

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 23, 1999
AT 9:00 A.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 10:20 a.m. Mayor Golding recessed the regular meeting at 10:43 a.m. to convene the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 10:44 a.m. with all Council Members present. Mayor Golding adjourned the meeting at 11:33 a.m.

ATTENDANCE DURING THE MEETING:

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

Clerk-Abdelnour (pr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present

- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

CITY ATTORNEY ANNOUNCEMENT:

Assistant City Attorney Leslie Devaney announced that card rooms need a license from both the State and the City in order to operate. The long standing public policy of the State of California disfavors the business of gambling under the Business and Professions Code. In 1983 the City revised the Card Room Ordinance and effectively sunsetted their authorization by imposing restrictions and prohibiting the transfer of certain licenses. That is Municipal Code Section 33; an issuance of new licenses under that Municipal Code Section. If we do not amend our local Ordinance, the State will not issue the license to our three card rooms pursuant to the Gambling Act that they revised in 1997. That is a prerequisite of the State issuing licenses for those card rooms, effectively, putting them out of business on January 1, 2000, or when they apply. We are not legally required to amend our Ordinance and there would be no liability if we do not.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Beverly Sokolis regarding the De Anza community and her request that the Council support that community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A009-039.)

PUBLIC COMMENT-2:

Comment by Ron Boshun regarding the ballpark, and that he is thankful to Mel Shapiro and Bruce Henderson for filing lawsuits.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A039-065.)

PUBLIC COMMENT-3: REFERRED TO CITY ATTORNEY

Comment by Rocky De La Fuente regarding the Otay Mesa Development Council, and an Ordinance in 1984 that called for a seven member body. Mr. De La Fuente expressed that one member died, three sold their interest, so they could no longer have a quorum. Mr. De La Fuente requested that Mayor Golding appoint members to their Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A066-104.)

COUNCIL COMMENT:

NONE.

ITEM-201: Seal Rock Marine Mammal Reserve.

(La Jolla Community Area. District-1.)

NOTE: It was anticipated that the issue of the Children's Pool would be taken today; however, the Children's Pool is not on today's docket.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-71) INTRODUCED, TO BE ADOPTED ON DECEMBER 6, 1999

Introduction of an Ordinance amending Chapter VI, Article 3, Division 10 of the San Diego Municipal Code by repealing and reenacting Section 63.1001, relating to Seal Rock Marine Mammal Reserve, to permanently establish the Seal Rock

Mammal Reserve with a review by Council within 5 years.

CITY MANAGER SUPPORTING INFORMATION:

On November 1, 1999, City Council voted 6-3 to establish the Seal Rock Mammal Reserve as a permanent reserve with a review by Council in five years; to add interpretive signs; and to support a volunteer docent program.

Today's action is the first introduction of Ordinance No. O-2000-71, permanently establishing the Seal Rock Marine Mammal Reserve.

FISCAL IMPACT:

None with this action.

Culbreth-Graft/McLatchy/RDS

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A076-131.)

MOTION BY KEHOE TO INTRODUCE THE ORDINANCE AS AMENDED TO INCLUDE A REVIEW OF THE SEAL ROCK MAMMAL RESERVE BY THE CALIFORNIA COASTAL COMMISSION AND THE STATE LANDS COMMISSION NOW; AND TO BE REVIEWED BY THE CITY COUNCIL WITHIN THE NEXT FIVE YEARS. Second by Warden. Passed by the following vote: Mathis-nay, Wear-nay, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-nay, Vargas- yea, Mayor Golding-yea.

ITEM-S400: Ordinance Relating to Card Room Regulations.

(See City Attorney's Report dated 9/9/99.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2000-29) INTRODUCED, TO BE ADOPTED ON DECEMBER 6, 1999

Introduction of an Ordinance amending Chapter III, Article 3, Division 39, of the San Diego Municipal Code by amending Sections 33.3906 and 33.3911, and

adding Section

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 9/15/99, PS&NS voted 4-0 to accept the City Attorney's recommendations. (Councilmembers Mathis, Wear, Kehoe, and Warden voted yea. Councilmember Stevens not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A132-162.)

Motion by Vargas to not change anything, but to allow the card rooms to fail in the City of San Diego. Second by Stevens. No vote taken.

SUBSTITUTE MOTION BY KEHOE TO INTRODUCE THE ORDINANCE TO BRING CITY REGULATIONS INTO COMPLIANCE WITH STATE REGULATIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-nay, Vargas- nay, Mayor Golding-nay.

ITEM-330: Two actions related to the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P99-123. Public Facilities Financing Plan and FBA, Fiscal Year 2000, June 1999 Draft. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-16) CONTINUED TO NOVEMBER 30, 1999

Designating an area of benefit in Otay Mesa; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged

to each such parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of the Otay Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2000-17) CONTINUED TO NOVEMBER 30, 1999

Declaring that the assessment fee schedule contained in the Otay Mesa Public Facilities Financing Plan, as adopted and approved in Resolution R-292328, is an appropriate and applicable Development Impact Fee.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/21/99, LU&H voted 5-0 to accept the recommendation of the City Manager on consent. (Councilmembers Mathis, Wear, Stevens, McCarty and Vargas voted yea).

FILE LOCATION: SUBITEMS A & B: STRT-FB-6 (33)

COUNCIL ACTION: (Tape location: A170-211.)

CONSENT MOTION BY KEHOE TO CONTINUE THIS ITEM TO NOVEMBER 30, 1999 AT THE REQUEST OF COUNCIL MEMBER VARGAS TO ALLOW AN ADDITIONAL WEEK FOR REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: Otay Mesa Community Plan Amendment (Re-classify Portions of Dennery Road).

Amendments to the Progress Guide and General Plan, Otay Mesa Community Plan and Dennery Ranch Precise Plan within the Otay Mesa Community Plan area.

(PGGP-98-0211. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A; and adopt the resolution in Subitem B:

Subitem-A: (R-2000-567) ADOPTED AS RESOLUTION R-292479

Adoption of a Resolution certifying that the information contained in the

Addendum LDR-98-0211 to Environmental Impact Report EIR-88-9875 has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto; that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000-566) ADOPTED AS RESOLUTION R-292480

Adoption of a Resolution approving the amendment to the Progress Guide and General Plan, Otay Mesa Community Plan and Dennery Ranch Precise Plan to redesignate portions of Dennery Road within the Otay Mesa Community Plan.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to approve the project.

Ayes: Anderson, Brown, Skorepa, Stryker, White
Abstaining: Butler, Steele

The Otay Mesa Planning Group has recommended approval of the project.

SUPPORTING INFORMATION:

The Dennery Ranch Precise Plan and the Otay Mesa Community Plan designate Dennery Road, which traverses the Dennery Ranch Precise Plan area, as a 4-lane major (west portion) and a 4-lane collector (east portion). Due to changes in residential product mix, future Average Daily Traffic is anticipated to be lower. Specifically, the originally approved Dennery Ranch Precise Plan (LDR No. 88-0785) allowed for the construction of 1,503 dwelling units within the 245 acre site. The Dennery Ranch Specific Plan has reduced the number of proposed dwelling units by 174 to 1,329, lowering the future ADT in the area. Also, because of increases in open space and Multiple Habit Preservation Area (MHPA) adoption, there is less land available for development. The reduced development has signaled less need for the originally planned circulation capacity. A traffic study has subsequently been undertaken to determine configuration and adequate road width in order to accommodate anticipated future demand. The result of the study, prepared by Urban Systems Associates, indicates that a 4-lane collector (western segment), 2-lane collector with two way left turn lane (central segment) and 2-lane collector with no fronting property (eastern segment) will be adequate to serve the future anticipated traffic along Dennery Road. City staff is of the opinion that the narrowed road width will discourage excess speeding, permit increased parkway landscaping and ultimately result in a reduced impact to MHPA corridor. The Planning and Development Review Department and

City Manager therefore recommend this proposed road reclassification and associated amendments to the applicable planning documents.

The Addendum (LDR No.98-0211) to EIR No.88-0785 indicates that no mitigation will be required and that there are no new significant and unmitigated impacts identified for the current project.

FISCAL IMPACT:

None.

LEGAL DESCRIPTION:

The project site is located between Ocean View Hills Boulevard and Robinhood Ridge Drive, in the western, central and eastern portions of the Dennery Ranch Specific Plan area and is more particularly described as Portions of Parcels 1 and 2, Parcel Map No. 15134 within the Otay Mesa Community Plan area.

NOTE: The City of San Diego, as Lead Agency under CEQA, has reviewed and considered an EIR, LDR-98-0122, dated September 21, 1999, covering this activity.

FILE LOCATION: SUBITEMS A & B: LAND-Otay Mesa Community Plan (10)

COUNCIL ACTION: (Tape location: A170-211.)

Hearing began at 10:35 a.m. and halted at 10:43 a.m.

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

ITEM-332: Prime Communications 30th Street Warehouse Telecommunications Facility.

Matter of an appeal of David Moss from the decision of the Planning Commission in denying Conditional Use Permit No. 98-0832-01 within the Otay Mesa Nestor Community Plan area.

(CUP-98-0832-01. District-8.)

CITY MANAGER’S RECOMMENDATION:

Do not certify Subitem A and adopt Subitem B to deny the appeal and deny the permit:

Subitem-A: (R-2000-) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration No. 98-0832 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-2002-303) DENIED APPEAL; DENIED PERMIT, ADOPTED AS RESOLUTION R-292481

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

OTHER RECOMMENDATIONS:

Planning Commission voted 5-1 to deny; no opposition.

Ayes: Anderson, Butler, Skorepa, Stryker, White

Nays: Steele

The Otay Mesa Nestor Community Planning Group has recommended approval of the permit.

SUPPORTING INFORMATION:

The appeal is being requested for Conditional Use Permit No.CUP-98-0832-01 to remove an existing rooftop tower facility and construct and operate a 60-foot high unmanned wireless telecommunication facility mounted on the roof of a 35-foot-high industrial building, consisting of two 50-foot high lattice towers secured by guy wires. The site is designated industrial in the Otay Mesa Nestor Community and currently zoned M-1B. The project site is surrounded by industrial development to the north, east, and south and residential development zoned R-3000 to the west.

FISCAL IMPACT:

None.

LEGAL DESCRIPTION:

The project site is located at 1366 - 30th Street and is more particularly described as Lots 14, 15,

South San Diego Industrial Park Unit 2, Map 9557 in the Otay Mesa Nestor Community.

FILE LOCATION: SUBITEMS A & B: PERM-98-0832 (65)

COUNCIL ACTION: (Tape location: A475-B139.)

Hearing began at 10:57 a.m. and halted at 11:15 a.m.

Testimony in opposition by David Moss.

MOTION BY VARGAS TO NOTE AND FILE SUBITEM A, TO DENY THE APPEAL AND TO DENY THE PERMIT IN SUBITEM B, WITH THE CAVEAT TO ALLOW THE APPELLANT SIX MONTHS TO COME INTO COMPLIANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: Montaña Mirador Development Agreement.

Matter of recommending approval, conditional approval, or denial of the Montaña Mirador Development Agreement. The Development Agreement will facilitate the City's ability to acquire the 633-acre Montaña Mirador property, located within the Rancho Peñasquitos Community Planning area, for open space habitat preservation purposes pursuant to the previously approved Option Agreement, which provides the City exclusive rights to purchase the property at fair market value as established on its pre-approved map basis. The Development Agreement also vests the rights of the owner to develop the Montaña Mirador property should the City elect not to acquire the property at the end of the four-year option period.

(87-0924. Rancho Peñasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-67) INTRODUCED, TO BE ADOPTED ON DECEMBER 6, 1999

Introduction of an Ordinance approving the Montaña Mirador Development Agreement.

OTHER RECOMMENDATIONS:

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

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

The Rancho Peñasquitos Planning Board considered the Development Agreement during their October 6, 1999 meeting, but took no action.

CITY MANAGER'S SUPPORTING INFORMATION:

On January 16, 1997, the City Council approved the Montaña Mirador project, located within the Rancho Peñasquitos Community Planning area, which includes the development of 575 residential units (410 detached single-family units and 165 attached single-family units), the grading of a 10-acre school site and a 5-acre park site, the construction of a 3.5-million gallon capacity water reservoir, and the placement of 472.4 acres into open space. On August 11, 1997, pursuant to the City's efforts to acquire the project site for open space habitat, the City Council and the Owner entered into a Purchase Agreement. Although the Purchase Agreement provides the City with exclusive rights to purchase the property, the owner retains the right (through this Development Agreement) to develop Montaña Mirador should the City elect not to acquire the property at the end of the four year option period. The owner has agreed to defer the development of the property during the option period only if the City agrees to vest the owner's existing development rights. On August 11, 1997, the City Council directed the City Manager to bring forward a mutually acceptable Development Agreement. This Development Agreement will allow the City to realize extraordinary and significant benefits by providing the City with exclusive rights to purchase the property at a price based on the land-value prior to approval of the Montaña Mirador project. Acquisition of the property will also further the goals of the Multiple Species Conservation Plan (MSCP) by preserving as open space over 630-acres of land containing sensitive habitat.

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/MJW

LEGAL DESCRIPTION:

For a detailed legal description please refer to the Development Agreement for Montaña Mirador Project, Between the City of San Diego and Westbrook Peñasquitos, L.P., Negotiated and Entered into Pursuant to City Council Policy 600-37 Adopted by the City Council on August 9, 1988 and Amended on June 6, 1989 (Exhibit E, Option Agreement and Escrow Instructions, Montaña Mirador Legal Descriptions).

NOTE: The City of San Diego as Lead Agency under CEQA has reviewed and considered

Environmental Impact Report No. 87-0925, dated June 25, 1993, covering this activity. Adopted on January 16, 1996, by Resolution No. R-286814.

FILE LOCATION: NONE.

COUNCIL ACTION: (Tape location: B148-361.)

Hearing began at 11:16 a.m. and halted at 11:32 a.m.

Testimony in opposition by Jack Grucza.

Testimony in favor by Bill Meyer.

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

ITEM-334: Evans Home-421 17th Street.

_____ Matter of the appeal by Donald Rossignol, from the decision of the Historical Site Board in approving the historical site designation of property located at 421 17th Street in the City of San Diego.

(Centre City Community Plan Area. District-8.)

TODAY'S ACTION IS: DENIED APPEAL

A motion either granting or denying the appeal and upholding or overturning the action of the Historical Site Board.

CITY MANAGER'S RECOMMENDATION:

Deny the appeal of Donald Rossignol and uphold the action of the Historical Site Board.

OTHER RECOMMENDATIONS:

Historical Site Board voted 10-2-0 on July 22, 1999 to approve the building's designation, with Boardmembers Sykes and Christenson opposed.

Ayes: Bishop, Ahern, Burnett, Delawie, Johnson, Malone, May, Riley, Sewell, Stiegler
Nays: Sykes, Christenson
Absent: Brown, Furlong, Iseman

The City of San Diego Historical Site Board considered the site located at 421 17th Street in Centre City, San Diego on June 16, 1999 and July 22, 1999. The site was initially brought to the Board's attention by CCDC, as a result of a code enforcement action, where the owner had proceeded to make modifications to the building without the necessary permits. One of the modifications included changes to the building's original historic fabric by replacing wood windows with aluminum windows. The site at 421 17th Street had been identified as a potential historical site in conjunction with the Centre City historical studies undertaken during the 1980's by CCDC. Because of the large numbers of potential historic sites within the Centre City community area, the Centre City Planned District Ordinance establishes a procedure to clear any potential historic sites through the City's Historical Site Board.

Upon discovery by CCDC that the building at 421 17th Street had undergone construction without permits, it referred the site to the Historical Site Board staff for review by the Board as required by Section 103.1903-E, of the Municipal Code (Centre City Planned District Ordinance). A staff report was prepared (See Attachment 1) and the Board held a noticed public hearing on June 16, 1999. A number of questions were raised by the Board related to the status of the project, the original historic fabric elements, and the owner's perspective, which were not answerable at the time. The Board continued the hearing to allow staff to work with CCDC and the owner to bring forth the required information. At this first hearing, the Board's concerns were fairness to the owner and the owner's possible ignorance of the regulations, and avoiding an appearance of approving work that had been illegally undertaken.

At the second hearing scheduled for July 22, 1999, the CCDC staff and the owner, Mr. Rossignol appeared and were able to respond to Board questions. Among the issues discussed were the level of awareness that the owner had about the possible historicity of the building, the owner's desire and effort to restore the historical property, the original fabric that could be ascertained from photographs, and the architectural value of the site.

At the July 22, 1999 hearing the Board on a 10-2-0 vote with Boardmembers Sykes and Christenson opposed, approved the building's designation based on the following factors:

That the building located at 421 17th Street was a good example of Victorian

architecture of the turn of the century, and its high porch with spindle columns constituted a unique design feature of proportions not commonly found in buildings of this era, thus meeting the criteria for designation under CATEGORY B (Architecture).

That prior to the illegal construction, the building maintained enough historic fabric to warrant designation under CATEGORY B (Architecture).

That the illegally constructed modifications which involved the replacement of original wood windows with aluminum windows, could be easily restored with the use of a wood product.

That the owner expressed an interest in the historic appearance of the building, and testified that he had made efforts to maintain the historic fabric as part of his building construction activities.

In closing, and given the fact that the work had been done without a permit, the owner expressed interest in restoring the older building, and the affected fabric was limited to the window replacements, the Board approved the building's historic designation.

There is no officially recognized community planning group for this area.

CITY MANAGER SUPPORTING INFORMATION:

Background

On July 22, 1999 the Historical Site Board designated the Evans Home located at 421 17th Street as a City Historical Landmark. The Board took its action after two hearings on the matter and based on the information submitted by the Centre City Development Corporation (CCDC), Planning and Development Review staff, and the public testimony received from the owner of the property. The property was brought to the attention of the Historical Site Board by CCDC staff as part of a code enforcement action on a site pre-identified as a potential historic site by the Centre City East Survey (1988). Under the Centre City Planned District, Section 103.1904.E of the Municipal Code (See Attachment 1, City Manager's Report) CCDC refers any development impacting an identified historical resource to the City Historical Site Board for the Board's evaluation of historical significance, and for designation if deemed significant.

At the Historical Site Board hearing, a staff report was presented which identified the site's architectural significance as an example of turn of the century Victorian architecture. The Board found that the building's architecture was significant and that the building exhibited unique features represented by the tall slender spindle columns of the porch area. Photographs available to the Board showed that the building fabric was basically untouched prior to the illegal work being undertaken. On this basis the Board voted to designate the building by a vote of 10 in favor to 2 opposed.

Discussion

As stated above, the site is one identified by the Ray Brandes/Kathy Flanigan Centre City East Survey of 1988 as a site worthy of consideration for designation based on architectural character and its association with Walter G. Evans, a real estate agent who purchased the property in 1887. The Evans family lived on the property from 1888 through 1897. The building was found significant due to its architectural Victorian style (See Attachment 2, City Manager's Report). Until the building was illegally modified, the historic fabric was maintained intact. The tall and slender spindle columns on the first floor (See Attachment 3, City Manager's Report) are a unique feature not too common in buildings of this era. When compared to the 1988 survey photo (Attachment 4, City Manager's Report) it can be seen that the house's features remained except for the modified windows, a result of the illegal building activity, when the original wood windows were replaced by aluminum windows. The Historical Site Board found that the wood windows could be brought back and the building could, and should be restored to its original historic fabric. Staff agrees with that approach, and based on experience obtained working on the Sherman Heights Historic District, believes that there are wood window products on the market that could be used to restore the facade to its prior condition, before the illegal construction occurred.

LEGAL DESCRIPTION:

The subject property is located at 421 17th Street and is more particularly described as Sherman's Addition, Block 22, South 40' of Lot 5.

FILE LOCATION: GEN'L-Historical Site Board Decisions and Appeals (05)

COUNCIL ACTION: (Tape location: A170-211.)

Hearing began at 10:35 a.m. and halted at 10:43 a.m.

CONSENT MOTION BY KEHOE TO DENY THE APPEAL TO UPHOLD THE ACTION OF THE HISTORICAL SITE BOARD. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-335: Election of the City Heights Redevelopment Project Area Committee.

(Continued from the meeting of November 2, 1999, Item 337, at the City Manager's request, for further review.)

(See City Manager Report CMR-99-201. City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-476 Cor.Copy 11/19/99) ADOPTED AS RESOLUTION R-292482

Approving a Representative Project Area Committee for the City Heights
Redevelopment Project Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A170-211.)

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

ITEM-336: Request for Proposal and Inviting Bids for Imperial Marketplace Public Improvements.

(Continued from the meetings of November 2, 1999, Item 339 and November 9, 1999, Item S500, at the City Manager's request, for further review.)

(See Southeastern Economic Development Corporation Report No. 99-023. District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-578) ADOPTED AS RESOLUTION R-292483

Authorizing the Request for Proposal packet, as presented, for the construction of the Imperial Marketplace Public Improvements;

Granting authorization to receive bids for construction for the Imperial Marketplace public improvements in an amount not to exceed \$9,000,000 with a total project cost of \$10,230,000;

Granting authorization to award the contract to the best-qualified design-builder, provided that the bid is within the established budget and all other requirements are met;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the City Manager to request advanced funding from SANDAG through the commercial paper program in an amount not to exceed \$3,542,082;

Authorizing the City Manager to execute any necessary documents relating to the receipt of the funds from SANDAG;

Indicating that the City of San Diego will be responsible for paying its proportionate share of the annual interest and administrative costs of the commercial paper program; based on the ratio of the amount of financing provided to the City of San Diego to the total commercial paper outstanding for each fiscal year; Indicating that SANDAG will deduct the interest and administrative costs from the City of San Diego monthly TransNet sales tax allocations prior to remitting any remaining sales tax proceeds for the City of San Diego projects;

Indicating that the City of San Diego will repay to SANDAG the principal amount of \$3,542,082 to be repaid during Fiscal Year 2004;

Indicating that the first priority of the City of San Diego annual allocation of TransNet revenues shall be payment of the principal amount borrowed according to the schedule.

NOTE: See Redevelopment Agency Agenda of 11/23/99 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A170-211.)

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

ITEM-337: PRESENTED

In the matter of a presentation by the Campo Band of Kumeyaay Indians.
This item is non-debatable. No action will be taken by the City Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A320-472.)

CLOSED SESSION ITEMS:

ITEM-CS-1: (R-2000-573) ADOPTED AS RESOLUTION R-292484

A Resolution adopted by the City Council in Closed Session on November 23, 1999:

Authorizing the City Manager to pay the sum of \$108,184.82 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the personal property damage claim of Mid-City Community Clinic, et al.; authorizing the City Auditor and Comptroller to issue three checks; one in the amount of \$8,344.29 made payable to Luth Turley, Inc.; one in the amount of \$79,628.90 made payable to Luth Turley, Inc.; and one in the amount of \$19,509.63 made payable to The Salvation Army, as the complete and final settlement of the property damage claim which occurred on February 11, 1999.

Aud. Cert. 2000479

FILE LOCATION: MEET

ITEM-CS-2: (R-2000-679) ADOPTED AS RESOLUTION R-292478

A Resolution adopted by the City Council in Closed Session on November 23, 1999:

Authorizing the City Manager to execute for and on behalf of said City, a Settlement Agreement with Fairbanks Ranch Association, Black Mountain Ranch Limited Partnership and other Real Parties in Interest in Fairbanks Ranch Association v. City of San Diego, Superior Court Case No. 723676 under the terms set forth in the Agreement.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 11:33 a.m.

FILE LOCATION:

MINUTES

COUNCIL ACTION:

(Tape location: B362.)