

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 11, 2000
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 |
| NON-AGENDA COMMENT | 4 |
| COUNCIL COMMENT | 5 |
| ITEM-330: Replacement of the Central Animal Shelter | 5 |
| ITEM-331: Soledad Creek Village | 11 |
| ITEM-332: La Jolla Chart House Remodel | 14 |
| ITEM-333: Fleming Residence | 16 |
| ITEM-334: Rancho Santa Fe Driving Range and Park | 19 |
| ITEM-335: Garden Communities | 22 |
| ITEM-336: Emergency Access and Water Easement Abandonment | 25 |
| ITEM-337: Easement - Right-of-Way Vacation | 26 |
| ITEM-338: Em Tek Fund Final Recoverable Grant and Non-Recourse Note Execution ... | 27 |
| ITEM-339: Approval of a Public Use Lease between Pacific Development Partners and the City of San Diego | 28 |
| ITEM-340: <u>Two</u> actions related to Approval of the Proposed Bond Financing for FY 99/2000 | 29 |

ITEM-341: Three actions related to Approval of FY 99/00 Budget Actions 30

ITEM-342: City Heights Urban Village Library Park and Police
Substation Projects - Budget Amendments. 31

ITEM-343: Budget Amendment/Request to Bid for the Off-Site Improvements
of the Martin Luther King Jr. Promenade in Front of Harbor Club. 32

ITEM-344: Approving the Amended Cooperation Agreement with the Redevelopment
Agency for the Development of the Father Brockhaus Park. 33

ITEM-345: Ratify the February 12, 2000 North Park Project Area
Committee (PAC) Election, and the March 11, 2000 Run-off
Election for one Business Owner/Property Owner Seat. 34

ITEM-346: Exempting One Assistant Deputy Director Position
from the Classified Service. 35

ITEM-347: Retention of MRW and Associates for California Public
Utilities Commission Discussions. 36

ITEM-348: Repealing Proposed Angle Parking on Prospect Street 37

ITEM-349: Salary Setting Commission Report on Mayor and
Councilmember Recommendations. 38

ITEM-350: Fluoridation of the City's Water System. 39

NON-DOCKET ITEMS 40

CLOSED SESSION ITEM 40

ADJOURNMENT 41

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 11:06 a.m. Mayor Golding recessed the regular meeting at 11:28 a.m. to convene as the Redevelopment Agency. The meeting was reconvened by Mayor Golding at 11:29 a.m. with all members present. The meeting was recessed at 12:15 p.m. by Mayor Golding to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:15 p.m. with all members present. Mayor Golding recessed the regular meeting at 6:07 p.m. to meet in Closed Session in the twelfth floor conference room to discuss existing and anticipated litigation matters. Mayor Golding reconvened the regular meeting at 6:35 p.m. with all members present. Mayor Golding recessed the meeting at 6:36 p.m. to reconvene the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 6:40 p.m. with all members present. Mayor Golding adjourned the meeting at 6.53 p.m.

ATTENDANCE DURING THE MEETING:

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

Clerk-Fishkin (rl/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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Mr Bob Spellman commented regarding De Anza Community and his concern for a home park being developed on tidelands.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A275-291.)

PUBLIC COMMENT-2: REFERRED TO CITY MANAGER

Carol Smith, President of the Ocean Beach Town Council, commented on the Alvarado Spill in Ocean Beach.

Councilmember Wear requested that the City Manager's Office work with the community of Ocean Beach in relation to the Alvarado Sewer Spill to mitigate economically for the damages, and try to give them some sense of relief to get some other things done that are appropriate under the context of the law.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A292-322.)

PUBLIC COMMENT-3:

Ron Boshun commented on Bruce Henderson's submission of signatures for a second vote on the Ballpark issue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A340-387.)

COUNCIL COMMENT:

NONE.

ITEM-330: Replacement of the Central Animal Shelter.

Matter of a Conditional Use Permit to replace the existing County of San Diego Central Animal Shelter with a new 38,000 square-foot County animal shelter, a 44,688 square-foot San Diego Humane Society facility, and associated improvements on a 4.66-acre property located at 5480 Gaines Street in the Linda Vista Community Planning Area. TM 40-0074 (Replacement of the Central Animal Shelter).

(LDR/TM/CUP-40-0074. Linda Vista Community Plan area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A, B, E, F, G, H, I, and J; adopt the resolution in Subitem C to grant the map; and adopt the resolution in Subitem D to grant the permit:

Subitem-A: (R-2000-1075) ADOPTED AS RESOLUTION R-292957

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-40-0074 has been completed in compliance with the California Environmental Quality Act of 1970 and State

guidelines, and that said MND reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered by the Council prior to approving the project;

Adopting the Mitigation, Monitoring, and Reporting Program, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000-1074) ADOPTED AS RESOLUTION R-292958

Adoption of a Resolution authorizing the exclusive sale of a portion of Site 119, being portions of Pueblo Lot 1100, Block 356 of Old San Diego, and Block E of Silver Terrace Addition;

Authorizing the City Manager to execute a Grant Deed conveying said property located at 5480 Gaines Street to San Diego County Humane Society and S.P.C.A., a California nonprofit corporation;

Authorizing the City Manager to execute an Agreement for Purchase and Sale of City-Owned Property covering said property at 5480 Gaines Street and accept \$1,410,000 as proceeds from the land sale to be deposited into Fund 302458, and accept a deposit of \$840,000 for the Humane Society's share of costs associated with constructing the joint use areas of the co-located animal care facility, to be deposited into Fund 63091;

Declaring that no broker's commission shall be paid by The City of San Diego on the negotiated sale;

and that the City Clerk is authorized and directed to deliver the original Grant Deed and duplicate original and copy of the Purchase and Sale Agreement, and a certified copy of this resolution, attested by him under seal, to the Real Estate Assets Department for further handling.

Subitem-C: (R-2000-1076) GRANTED MAP; ADOPTED AS RESOLUTION R-292959

Adoption of a Resolution granting or denying Parcel Map W.O. 117803.

Subitem-D: (R-2000-1077) GRANTED PERMIT; ADOPTED AS RESOLUTION R-292960

Adoption of a Resolution granting or denying Conditional Use Permit No. 40-0102.

Subitem-E: (R-2000-1078) ADOPTED AS RESOLUTION R-292961

Adoption of a Resolution authorizing the City Manager to execute a Third Amendment to Lease Agreement with the County of San Diego, a political subdivision, which amendment revises the boundaries of the Central Animal Shelter leasehold and sets forth the terms and conditions for County participation in reconstruction of the shelter;

Authorizing acceptance and expenditure of a deposit from the County in the amount of \$2,000,000 for construction of the replacement Central Animal Shelter, which is documented and accounted for as 25 percent County equity in the new building, to be deposited into Fund 63092.

Subitem-F: (R-2000-1079) ADOPTED AS RESOLUTION R-292962

Adoption of a Resolution authorizing the City Manager to execute a Right of Entry and Improvement Agreement with the San Diego Humane Society and S.P.C.A..

Subitem-G: (R-2000-1080) ADOPTED AS RESOLUTION R-292963

Adoption of a Resolution authorizing the City Manager to enter into a Maintenance and Easement Agreement between the City, the County of San Diego, and the San Diego Humane Society to outline the sharing of joint use facilities and grant easements for the shared areas of the site at 5480 Gaines Streeton which a co-located animal care facility will be operated by the County Department of Animal Control, on behalf of the City, and the Humane Society.

Subitem-H: (R-2000-1084) ADOPTED AS RESOLUTION R-292964

Adoption of a Resolution authorizing the City Manager to enter into a Campaign Agreement with the San Diego Humane Society for purposes of sharing in fund-raising proceeds to complete construction of the animal shelter, as necessary, and facility maintenance and repairs;

Authorizing any funds generated by the campaign to be deposited into Fund 63090.

Subitem-I: (R-2000-1085) ADOPTED AS RESOLUTION R-292965

Adoption of a Resolution authorizing a second amendment to the consultant agreement with George Miers and Associates for architectural and design services for the replacement Central Animal Shelter and authorizing the expenditure of an amount not to exceed \$248,720 from CIP-37-259.0, Central Animal Shelter, upon certification of fund availability by the City Auditor.

Subitem-J: (R-2000-1086) ADOPTED AS RESOLUTION R-292966

Adoption of a Resolution increasing the CIP budget for CIP-37-259.0, Central Animal Shelter, by \$8,306,264.16 (\$4,000,000 from donors, Fund 63093; \$1,410,000 from land sale to Humane Society, Fund 302458; \$840,000 deposit from Humane Society, Fund 63091; \$2,000,000 deposit from County, Fund 63092; and \$56,264.16 in donations for the project, Fund 63089) for a total project budget of \$8,927,687.19;

Authorizing the appropriation to and expenditure from CIP-37-259.0, Central Animal Shelter, all funding contributions and deposits, and any interest earned, in the amount of \$8,306,264.16 (\$4,000,000 from donors, Fund 63093; \$1,410,000 in Humane Society land sale proceeds, Fund 302458; \$840,000 deposit from Humane Society, Fund 63091; \$2,000,000 deposit from County, Fund 63092; and \$56,264.16 in donations for the project, Fund 63089) for purposes of constructing the replacement Central Animal Shelter, provided that the City Auditor first furnish an auditor's certificate certifying fund availability;

Authorizing the City Manager to enter into an agreement with Ninteman Construction, Inc. for design-build construction management services for a replacement Central Animal Shelter and authorizing the expenditure of an amount not to exceed \$7,100,000, from CIP-37-259.0, Central Animal Shelter, upon certification of fund availability by the City Auditor;

Authorizing the City Auditor and Comptroller, at the request of the City Manager, to increase the appropriation for the Central Animal Shelter CIP-37-259.0, from appropriately designated available funds;

Authorizing the City Auditor and Comptroller, at the request of the City Manager, to transfer any project savings into a special fund to be appropriated and expended for the purpose of Central Animal Shelter facility maintenance and repairs as may be deemed appropriate.

OTHER RECOMMENDATIONS:

The Linda Vista Community Planning Group voted 13-0-1 to recommend approval of the project.

SUPPORTING INFORMATION:

The Central Animal Shelter, located at 5480 Gaines Street, in the Linda Vista Community Plan area, has exceeded its capacity, and the improvements are deteriorating, to the extent of needing to be completely replaced. Adequate and humane animal control services cannot be provided in the current facility. The shelter, owned by the City and located on City-owned land, is housed in a facility that is very old and has been re-modeled and enlarged several times to accommodate the needs and number of animals. Since 1971, the City has contracted with the County of San Diego to provide animal control services and has leased 1.75 acres of the site to the County at no cost until 2008 to operate the animal shelter.

To address the deterioration of the existing shelter, the City and County together convened a citizens' panel in November 1998, co-chaired by Councilmember Valerie Stallings and Supervisor Pam Slater. The Citizen's Panel to Build a New Central Animal Shelter, composed of City and County officials and concerned citizens, was formed to identify sites and funding sources for a new Central Animal Shelter. Based on a recommendation from the citizens panel Site and Selection Subcommittee, utilization of the existing site for building a modern and expanded facility was approved by the City Council on March 22, 1999.

On June 8, 1999, the City Council conceptually approved an \$8 million financing plan including \$2 million from the City, \$2 million from the County of San Diego, \$2 million in private donations, and \$2 million from public fund raising. The City Manager was directed to enter into exclusive negotiations with the San Diego Humane Society for the sale of a portion of the Gaines Street property to allow for co-location of a Humane Society facility on the same site. Further, City Council directed the City Manager to enter into necessary agreements with the County of San Diego, the Humane Society and consultants to proceed with a co-located animal care facility. A Capital Improvement Project was established for the purpose of replacing the Central Animal Shelter.

Subsequent to approval of the conceptual financing plan, Mrs. Helen Copley and Mrs. Joan Kroc generously pledged contributions of \$2 million each to the project. On November 24, 1999, City Council approved an agreement accepting these donations which increased the funding commitment received for the project to the \$8 million estimated project cost. City Council also approved a Memorandum of Understanding outlining the terms for sale of a portion of the Gaines Street site to the Humane Society for their part of the co-located facility. Since November, significant progress has been made on the Central Animal Shelter project.

Negotiations with the County and Humane Society have been completed and five documents outlining our relationships, and providing for funding and sharing of the facilities have been prepared. The architect, City staff, the County and the Humane Society have worked together to refine the design to a point that it could be bid on by the design-build teams. Through a Request for Proposal process, a design-build team has been selected to construct the facility and is being recommended to the City Council for approval. Environmental and permit preparations have been completed. All facets of the replacement Central Animal Shelter project are moving forward successfully.

FISCAL IMPACT:

Includes both revenue and expense, as indicated below.

Revenue: The land sale to the Humane Society will generate \$2,250,000 in project funding, of which \$1,410,000 is the purchase price of the property and \$840,000 is the Humane Society's share of construction and site preparation costs for the joint use areas of the site. When coupled with the \$590,000 generated by the previous sale of property at 887 Sherman Street, the purchase proceeds complete the City's commitment of \$2,000,000 in funding for the project. The County is contributing \$2,000,000 to this project, which is documented in the Third Amendment to the County Lease. \$56,264 in additional funds have been donated by citizens directly to the City for use in the project. In summary, these actions will result in an additional \$4,306,264 (\$1,410,000 and \$840,000 from Humane Society; \$2,000,000 from County; and \$56,264 in donations) of revenue to the project. When combined with the \$4 million major private donations and \$621,423 (\$590,000 from the sale of 887 Sherman Street and \$31,423 of donations) allocated to the project in previous Council actions, this additional project revenue raises the total project funding available, and increases CIP-37-259.0, Central Animal Shelter, to \$8,927,687. Additionally, the two-year fund raising campaign is estimated to generate approximately \$2,000,000 as the City's share of revenue, which is recommended to be utilized in part to complete construction of the project as necessary, though primarily for an endowment for future capital repairs.

Expense: Total project budget is \$8,927,687. The amendment to the Agreement for Architectural Services is for \$248,720 to complete the construction documents and provide project oversight, and is to be funded through CIP-37-259.0, Central Animal Shelter. The Design/Build Agreement with Ninteman Construction, Inc. for construction of the Central Animal Shelter in the amount of \$7,100,000 is to be funded through CIP-37-259.0, Central Animal Shelter.

Herring/LKC

LEGAL DESCRIPTION:

The project site is more particularly described as located at 5480 Gaines Street in the Linda Vista Community Plan area, and is legally described as Parcels 1 and 2 of Parcel Map No. W.O. 117803.

FILE LOCATION: SUBITEM A: PERM - 40-0102 (65); SUBITEM B: DEED F-7741; SUBITEM C: SUBD - Replacement of Central Animal Shelter (40); SUBITEM D: PERM-40-0102 (65); SUBITEM E: LEAS - County of San Diego, Central Animal Shelter; SUBITEMS F,G,H,I,J: MEET

COUNCIL ACTION: (Tape location: A003-251.)

Hearing began at 11:20 a.m. and recessed at 11:40 a.m.

Testimony in favor by Wayne Bamford.

CONSENT MOTION BY MATHIS TO ADOPT GRANTING THE MAP AND THE PERMIT. Second by Vargas. 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: Soledad Creek Village.

Matter of recommending approval, conditional approval, modification or denial of an application for a Rezone from R-1-5000 to R-3000, a Tentative Parcel Map to create a four lot subdivision, and Planned Residential Development/Coastal Development Permit to develop four single family structures with floor areas from 2,030 square feet to 2,805 square feet, enclosed two car garages, private yards, patios, and landscaping located at 12746 Via Borgia and 2241 Via Aprilia, north of Carmel Valley Road in the Torrey Pines Community Planning area.

The Rezone from R-1-5000 to R-3000, Tentative Parcel Map to create a four lot subdivision, Planned Residential Development/Coastal Development Permit to develop four single family properties is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this RZ/TPM/PRD/CDP will be with the California

Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. TPM 98-0423 (Soledad Creek Village).

(RZ/TPM/PRD/CDP-98-0423. Torrey Pines Community Planning area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A; adopt the resolution in Subitem C to grant the map; adopt the resolution in Subitem D to grant the permits; and introduce the ordinance in Subitem B:

Subitem-A: (R-2000-950) ADOPTED AS RESOLUTION R-292986

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0423 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Mitigated Negative Declaration has been reviewed and considered by the Council prior to approving the project and reflects the independent judgement of the City of San Diego as Lead Agency, stating for the record that the final MND has been reviewed and considered prior to approving the project;

Adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2000-136) INTRODUCED; TO BE ADOPTED ON MAY 1, 2000

Introduction of an Ordinance rezoning 0.3 acres in the Torrey Pines Community Plan area.

Subitem-C: (R-2000-) GRANTED MAP; ADOPTED AS RESOLUTION R-292987

Adoption of a Resolution granting or denying Tentative Parcel Map 98-0423, with appropriate findings to support Council action.

Subitem-D: (R-2000-) GRANTED PERMIT; ADOPTED AS RESOLUTION R-292988

Adoption of a Resolution granting or denying the Planned Residential Development/Coastal Development Permit No. 98-0423, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to approve; was opposition.

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

The Torrey Pines Community Planning Group has recommended approval of the project.

SUPPORTING INFORMATION:

Soledad Creek Village proposes a Rezone, Tentative Parcel Map, Planned Residential Development/Coastal Development Permit to rezone, subdivide and develop a 0.3 acre site with a four lot development of a residential project in the Torrey Pines Community Plan area. The Torrey Pines Community Planning Group, voted 10:1:0 to approve the project on August 13, 1998, contingent on compliance with the FAR limit, open space requirements, and height restrictions. In reviewing the project, City staff has confirmed that the project complies with the FAR limit of the proposed zone, open space requirements of the planned residential development criteria, and the height restrictions applicable in the coastal zone. The proposed lot design and development can be allowed with the approval of a Planned Residential Development permit.

On January 20, 2000, the Planning Commission voted 6:0:0 to adopt the Staff's recommendation. The City staff recommends certification of the Mitigated Negative Declaration LDR No.- 98-0423; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all significant impacts of the project as identified in the MND; and approval of the Rezone, Tentative Parcel Map; and Planned Residential Development/Coastal Development Permit 98-0423.

FISCAL IMPACT: None

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Culbreth-Graft/Christiansen/JSF

LEGAL DESCRIPTION:

The project site is located at 12746 Via Borgia and 2241 Via Aprilia, between the Carmel Valley Road and Via Aprilia, in the Torrey Pines Community and is more particularly described as Lots 10, 11 and 12, Del Mar Terrace, Map-1527.

FILE LOCATION: SUBITEM A: LUP - Soledad Creek Village ;
SUBITEM B: None. SUBITEM C: LUP-98-0423;
SUBITEM D: PERM-98-0423 (65)

COUNCIL ACTION: (Tape location: A388-B109.)

Hearing began at 11:20 a.m. and recessed at 11:40 a.m.

Testimony in favor by Robert Thorburn, Joan Thorburn, Daniel Jensvold, Sydney Thorburn-Negrete, Cameron Thorburn, David Negrete, Portia Armbruster, Ann Gardner.

Testimony in opposition by Cyrus Morgan.

MOTION BY MATHIS TO ADOPT, GRANTING MAP AND PERMIT. 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: La Jolla Chart House Remodel.

Matter of the appeal of Scott Peters, Chair, La Jolla Town Council, from the decision of the Planning Commission in approving CDP/SCR/LJPD 98-0755 to construct a 1,821 square foot expansion and perform an interior remodel to the existing structure located at 1270 Prospect Street. Mitigated Negative Declaration LDR-98-0755. The Chart House Restaurant is located on a 0.91-acre parcel at 1270 Prospect Street, between Cave Street and Herschel Avenue, in the La Jolla Community Plan area.

(CDP/SCR/LJPD 98-0755. La Jolla Community Plan Area. District -1.)

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 permits:

Subitem-A: (R-2000-) CONTINUED TO MAY 2, 2000

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0755 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.

Subitem-B: (R-2000-) CONTINUED TO MAY 2, 2000

Adoption of a Resolution granting or denying the appeal and granting or denying the Coastal Development/Sensitive Coastal Resource/La Jolla Planned District Development Permit No. 98-0755, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 4-0 to approve; was opposition.

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

The La Jolla Community Planning Association has recommended approval of the project.

SUPPORTING INFORMATION:

The La Jolla Chart House Restaurant is located at 1270 Prospect Street. Coast Boulevard is to the north and west, Cave Street and Coast Walk are to the east, and Ivanhoe Avenue is to the southwest. The 0.91-acre site is in Zone 1A of the La Jolla Planned District. The site is designated Visitor Commercial in the La Jolla Community Plan. The structure is within an existing commercial complex which also includes several small shops. Surrounding uses include other small retail and restaurant establishments in La Jolla's downtown core.

Since the original construction in 1904, the structure has been remodeled several times. The proposed project would remove and replace portions of the structure which do not conform with current building codes and to remodel the remainder of the structure. A 1,821 square-foot expansion has been designed for the southeastern side of the existing structure. Under the regulations of the LJPDO, the addition constitutes a "minor addition". If approved and constructed, the structure would total 9,327 square feet.

The parking requirements for restaurant uses within Zone 1A of the LJPDO is one off-street parking space for every 200 square feet of restaurant use. If required, the proposed expansion would require nine off-street parking spaces. As a way to encourage the adaptive re-use of heritage structures without damaging the integrity of the site, the LJPDO allows Heritage Structures to be exempt from additional parking requirements. The LJPDO also exempts minor additions from providing additional parking. The proposed project is a designated Heritage Structure and by the regulations of the LJPDO is a minor addition. No additional off-street parking spaces are required to approve the proposed expansion.

FISCAL IMPACT: None.

Loveland/Haase/JSF

LEGAL DESCRIPTION:

The project site is located on a 0.91-acre parcel at 1270 Prospect Street, between Cave Street and Herschel Avenue, in the La Jolla community, and is more particularly described as Lots 30-32, Block No. 59 of La Jolla Park Map-352.

FILE LOCATION: SUBITEMS A,B: PERM98-0755-(65)

COUNCIL ACTION: (Tape location: A003-251.)

CONSENT MOTION BY MATHIS TO CONTINUE TO MAY 2, 2000 TO ALLOW STAFF AND THE APPLICANT'S REPRESENTATIVES TIME TO STUDY A 13-PAGE DOCUMENT SUBMITTED BY THE LA JOLLA TOWN COUNCIL INDICATING THEIR OPPOSITION. Second by Vargas. 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: Fleming Residence.

Matter of the appeal of Joanne H. Pearson, representing the San Diego Sierra Club, from the decision of the Planning Commission in approving Coastal Development/Sensitive Coastal Resource, CDP/SCR, Permit No. 99-0324 to allow the demolition of an existing 2,474 square foot portion of an existing 2,785 square foot single family residence and the construction of a new 4,329 square foot two-story single-family residence on a 7,216 square foot lot. The project site is located at 5360 Calumet Avenue, between Sungold Street and Ricardo Place in the R1-5000 zone of the La Jolla Community Planning Area.

(CDP/SCR 99-0324. La Jolla Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-2000-) ADOPTED AS RESOLUTION R-292967

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR-99-0324 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.

Subitem-B: (R-2000-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-292968

Adoption of a Resolution granting or denying Coastal Development Permit and Sensitive Coastal Resource Permit No. 99-0324, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to approve; was opposition.

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

The La Jolla Community Planning Association voted 5-2-2 to recommend approval of the project on August 5, 1999.

SUPPORTING INFORMATION:

The request for this Coastal Development Permit (CDP) and Sensitive Coastal Resource Permit (SCR) is to allow the demolition of a 2,474 square-foot portion of an existing 2,785 single-family residence and the reconstruction of a two-story 4,329 square foot single family residence. The project site contains 7,216 square-feet.

The project site is located at 5360 Calumet Avenue between Sungold Street and Ricardo Place, in the R1-5000 zone in the appealable area of the Coastal Zone, and within the Sensitive Coastal Overlay Zone (SCR) in the La Jolla Community Planning area. One of the purposes of the SCR Overlay Zone is to ensure that the development “maintains the geologic integrity of the coastal bluffs.” An SCR permit is required for any improvements to areas located within the SCR Overlay Zone.

On February 3, 2000, the Planning Commission held a public hearing on the Fleming Residence. At the hearing, staff identified and discussed with the Commissioners the location of the bluff and the existing conditions. Specific conditions were included in the Permit to ensure the integrity of the bluff and to minimize any future deterioration of the bluff.

On February 17, 2000, the decision of the Planning Commission was appealed by Joanne Pearson of the San Diego chapter of the Sierra Club citing inconsistencies with the shoreline hazard and visual resource policies of the Local Coastal Plan.

The project site is currently developed with a single family residence in an established neighborhood. The surrounding neighborhood is also designated for low density residential uses and is in a single family R-1-5,000 zone. The homes along Calumet Avenue consist of a mixture of one and two-story homes with the older homes generally being one-story and the newer homes being two-story. There is no predominant architectural theme with homes in the immediate vicinity of the proposed project.

An existing 2,785 square-foot single family residence currently exists on the project site and is proposed to be demolished. The project is adjacent to a coastal bluff with portions of the existing structure and a patio deck located within 25 feet of the “edge of bluff” (as defined in the Municipal Code). The Municipal Code permits development within 25 feet of the coastal bluff provided it can be found that the integrity of the bluff will not be damaged. Two specific conditions (condition 23 and 27) have been included in the Permit that are designed to protect the integrity of the bluff. The drainage resulting from the improvements is required to be directed away from the existing slopes and directed towards Calumet Avenue. There is no sensitive habitat on the site.

The site is located in Geological Hazard Zones 47 and 53 which are generally considered to be stable with low risk to development. The nearest fault is approximately 1,000 feet to the south and runs perpendicular to the shoreline. A geological investigation report was prepared for the site. The report concluded that with accepted engineering standards applied to the structure, the potential for geological impacts from regional hazards would be insignificant.

FISCAL IMPACT: None.

Loveland/Haase/RG

LEGAL DESCRIPTION:

The project site is located at 5360 Calumet Avenue, in the R1-5000 zone of the La Jolla Community Plan area and the City of San Diego Coastal Zone (California State Coastal Commission Appeal Jurisdiction), and Sensitive Coastal Overlay Zone, and is more particularly described as Lot 11 of Sungold Point, Map-3216.

FILE LOCATION: SUBITEMS A,B: PERM 99-0324 (65)

COUNCIL ACTION: (Tape location: A003-251.)

Hearing began at 11:20 a.m. and halted at 11:40 a.m.

CONSENT MOTION BY MATHIS TO ADOPT, GRANTING THE PERMIT. Second by Vargas. 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-334: Rancho Santa Fe Driving Range and Park.

Matter of recommending approval, conditional approval or denial of the Rancho Santa Fe Driving Range and Park. This project proposes the construction and operation of a recreational facility consisting of a golf practice range, three 9 hole putting courses, a roller hockey facility and ancillary uses on a 26.9 acre site for a period of ten years. The project site is located at the southeast corner of Via de la Valle and El Camino Real, is zoned AR-1-1, Flood Plain Fringe, Hillside Review Overlay and is in the North City Future Urbanizing Area. The legal description of the property is a portion of Section 6, Township 14 South, Range 3 West, SBBM.

The Rancho Santa Fe Driving Range and Park project requires an amendment to Section 141.0618 of the Municipal Code to permit a youth sports facility on this property subject to the approval of a Conditional Use Permit. In conjunction with this amendment, a Conditional Use Permit and Resource Protection Ordinance Permit are being requested.

(CUP/RPO 96-7315. North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A; adopt the resolution in Subitem B to grant the permit; and introduce the ordinance in Subitem C:

Subitem-A: (R-2000-1123) CONTINUED TO MAY 15, 2000

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-96-7315 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Environmental Impact Report has been reviewed and considered by the Council and reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project;

Adopting the Findings and Statement of Overriding Consideration; and adopting the Mitigation, Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000-) CONTINUED TO MAY 15, 2000

Adoption of a Resolution granting or denying Conditional Use (CUP) and Resource Protection Ordinance (RPO) Permits No. 96-7315.

Subitem-C: (O-2000-160) CONTINUED TO MAY 15, 2000

Introduction of an Ordinance modifying Chapter XIV, Article 1, Division 6, Section 141.0618 of the San Diego Municipal Code to allow for a youth sports facility proposed on an interim basis, where currently such a use is not permitted, subject to the approval of a Conditional Use Permit.

OTHER RECOMMENDATIONS:

Planning Commission voted 4 - 0 to deny; was opposition.

Nays: Brown, Stryker, White, Steele

Abstaining: Anderson, Butler

Not present: Skorepa

The Planning Commission serves as the planning group for the Future Urbanizing Area (FUA) per Council Policy 600-5. Pursuant to the action taken by the Planning Commission on February 17, 2000, a recommendation of denial has been made.

SUPPORTING INFORMATION:

The Rancho Santa Fe Golf Range and Park proposes the amendment of the Municipal Code to permit “youth sports facilities” in agricultural zones in the Future Urbanizing Area and the development of a youth sports facility encompassing a 60 tee driving range, three 9 hole putting courses, a roller hockey facility and associated improvements on a 23.9 - acre portion of a 26.9 acre site. The subject property is located at the southeast corner of the intersection of El Camino Real and Via de la Valle North City Future Urbanizing Area.

On February 17, 2000, the Planning Commission considered this project. Following three hours of public testimony predominantly in opposition to the project, the Planning Commission voted 4 to 0, with two abstentions and one commissioner absent, to recommend to City Council the denial of all actions associated with this project. The City Manager recommends that City Council take the following actions:

1. CERTIFY that the information contained in LDR No. 96-7315 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that the Environmental Impact Report reflects the independent judgement of the City of San Diego as Lead Agency. Stating for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project.
2. APPROVE modification of Chapter XIV, Article 1, Division 6, Section 141.0618 of the Municipal Code to allow for a youth sports facility proposed on an interim basis, where currently such a use is not permitted, subject to the approval of a Conditional Use Permit.
3. APPROVE Conditional Use Permit (CUP) and Resource Protection Ordinance (RPO) Permit No. 96-7315.

FISCAL IMPACT: None.

Loveland/Christiansen/RWD

LEGAL DESCRIPTION:

The proposed project is located on the south side of Via de la Valle, immediately east of El Camino Real West, in the North City Future Urbanizing Area and as more particularly described as a portion of Section 6, Township 14 South, Range 3 West, SBBM. Zoning of the property is AR-1-1, Flood Plain Fringe, and Hillside Review.

FILE LOCATION: SUBITEMS A,B: PERM-96-7315 (65)

COUNCIL ACTION: (Tape location: B110-290; G540-558.)

Public Testimony of the Hearing is closed to those who gave testimony today as follows: Barbara Madresh, David Herzer, Steve Tierney, Walter Bregmon, Louis Harris, Ann Gardner, Larry Fuller, and Sally Duff.

ADOPTED BY COMMON CONSENT TO CONTINUE THIS ITEM TO MAY 15, 2000 AT THE REQUEST OF MAYOR GOLDING AND COUNCIL MEMBER MATHIS DUE TO LACK OF TIME. 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-335: Garden Communities.

Matter of a proposed 88-lot subdivision, creating 84-lots for single-family residential dwelling units and 4 open space lots on a 30.5 acre site; Rezone from A1-10 to RS-1-13; and Planned Residential Development/Resource Protection Ordinance Permit for the development of 84 single family residences and a maximum of 21 affordable multi-family units. Project is located at the westerly extension of Adobe Bluffs Drive between Donaker Street and Rotherham Avenue within the boundaries of the Torrey Highlands Subarea IV Plan area (known as parcels G, J, I, L). TM-96-7716 (Garden Communities).

(TM/RZ/PRD/RPO 96-7716. Torrey Highlands Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A; adopt the resolution in Subitem C to grant the permits; adopt the resolution in Subitem D to grant the map; and introduce the ordinance in Subitem B:

Subitem-A: (R-2000-1089) ADOPTED AS RESOLUTION R-292969

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration (MND) LDR-96-7716 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 MND has been reviewed and considered by the Council prior to approving the project; and adopting the Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2000-159) INTRODUCED; TO BE ADOPTED ON MAY 1, 2000

Introduction of an Ordinance approving the rezone from A1-10 to RS-1-13.

Subitem-C: (R-2000-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-292970

Adoption of a Resolution granting or denying the Planned Residential

Development/Resource Protection Ordinance Permit 96-7716, with appropriate findings to support Council action.

Subitem-D: (R-2000-) GRANTED MAP, ADOPTED AS RESOLUTION R-292971

Adoption of a Resolution granting or denying Tentative Map, TM-96-7716.

OTHER RECOMMENDATIONS:

Planning Commission voted 5 - 0 to approve with conditions; no opposition.

Ayes: Butler, Skorepa, Stryker, White, Brown

Abstaining: Steele

Not present: Anderson

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

SUPPORTING INFORMATION:

The proposed application package would allow for the construction of an eighty four (84) unit single family development with four (4) open space lots on a 30.5 acre site located in the Torrey Highlands Community Plan. The 30.5 acre site is located in the northeastern-most portion of the Community Plan. Four other single family developments have recently been approved adjacent to the site. Access to the site will be from the extension of Adobe Bluffs Drive and Donaker

Street to the north. There will be no direct access from either Carmel Valley Road or Camino Ruiz. The rezone from A1-10 to RS-1-13 will implement the planned use and density anticipated for the site in the Torrey Highlands Subarea Plan. In order to be compatible with the existing development in the adjoining Rancho Peñasquitos development, all lots will have a minimum of 7500 square feet.

The affordable housing component of this project will be provided in accordance with the approved Affordable Housing Program by either the construction of 16 units on-site or by including the 16 units into a larger off-site project located within the Torrey Highlands Community Plan area.

As part of the adoption of the Torrey Highlands Subarea IV Plan, a comprehensive Environmental Impact Report was prepared and Certified. Site specific environmental studies concluded that with the adoption of the Mitigation Monitoring and Reporting Program, all identified potential environmental impacts resulting from the project could be mitigated.

There is no official planning group for the Torrey Highlands Plan area. However the project has been reviewed and recommended for approval (14-0) by the adjacent Rancho Peñasquitos Planning Board.

This project was heard by the Planning Commission on March 2, 2000. The Planning Commission recommended approval of the project by a vote of 5-0-0 (Anderson absent, Steele abstained). There was no opposition present at the Planning Commission public hearing.

The City Manager therefore recommends certification of the Mitigated Negative Declaration (MND) and APPROVAL of Rezone from A1-10 to RS-1-13, TM, PRD, and RPO for the Garden Communities 84 unit residential development.

FISCAL IMPACT: None.

Loveland/Haase/RG

LEGAL DESCRIPTION:

The 30.5 acre project site is located at the westerly end of Adobe Bluffs Drive, and is more particularly described as being a portion of the southwest quarter of the northwest quarter section of Section 12 and the west 1/4 of the southwest 1/4 of northwest 1/4 of Section 12, all of T.14S., R.3W., SBM and lot 3 of Olive Grove Tract Recorded 7-18-1904, page 297 of Miscellaneous Records of San Diego County in the A1-10 (proposed RS-1-13) zone.

FILE LOCATION:

SUBITEMS A,C: LUP - Garden Communities ;
SUBITEM D: PERM-96-7716 (65)

COUNCIL ACTION: (Tape location: A003-251.)

Hearing began at 11:20 a.m. and halted at 11:40 a.m.

CONSENT MOTION BY MATHIS TO ADOPT GRANTING THE MAP AND THE PERMIT. Second by Vargas. 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: Emergency Access and Water Easement Abandonment.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1041) ADOPTED AS RESOLUTION R-292972

Vacating the emergency access easement and water easement located within Parcels 1, 2, and 3 of Parcel Map PM-16284, under the procedure for the summary vacation of public street easements.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate unneeded emergency access and water easements in Parcels 1, 2, and 3 of Parcel Map PM-16284 in the Carmel Valley Community Area District 1. These easements were granted to the City to serve a development which was never constructed. Current development plans do not require the easements. The easements were acquired at no cost to the City. City Staff recommends the vacation of these easements.

FISCAL IMPACT:

None. All costs are paid by the applicant.

Culbreth-Graft/Haase/AA

FILE LOCATION: DEED F-7742

COUNCIL ACTION: (Tape location: A003-251.)

Hearing began at 11:20 a.m. and halted at 11:40 a.m.

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. 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-337: Easement - Right-of-Way Vacation.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1042) CONTINUED TO MAY 2, 2000

Vacating the right-of-way easement within Block 2 of Map-1635 as more particularly shown on Drawing No. 19157-B.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate an easement Right-of-Way in Block 2 of Floral Terrace Subdivision Map-1635, located in the Pacific Beach Community area within Council District 2. The owner wishes to remove the encumbrance of the easement and use the additional land to extend his backyard for landscaping. The easement was dedicated in May of 1913 and has never been used by the City and there are no future plans for its use. The easement right-of-way was dedicated to the City at no cost. City staff recommends approval of the easement abandonment.

FISCAL IMPACT:

None. All costs are paid by the applicant.

Loveland/Halbert/AA

FILE LOCATION: DEED F-7743

COUNCIL ACTION: (Tape location: A003-251.)

CONSENT MOTION BY MATHIS TO CONTINUE TO MAY 2, 2000 AT THE REQUEST OF COUNCILMEMBER STALLINGS UNTIL ITEM GOES OUT TO COMMUNITY. Second by Vargas. 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-338: Em Tek Fund Final Recoverable Grant and Non-Recourse Note Execution.

(Continued from the meeting of March 14, 2000, Item 345, at the City Manager's request, for full Council.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-151) INTRODUCED; TO BE ADOPTED ON MAY 1, 2000

Introduction of an Ordinance authorizing the City Manager to execute a recoverable Grant Agreement and Note in the final amount of \$1.1 million with the Jacobs Center for Nonprofit Innovation to recapitalize Phase Two of the Em Tek Fund Small Business Revolving Loan Program; authorization of this Ordinance to supersede and rescind Ordinance No. O-18648.

NOTE: Hearing open. No public testimony taken on 3/14/2000.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The Em Tek Fund was initially established in 1994 as part of a larger federal defense conversion grant to the City to provide financing for promising smaller early-stage high tech businesses located throughout San Diego County unable to obtain conventional loans or attract venture capital. Em Tek's Phase One capitalization, which consisted of a \$750,000 EDA Title IX Revolving Loan Fund Grant and a \$250,000 City matching contribution, has been fully obligated to ten companies. So far, 117 new jobs have been created and over \$5.5 million in total public and private investment has been generated. Em Tek Phase Two capital of \$1.25 million, comprised of \$125,000 each from the City and County and a \$1 million Recoverable

CITY MANAGER SUPPORTING INFORMATION:

Grant from a consortium of area banks funded through the Jacobs Center for Nonprofit Innovation (JCNI), was closed in June 1999 and is targeted to women- and minority-owned businesses and small businesses located in low and moderate income census tracts throughout the County. US Bank recently also pledged \$100,000 to the Phase Two capital pool. The proposed action will enable them to participate in the bank consortium and will correspondingly increase the total amount of the JCNI recoverable grant to the City to \$1.1 million.

FISCAL IMPACT:

Program Revenues & Operating Grants will cover cost of program administration: estimated program administrative cost \$1,022,750; project revenue generation \$1,279,604.
Uberuaga/Christiansen/MAS

FILE LOCATION: None.

COUNCIL ACTION: (Tape location: A003-251.)

Hearing began at 11:20 a.m. and halted at 11:40 a.m.

CONSENT MOTION BY MATHIS TO INTRODUCE. Second by Vargas. 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-339: Approval of a Public Use Lease between Pacific Development Partners and the City of San Diego.

(See Report No. 00-007 from Southeastern Economic Development Corporation. District-4)

(Continued from the meeting of March 14, 2000, Item 342, at the City Manager's request, for full Council.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Introduce the following ordinance:

(O-2000-135) INTRODUCED; TO BE ADOPTED ON MAY 1, 2000

Introduction of an Ordinance authorizing the City Manager to execute a Public Use Lease Agreement with Pacific Development Partners, LLC, for a Park and Ride facility that will be developed as a part of the Imperial Marketplace development located in the Central Imperial Redevelopment Project area.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

NOTE: Hearing open. No public testimony taken on 3/14/2000.

FILE LOCATION: None.

COUNCIL ACTION: (Tape location: A003-251.)

Hearing began at 11:20 a.m. and halted at 11:40 a.m.

CONSENT MOTION BY MATHIS TO INTRODUCE. Second by Vargas. 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-340: Two actions related to Approval of the Proposed Bond Financing for FY 99/2000.

(Continued from the meeting of March 14, 2000, Item 346, at Councilmember McCarty's request, for full Council.)

(See Report No. 00-0005 from Southeastern Economic Development Corporation. District-4.)

NOTE: Hearing open. No testimony taken on 3/14/2000.

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-831) ADOPTED AS RESOLUTION R-292973

Approving the issuance by the Redevelopment Agency of the City of San Diego of not to exceed \$4,000,000 aggregate principal amount of Tax Allocation Bonds

to finance a portion of the cost of a redevelopment project known as the Central Imperial Redevelopment Project.

Subitem-B: (R-2000-832) ADOPTED AS RESOLUTION R-292974

Approving the issuance by the Redevelopment Agency of the City of San Diego of not to exceed \$2,000,000 aggregate principal amount of Tax Allocation Bonds to finance a portion of the cost of a redevelopment project known as the Southcrest Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of April 11, 2000 for a companion item.

FILE LOCATION: SUBITEMS A,B: MEET

COUNCIL ACTION: (Tape location: A003-251.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. 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-341: Three actions related to Approval of FY 99/00 Budget Actions.

(See Report No. 00-012 from Southeastern Economic Development Corporation. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-1114) ADOPTED AS RESOLUTION R-292975

Approving the amendment of the Redevelopment Agency Annual Program Budget previously adopted for Fiscal Year 1999-2000 for the Central Imperial Redevelopment Project.

Subitem-B: (R-2000-1115) ADOPTED AS RESOLUTION R-292976

Approving the redirection of the source of funding in the amount of \$502,042 approved by Redevelopment Agency Resolution No. R-03010 dated June 29, 1999, to be from Fund No. 983501, Dept. 97206 (Gateway Center West Redevelopment Project);

Directing the City Auditor and Comptroller to record the abovementioned loan as an interest bearing loan to the Redevelopment Agency of the City of San Diego to be repaid as soon as is practicable from tax increments or other appropriate and available revenues.

Subitem-C: (R-2000-1116) ADOPTED AS RESOLUTION R-292977

Approving the amendment of the Redevelopment Agency Annual Program Budget previously adopted for Fiscal Year 1999-2000 for the Central Imperial Redevelopment Project.

Aud. Cert. 2000946.

NOTE: See the Redevelopment Agency Agenda of April 11, 2000 for a companion item.

FILE LOCATION: SUBITEMS A,B,C: MEET

COUNCIL ACTION: (Tape location: A003-251.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. 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-342: City Heights Urban Village Library Park and Police Substation Projects - Budget Amendments.

(See Redevelopment Agency Report RA-00-07. City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1145) ADOPTED AS RESOLUTION R-292978

Accepting \$352,000 into the Capital Outlay Fund (30245) from the Redevelopment Agency, which represents the proceeds from the sale of the old City Heights Library parcel plus interest;

Increasing Capital Outlay Fund (30245) budget by \$212,919 for the City Heights Urban Village CIP-39-219.0;

Increasing the budget for CIP-36-057.0, Mid City Police Substation, by \$260,000 (\$139,081 from the proceeds of the sale of the old City Heights Library parcel and \$120,919 from the interest earnings on the Section 108 Loan proceeds);

Authorizing the transfer of \$65,429 to the Redevelopment Agency to cover their remaining costs related to the Mid-City Police Substation;

Increasing the budget for CIP-39-219.0, City Heights Urban Village, by \$413,210 (Capital Outlay Fund 302453) should funds become available to reimburse in-house staff costs related to the project.

Aud. Cert. 2000940.

NOTE: See the Redevelopment Agency Agenda of April 11, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A003-251.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. 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-343: Budget Amendment/Request to Bid for the Off-Site Improvements of the Martin Luther King Jr. Promenade in Front of Harbor Club.

(See memorandum from CCDC dated 3/17/2000. Marina Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1108) ADOPTED AS RESOLUTION R-292979

Making certain findings with respect to the payments for off-site improvements of the Martin Luther King Jr. Promenade in front of the Harbor Club in the Marina Sub Area of the Centre City Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of April 11, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A003-251.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. 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-344: Approving the Amended Cooperation Agreement with the Redevelopment Agency for the Development of the Father Brockhaus Park.

(See Report No.00-013 from Southeastern Economic Development Corporation. Southcrest Redevelopment Project Area. District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1144) ADOPTED AS RESOLUTION R-292980

Approving the sale of certain property in the Southcrest Redevelopment Project Area to the City of San Diego for the Development of the Father Brockhaus Park on the western portion of the 252 Corridor; repealing City Council Resolution R-291003; approving the amended Cooperation Agreement pertaining thereto; and making certain findings with respect to the sale.

NOTE: See the Redevelopment Agency Agenda of April 11, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A003-251.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. 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-345: Ratify the February 12, 2000 North Park Project Area Committee (PAC) Election, and the March 11, 2000 Run-off Election for one Business Owner/Property Owner Seat.

(See City Manager Report CMR-00-60. Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1107) ADOPTED AS RESOLUTION R-292981

Ratifying the election results of February 12, 2000 and the run-off election results of March 11, 2000 for the Project Area Committee for the North Park Redevelopment Project Area;

Authorizing the extension of the Project Area Committee for one year.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A003-251.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. 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-346: Exempting One Assistant Deputy Director Position from the Classified Service.

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2000-147) INTRODUCED & ADOPTED AS ORDINANCE O-18790
(New Series)

Introduction and adoption of an Ordinance amending Ordinance O-18667 (New Series), as amended, entitled "An Ordinance adopting the Annual Budget for the Fiscal Year 1999-2000 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-18667 to add the position of Assistant Deputy Director in the Water Department, and exempting the position from the Classified Service.

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is requesting that an Assistant Deputy Director position be created that is exempted from the Classified Service. This Assistant Deputy Director position will be responsible for assisting the Chief Deputy Director of Management Services with the day to day administration and operations of the division. The division includes approximately 220 employees and a \$39 million budget. There are four major sections within the Management Services Division, Customer Service/Office, Customer Service/Field, Meter Shop and Water Resources Management, each providing service to customers city wide. On February 3, 2000, the Civil Service Commission reviewed this request and voted unanimously to support the exemption of this position from the Classified Service.

FISCAL IMPACT:

The total estimated budgetary impact for this position for the remainder of this fiscal year is \$40,260.

Loveland/Gardner/PM

Aud. Cert. 2000827.

NOTE: Today's action is the second public hearing and the introduction and adoption of the ordinance. See Item 204 on the regular docket of Monday, April 10, 2000 for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A003-251.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Vargas. 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-347: Retention of MRW and Associates for California Public Utilities Commission Discussions.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1016) ADOPTED AS RESOLUTION R-292989

Authorizing the City Attorney to retain, for and on behalf of the City, MRW and Associates for an additional amount not to exceed \$60,000, to provide expertise and testimony in proceedings before the California Public Utilities Commission;

Authorizing the expenditure of an amount not to exceed \$60,000 from Fund 81140.

CITY MANAGER SUPPORTING INFORMATION:

A statewide discussion at the California Public Utilities Commission (CPUC) is underway as a result of the recent enactment of Assembly Bill 1149. AB 1149 requires the CPUC to conduct a study on ways to amend, revise and improve the undergrounding program requirements. The CPUC has instituted a proceeding (Order Instituting Rulemaking into Implementation of AB 1149-#00-01-005) which will have a direct impact on the City's Utility Undergrounding Program (Program). Initial filings indicate that this proceeding will likely include consideration of the benefits of continuing the Program, as well as how it is to be administered and funds allocated if it is to continue. This discussion will include an analysis of the impacts of the recent restructuring of the industry and related ratemaking issues.

It is recommended that MRW and Associates be retained to assist staff in providing necessary technical and ratemaking expertise to enable the City to properly present its position in these discussions which are of great importance to the citizens of the City of San Diego. MRW and Associates has assisted the City in several proceedings before the CPUC, as well as with the City's selection of a energy provider after the implementation of AB 1890 (deregulation of electric industry).

FISCAL IMPACT:

Funds in the amount of \$60,000 remain from an earlier authorization to utilize MRW and Associates in another CPUC proceeding. It is recommended that these funds be utilized for this purpose.

Loveland/Belock

Aud. Cert. 2000808.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A003-251.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. 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-348: Repealing Proposed Angle Parking on Prospect Street.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1038) CONTINUED TO APRIL 18, 2000

Rescinding Resolution No. R-291350, adopted on March 22, 1999, authorizing angle parking on the east side of Prospect Street between La Jolla Boulevard and Eads Avenue (400, 600 and 700 blocks of Prospect Street).

CITY MANAGER SUPPORTING INFORMATION:

This action repeals Resolution R-291350 adopted on March 22, 1999, which authorized angle parking on the east side of Prospect Street between La Jolla Boulevard and Eads Avenue (400, 600 and 700 blocks of Prospect Street). The angle parking has not been installed. This action would retain the existing configuration of parallel parking on this portion of Prospect Street. The proposal for angle parking would have added up to 27 parking spaces to this section of Prospect Street. It was originally supported by the property owners on the east side of 400 block

(The Bishops School), the 700 block (St. James Episcopal Church) and also by the La Jolla Community Planning Association. The east side of the 600 block is City property, the La Jolla Park and Recreation Center. Shortly after the Council resolution was adopted, members of the community contacted the City to express opposition to the installation of angle parking. Installation was delayed to permit more community discussion. The church subsequently withdrew support for angle parking on the 700 block. On January 31, Deputy Mayor Mathis requested that the issue be brought back to the City Council for repeal.

FISCAL IMPACT:

None.

Loveland/Gonzalez/AH

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A092-251; E329-362.)

ADOPTED BY COMMON CONSENT TO CONTINUE THIS ITEM TO APRIL 18, 2000 AT THE REQUEST OF COUNCIL MEMBER MATHIS DUE TO LACK OF TIME. 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-349: Salary Setting Commission Report on Mayor and Councilmember Recommendations.

(See letter of recommendation from the San Diego Salary Setting Commission dated 1/27/2000.)

PERSONNEL DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-854) ADOPTED AS RESOLUTION R-292982

Adopting the determination and recommendations of the Salary Setting Commission, as contained in its letter of recommendation to the Mayor and Council, dated January 27, 2000, as follows:

| <u>Effective Date</u> | <u>Mayor</u> | <u>City Council</u> |
|---------------------------------|--------------|---------------------|
| Current | \$75,268 | \$56,479 |
| 7-1-00 (Approx. 7.5 % increase) | \$80,913 | \$60,715 |
| 7-1-01 (Approx. 7.5 % increase) | \$86,982 | \$65,269 |

Directing the City Attorney to incorporate the Commission's recommendations in the annual salary ordinance pursuant to Section 41.1 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A003-251.)

CONSENT MOTION BY MATHIS TO ADOPT WITH DIRECTION BY COUNCIL MEMBER VARGAS FOR THE CITY MANAGER TO CONDUCT A SALARY STUDY OF LOCAL AND GOVERNMENT AGENCY ATTORNEYS, TO INCLUDE THE SAN DIEGO DISTRICT ATTORNEY, COUNTY COUNCIL ATTORNEY, PORT ATTORNEY, THE CITY OF CHULA VISTA ATTORNEY, AND OTHER BIG CITY ATTORNEY OFFICES SUCH AS LOS ANGELES, SAN FRANCISCO, LONG BEACH AND SAN JOSE. AFTER THE STUDY, THE CITY MANAGER IS REQUESTED TO COME BACK TO COUNCIL FOR ACTION AS PART OF THE MAY 16 COMPENSATION ORDINANCE. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea (nay on Council portion), Kehoe-nay, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-350: Fluoridation of the City's Water System.

(See City Manager Report CMR-00-63.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1130) ADOPTED AS RESOLUTION R-292983

Authorizing the City Auditor and Comptroller to accept grant funds from the California Dental Association for the purpose of funding the fluoridation of the City's water system;

Directing the City Manager to return with an implementation plan to fluoridate the City's water system for the Council's consideration and approval.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: COO6-H349.)

MOTION BY VARGAS TO ADOPT THE RESOLUTION AUTHORIZING THE CITY AUDITOR AND COMPTROLLER TO ACCEPT GRANT FUNDS FROM THE CALIFORNIA DENTAL ASSOCIATION FOR THE PURPOSE OF FUNDING THE FLUORIDATION OF THE CITY'S WATER SYSTEM; AND TO DIRECT THE CITY MANAGER TO RETURN WITH AN IMPLEMENTATION PLAN TO FLUORIDATE THE CITY'S WATER SYSTEM FOR THE COUNCIL'S CONSIDERATION AND APPROVAL. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

NONE.

CLOSED SESSION ITEM:

ITEM-CS-1: (R-2000-1176) ADOPTED AS RESOLUTION R-292985

A resolution adopted by the City Council in Closed Session on April 11, 2000:

Authorizing the City Manager to pay the sum of \$38,000 in the settlement of each and every claim against The City Of San Diego, it's agents and employees, in Superior court Case No. 729176, Thomas Perrotti, et al. Vs. The City of San Diego.

Aud. Cert. 2000599

FILE LOCATION: MEET

ITEM-CS-2: (R-2000-1134) ADOPTED AS RESOLUTION R-292984

A resolution adopted by the City Council in Closed Session on April 11, 2000:

Authorizing the City Manager to pay the sum of \$29,122.14 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 Pacific Bell; authorizing the City Auditor and Comptroller to issue one check in the amount of \$29,122.14, made payable to Luth and Turley, Inc., as the complete and final settlement of the property damage claim which occurred on March 23, 1999.

Aud. Cert. 2000934

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:53 p.m. in honor of the memory of:

Dr. Wigbert Wiederholt as requested by Council Member Wear.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H437.)