

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 29, 2002
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 Murphy at 10:02 a.m. Mayor Murphy recessed the meeting at 10:25 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 10:26 a.m. with all the Council Members present. Mayor Murphy recessed the meeting at 10:36 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:23 a.m. with all the Council Members present. Mayor Murphy adjourned the meeting at 11:49 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Fishkin (gs)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented about the truthfulness of statements being made regarding the ticket guarantee with the Charger's Task Force.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-031.)

PUBLIC COMMENT-2:

Noel Neudeck commented on the guidelines for access ramps at the Bahia Resort.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A032-066.)

PUBLIC COMMENT-3: **Referred to the City Manager**

Randy Berkman expressed concerns with the Carroll Canyon Project and the possibility of Municipal Code violations and EIR conflicts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A067-109.)

PUBLIC COMMENT-4:

Tommy Lanier commented on a variety of concerns surrounding the use of public land for harvesting medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A110-152.)

PUBLIC COMMENT-5:

Linda Smith expressed concerns for public safety and police officers working with a limited contract.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A153-177.)

PUBLIC COMMENT-6: **Referred to the City Manager**

Mel Shapiro's comments on the seriousness of homeless senior citizens in San Diego and the Housing Commission's inability to help with homeless programs. He also commented on the selling of land to developers for \$100.00.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A178-221.)

PUBLIC COMMENT-7:

Michael Aguirre commented on the Mayor changing his position regarding the building of a new stadium for the Chargers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A222-278.)

PUBLIC COMMENT-8:

Joyceline Tarr commented on the appointment of Council Member Byron Wear to the San Diego County Regional Airport Authority.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A279-318.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Inzunza commented on the selling of newspapers this morning and that it was for a worthy cause for Children's Hospital.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A319-335.)

COUNCIL COMMENT-2:

Council Member Atkins wished to pay tribute in memory for Senator Paul Wellstone and his family who died in a plane crash last Friday. Senator Wellstone was complimented by both republicans and democrats in his passion for social justice, fairness, honor, courage and conviction.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A336-369.)

CITY ATTORNEY COMMENT:

City Attorney Devaney announced that our City Attorney Casey Gwinn was appointed by the President of the United States to a National Commission on Family Violence. Today he is meeting in Washington D. C. with 20 other people appointed around the country.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A370-388.)

ITEM-330: Vacation of a portion of Sutter Street.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-234) ADOPTED AS RESOLUTION R-297248

Vacating a portion of Sutter Street.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Sutter Street located in the Uptown Community area within Council District (2). Sutter Street was dedicated on Map 384 in 1871. This portion of the street is a remnant of a realignment of the street in 1912. The area of the street to be vacated is part of the applicants front yard and driveway and there are no plans to widen the street at this location. The Uptown Planners recommended approval of the street vacation unanimously on March 19, 2001. The street area to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. It is unlikely that a street would be widened at this location. This area of the street is part of the applicant's driveway.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land will revert to private ownership and will relieve the City of any liability.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the community plan transportation element and land would revert to a RS-1-5 zone which is consistent with the community plan land use designation. The Uptown Planners recommends approval of the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. There are no present or future plans to construct a street in this area.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Ewell/Broughton/AEA

NOTE: This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: STRT-J-2944(39)

COUNCIL ACTION: (Tape location: B486-C095.)

Hearing began at 11:23 a.m. and halted at 11:38 a.m.

Testimony in opposition by Anthony D'Acquisto and Ann De Maria.

Testimony in favor by Andrew Ellison.

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Savannah Terrace.

(Continued from the meetings of September 10, 2002, Item 331, and October 8, 2002, Item 330; last continued at the City Council's request, to allow staff to prepare a permit in accordance with the project that was presented to Council and to work out other issues.)

Matter of approving, conditionally approving, modifying or denying to the City Council a Rezone from CC to RM-2-5 (1 dwelling unit per 1,500 square feet of lot area) Tentative Map/Planned Development Permit/Site Development Permit/Street Vacation/Multiple Habitat Plan Area Boundary Adjustment to develop five lots with 289 multi-family units on a 28.96-acre site. The project is located at the northeast corner of Sabre Springs Parkway and Poway Road.

(See City Manager Report CMR-02-197. RZ/PDP/SDP/SV/TM/MHPA Boundary Adjustment 40-0644. Sabre Springs Community Plan area. District-5.)

NOTE: Hearing closed. Testimony taken on 10/8/2002.
Hearing open. No testimony taken on 9/10/2002.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in subitem A; adopt the resolution in subitem B to deny the permits and MHPA Boundary Adjustment; adopt the resolution in subitem C to deny the tentative map/street vacation; and adopt the resolution in subitem D:

Subitem-A: (O-2003-60) INTRODUCED, TO BE ADOPTED ON
TUESDAY, NOVEMBER 12, 2002

Introduction of an Ordinance changing portions of a property, located at the northeast corner of Sabre Springs Parkway and Poway Road, in the Sabre Springs Community Plan Area, in the City of San Diego, California, from CC-1-3 (Community Commercial) Zone into the RM-2-5 (Medium Density Residential) Zone, as defined by San Diego Municipal Code section 101.0111; and repealing Ordinance O-17061 (New Series), adopted April 18, 1988, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2003-) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-297249

Adoption of a Resolution granting or denying Planned Development/Site Development Permit No. 40-0644 and MHPA Boundary Adjustment, with appropriate findings to support Council action.

Subitem-C: (R-2003-) GRANTED MAP, ADOPTED AS
RESOLUTION R-297250

Adoption of a Resolution granting or denying Vesting Tentative Map/Street Vacation 40-0644, with appropriate findings to support Council action.

Subitem-D: (R-2003-317) ADOPTED AS RESOLUTION R-297251

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 40-0644, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of regulations section 15000 et seq.), and that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during

the public review process, has been reviewed and considered by this Council in connection with the approval of the Savannah Terraces project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that Mitigated Negative Declaration, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

On June 13, 2002, the Planning Commission voted 5-0 to approve staff's recommendations and deny the proposal; no opposition.

Ayes: Lettieri, Brown, Garcia, Steele and Shultz

Recusing: Chase

On August 3, 2001, the Sabre Springs Planning Group voted 7:0:1 in support of the project.

CITY MANAGER SUPPORTING INFORMATION:

The 28.69-acre project site is located on the northeast corner of Sabre Springs Parkway and Poway Road, within the Sabre Springs Community Plan area. The project site is designated Community Commercial, Multi-Family and Institutional. Surrounding uses include Specialty Commercial (SC) to the west; Low-Medium Density Residential (LM-10-15 du/acre) to the south; Institutional/Utilities (IN) to the east; Medium Density Residential (M-15-30 du/acre) to the northeast; Open Space (OS) and Neighborhood Park (NP) to the north of the project site.

FISCAL IMPACT: None.

Ewell/Christiansen/PXG

SUPPORTING INFORMATION:

The City of San Diego and the San Diego Unified Port District entered into an Agreement dated February 11, 1964, to allow employees of the Port District to participate in the San Diego City Employees' Retirement System. This Agreement was modified by three subsequent amendments dated March 26, 1992; March 17, 1997 and January 19, 1999, respectively. The Agreement, and the first, second and third amendments thereto, are on file in the office of the San Diego City Clerk as Document Nos. 667149, RR-279991, RR-288414 and RR-291195.

In April 7, 2000, former Port employee, Kenneth Andrecht and others filed a class action lawsuit against the City of San Diego, the Port and the San Diego City Employees' Retirement System seeking enhanced retirement benefits pursuant to *Ventura County Deputy Sheriffs Association v. Board of Retirement of Ventura County Employees' Retirement Association*.

The matter was settled and in September 2001, the Court accepted the terms of the settlement. The City and Unified Port District now wish to enter into a fourth amendment to the Agreement, allowing the San Diego City Employees' Retirement System to calculate the Port's retirement benefits pursuant to the terms of the settlement entered in the matter of *Andrecht et. al. v. San Diego Unified Port District, et. al.*, SDSC No. 746436. In addition, by this fourth amendment the Port seeks to include to additional categories included among the pay items of compensation subject to retirement contribution which were not included in the Andrecht settlement.

These include "lead equipment mechanic" and "nightshift" this fourth agreement is unrelated to and independent of any benefits changes agreed to by the City of San Diego and the labor unions representing City employees in the 2002 meet and confer sessions. The Port does not adopt any of those changes.

Finally, effective October 22, 2002, the Port District intends to make the following changes to the retirement benefits it offers to its employees: (1) General Members will be eligible to retire for service at age 62 with 5 or more years of Creditable Service, instead of 10 years of Creditable Service; (2) Safety Members will be eligible to retire at age 55 with 5 or more years of Creditable Service, instead of 10 years of Creditable Service; and (3) car allowances will be included in the definition of Base Compensation.

Grissom

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C096-102.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Ratifying the College Community Redevelopment Project Area Committee for October 1, 2002 Election Results.

(See City Manager Report CMR-02-239. College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-548) ADOPTED AS RESOLUTION R-297253

Ratifying the election results of October 1, 2002 for the Project Area Committee for the College Community Redevelopment Project Area and authorizing the extension of the Project Area Committee for one Year.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C103-113.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: One-Year Extension of the Centre City Project Area Committee and Amendments to Procedures for Formation.

(See Report from Centre City Development Corporation CCDC-02-04. Centre City Redevelopment Project Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-532) ADOPTED AS RESOLUTION R-297254

Authorizing the extension of the Centre City Project Area Committee for one year from November 2002 to November 2003.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C114-119.)

MOTION BY INZUNZA TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-335: Public Facilities Financing Authority of the City of San Diego.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-492) ADOPTED AS RESOLUTION R-297255

Authorizing the City Manager to execute a Second Amended and Restated Joint Exercise of Powers Agreement between the City of San Diego and the Redevelopment Agency.

CITY MANAGER SUPPORTING INFORMATION:

A Joint Exercise of Powers Agreement by and between the City of San Diego and the Redevelopment Agency of the City of San Diego (the "Agreement") was entered into on May 14, 1991. This agreement established the Public Facilities Financing Authority (the "Authority") of the City of San Diego. The Authority is empowered by law to Jointly exercise any powers

common to the City and the Agency, and is also authorized to issue bonds and expend bond proceeds for any lawful purpose, including the financing of certain public capital improvements. The Authority is administered by a Commission which currently consists of five members: the City Manager, the City Auditor and Comptroller, and three members of the public.

The City Manager and the City Auditor and Comptroller have served on the Board since the inception of the Authority in 1991 and have expressed a desire to no longer serve on the Board. It is proposed that the City Treasurer and Assistant Executive Director of the Redevelopment Agency replace the City Auditor and Comptroller and City Manager on the Board. The City Auditor and Comptroller would remain an officer of Authority as the Comptroller/Treasurer.

CITY MANAGER SUPPORTING INFORMATION:

In addition, the Commissioners would hold office until a successor is appointed by City Council or the Redevelopment Agency.

FISCAL IMPACT:

There is no fiscal impact associated with these actions.

Vattimo/Frazier/YPE

NOTE: See the Redevelopment Agency Agenda of 10/29/2002 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C120-148.)

MOTION BY INZUNZA TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 11:49 a.m. in honor of the memory of:

Harry Hay, as requested by Council Member Atkins; and
Laura Friedman, as requested by Council Member Maienschein; and
Curtis Palmer, as requested by Mayor Murphy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C149-219).