City Council on the

- (1) Proposed First Hotel Amendment to the Centre City Community Plan.
 - (2) Proposed First Hotel Amendment to the Centre City Planned District Ordinance, and
- (b) Continued Concurrent and Joint Meeting of the City Council and the Redevelopment Agency on the Proposed First Hotel Amendment to the Redevelopment Plan for the Centre City Redevelopment Project and Proposed Centre City Development Permit No.99-0490 (with the possibility of reopening the Joint Public Hearing on the proposed First Hotel Amendment to the Redevelopment Plan if changes are proposed by the Council/Agency).

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Conduct the continued Concurrent Meeting of the Council on the proposed First Hotel Amendments to the Centre City Community Plan and Centre City Planned District Ordinance. Conduct the continued Concurrent and Joint Meeting of the Council and Agency on the proposed First Hotel Amendment to the Redevelopment Plan and Centre City Development Permit No. 99-0490. Adopt all resolutions and introduce all ordinances.

Subitem-A: (R-2000-371 Cor. Cop 10/22/99) ADOPTED AS RESOLUTION R-292366

Adoption of a Resolution certifying the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project (and addressing the Centre City Community Plan and related documents) for the proposed Ballpark and Ancillary Development Projects, and associated plan amendments, as it pertains to the proposed First Hotel Amendments to the Centre City Community Plan and Planned District Ordinance, and to the proposed First Hotel Amendment to the Centre City Redevelopment Plan and the implementation activities therefore, and including Centre City Development Permit No. 99-0490 referred to therein; making certain findings regarding the Environmental Impacts of the proposed Hotel Development and related actions; adopting a Mitigation, Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations.

Subitem-B: (R-2000-366 Cor. Copy 10/22/99) NOTED AND FILED

Adoption of a Resolution of the City Council of the City of San Diego adopting Written Findings in response to each written objection of an affected Property Owner or Taxing Entity to the Proposed First Hotel Amendment to the Redevelopment Plan for the Centre City Redevelopment Project.

Subitem-C: (R-2000-398 Cor. Copy 10/22/99) ADOPTED AS RESOLUTION R-292368

Adoption of a Resolution approving the First Hotel Amendment to the Centre City Community Plan.

Subitem-D: (O-2000-37 Cor. Copy 10/22/99) INTRODUCED, TO BE ADOPTED NOVEMBER 8, 1999

Introduction of an Ordinance amending Chapter X, Article 3, Division 19, of the San Diego Municipal Code by amending Section 103.1910, relating to Land Use Districts.

Subitem-E: (O-2000-48 Cor. Copy 10/22/99) INTRODUCED, TO BE ADOPTED NOVEMBER 8, 1999

Introduction of an Ordinance approving and adopting the First Hotel Amendment to the Redevelopment Plan for the Centre City Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of 10/26/99 for a companion item.

FILE LOCATION: SUBITEMS A, B, C: MEET (64) SUBITEMS D & E:
NONE

COUNCIL ACTION: (Tape location: E375-390.)

MOTION BY WEAR TO MOVE THAT COUNCIL ADOPT RESOLUTIONS R-2000-371, AND R-2000-398, NOTE AND FILE R-2000-366, AND INTRODUCE ORDINANCES O-2000-37 AND O-2000-48, AND TO MOVE THAT THE REDEVELOPMENT AGENCY ADOPT RESOLUTIONS RA 2000-42, RA-2000-35, AND THE RESOLUTION APPROVING THE PROPOSED CENTRE CITY DEVELOPMENT PERMIT NO. 99-0490 (AMERISUITES HOTEL) WITH THE NEW

WORDING AND STRIKE OUT LANGUAGE AS INDICATED IN THE ERRATA SHEET DISTRIBUTED BY STAFF PERTAINING TO THE HOTEL DEVELOPMENT PROVIDED FOR BY THE FIRST HOTEL AMENDMENT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-703: Three actions related to the Second Hotel (Sixth and L Street Site) Amendments.

(Continued from the meeting of October 22, 1999.)

(See Centre City Development Corporation Report. East Village - Centre City Redevelopment Project. Districts-3 and 8.)

- (a) Continued Concurrent Meeting by the City Council
 - (1) Proposed Second Hotel Amendment to the Centre City Community Plan
 - (2) Proposed Second Hotel Amendment to the Centre City Planned District Ordinance, and
- (b) Continued Concurrent and Joint Meeting with the Redevelopment Agency on the proposed Centre City Development Permit No. 99-0491.

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Conduct the continued Concurrent Meeting of the Council on the proposed Second Hotel Amendments to the Centre City Community Plan and Centre City Planned District Ordinance. Conduct the continued Concurrent and Joint Meeting of the Council and the Agency on Centre City Development Permit No. 99-0491. Adopt all resolutions and introduce the ordinance.

Subitem-A: (R-2000-372 Cor. Copy 10/22/99) ADOPTED AS RESOLUTION R-292369

Adoption of a Resolution certifying the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project (and addressing the Centre City Community Plan and related documents) for the proposed Ballpark and Ancillary Development Projects, and associated plan amendments, as it pertains to the Proposed Second Hotel amendments to the Centre City Community Plan and Planned District Ordinance, and including Centre City Development Permit No. 99-0491 referred to therein; making certain findings regarding the Environmental Impacts of the Proposed Hotel Development and related actions; adopting a Mitigation, Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations.

Subitem-B: (R-2000-399 Cor. Copy 10/22/99) ADOPTED AS RESOLUTION R-292370

Adoption of a Resolution approving the Second Hotel Amendment to the Centre City Community Plan.

Subitem-C: (O-2000-38 Cor. Copy 10/22/99) INTRODUCED, TO BE ADOPTED NOVEMBER 8, 1999

Introduction of an Ordinance amending Chapter X, Article 3, Division 19, of the San Diego Municipal Code by amending Section 103.1910, relating to Land Use Districts.

NOTE: See the Redevelopment Agency Agenda of 10/26/99 for a companion item.

FILE LOCATION: SUBITEMS A & B: MEET (64); SUBITEMS C: NONE

COUNCIL ACTION: (Tape location: E391-398.)

MOTION BY WEAR TO MOVE THAT COUNCIL ADOPT RESOLUTIONS R-2000-372, R-2000-399, AND TO INTRODUCE ORDINANCE O-2000-38, AND TO MOVE THAT THE REDEVELOPMENT AGENCY ADOPT RESOLUTIONS RA 2000-43, AND THE RESOLUTION APPROVING PROPOSED CENTRE CITY DEVELOPMENT PERMIT NO-99-0491 (WESTIN HOTEL) WITH THE NEW WORDING AND STRIKE OUT LANGUAGE AS INDICATED IN THE ERRATA SHEET DISTRIBUTED BY STAFF PERTAINING TO THE HOTEL

DEVELOPMENT PROVIDED FOR BY THE SECOND HOTEL AMENDMENTS.
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-704: Three actions related to the General Design and Public Uses and Semi-Public
Uses Amendments.

(Continued from the meeting of October 22, 1999.)

(See Centre City Development Corporation Report. East Village - Centre City
Redevelopment Project. Districts-3 and 8.)

- (a) Continued Concurrent Meeting by the City Council on the
- (1) Proposed 1999 General Design and Public Uses and Semi-Public
Uses Amendment to the Centre City Community Plan
 - (2) Proposed 1999 General Design and Public Uses and Semi-Public
Uses Amendment to the Centre City Planned Ordinance

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Conduct the continued Concurrent Meeting of the Council on the Proposed 1999 General
Design and Public Uses and Semi-Public Uses Amendments to the Centre City
Community Plan and Centre City Planned District Ordinance. Adopt all resolutions and
introduce the ordinance.

Subitem-A: (R-2000-369 Cor. Copy 10/22/99) ADOPTED AS RESOLUTION R-
292371

Adoption of a Resolution certifying the Final Subsequent Environmental Impact
Report to the Final Master Environmental Impact Report for the Centre City
Redevelopment Project (and addressing the Centre City Community Plan and
related documents) for the proposed Ballpark and Ancillary Development
Projects, and associated plan amendments, as it pertains to the proposed 1999
General Design and Public and Semi-Public Uses Amendments to the Centre City
Community Plan and Planned District Ordinance; making certain findings
regarding the Environmental Impacts of the Proposed Actions.

Subitem-B: (R-2000-397 10/22/99) ADOPTED AS RESOLUTION R-292372

Adoption of a Resolution approving the Proposed 1999 General Design and Public and Semi-Public Uses Amendment to the Centre City Community Plan.

Subitem-C: (O-2000-35 10/22/99) INTRODUCED, TO BE ADOPTED
NOVEMBER 8, 1999

Introduction of an Ordinance amending Chapter X, Article 3, Division 19, of the San Diego Municipal Code by amending Section 103.1910; by amending Figure 3 by replacing it with a revised Figure 3; and by amending Figures 9 and 10 by replacing them with revised Figures 9 and 10, all relating to Land Use Districts.

FILE LOCATION: SUBITEMS A & B: MEET (64); SUBITEM C: NONE

COUNCIL ACTION: (Tape location: E400-412.)

MOTION BY WEAR TO MOVE THAT COUNCIL ADOPT RESOLUTIONS R-2000-369, R-2000-397, AND INTRODUCE ORDINANCE O-2000-35. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ADDITIONAL BUSINESS-1: (R-2000-521) ADOPTED AS RESOLUTION R-292373

During consideration of the above regular business items, the following resolution was adopted to reflect the following motion:

MOTION BY VARGAS TO DIRECT STAFF TO HOLD THE DISCUSSION OF THE ISSUE OF MONIES PRODUCED BY THE REDEVELOPMENT PROJECT, AND THE USE OF A PORTION OR ALL OF THAT FOR THE HOMELESS (TRANSITIONAL OR PERMANENT HOUSING) IN THE LAND USE AND HOUSING COMMITTEE; AND THAT DISCUSSION WILL BE HELD IN ACCORDANCE WITH COUNCIL POLICIES AND GUIDELINES REGARDING HOMELESS ISSUES. 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.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: F319-327.)

ADDITIONAL BUSINESS-2: (R-2000-525) ADOPTED AS RESOLUTION R-292374

During consideration of the above regular business item, the following resolution was adopted to reflect the following motion:

MOTION BY KEHOE TO DIRECT THE CITY MANAGER TO COME BACK TO COUNCIL REGARDING THE FOLLOWING ISSUES:

1. THE ESTABLISHMENT OF AN OMBUDSMAN POSITION TO RESPOND TO COMMUNITY CONCERNS AND REQUESTS FOR INFORMATION DURING CONSTRUCTION AND THE OPERATION OF THE BALLPARK, AND TO COME BACK TO COUNCIL WITH AN OUTLINE AND A BUDGET FOR THAT.
2. THE ESTABLISHMENT OF ONE ADDITIONAL HOT TEAM TO ADDRESS HOMELESS INDIVIDUALS WHO MAY RE-LOCATE INTO SURROUNDING NEIGHBORHOODS.
3. MAINTENANCE EFFORTS REGARDING POLICE AND OTHER PUBLIC SERVICES IN THE NEIGHBORHOODS TO PREVENT REDUCTION OF PUBLIC SERVICE ON DAYS WHEN BALLPARK EVENTS TAKE PLACE.
4. REFER THE ISSUE OF LOOKING AT THE SAN DIEGO BAY COMPREHENSIVELY TO COMMITTEE; DIRECT THE CITY MANAGER TO WORK WITH THE PORT AND OTHER JURISDICTIONS AND REPORT BACK TO COUNCIL REGARDING THAT.
5. DIRECT THE CITY MANAGER TO BRING BACK TO COUNCIL INFORMATION REGARDING A FACILITIES FINANCING PLAN FOR EAST VILLAGE AS SOON AS POSSIBLE.

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.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: F328-500.)

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F501.)