

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 9, 1997
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:11 a.m. Mayor Golding thanked Deputy Mayor Warden for a superb job this year as Deputy Mayor. On behalf of the entire City Council, Mayor Golding presented Deputy Mayor Warden with a plaque commending her commitment and excellent service as Deputy Mayor.

Council Member Kehoe introduced and welcomed Eammon Doyle, a senior at San Diego High School and a founding member of the North Park Team Unity Center which is a very successful after school program in North Park. He is spending the day getting acquainted with City Council.

The meeting was recessed by Mayor Golding at 10:52 a.m. to convene the Housing Authority. The meeting was reconvened by Mayor Golding at 10:55 a.m. with all members present. The meeting was recessed by Mayor Golding at 12:25 p.m. to reconvene at 2:00 p.m.

Chairperson Stallings reconvened the regular meeting at 2:14 p.m. with Mayor Golding, Deputy Mayor Warden, and Council Member Kehoe not present. Deputy Mayor Wear adjourned the meeting at 4:30 p.m. to the regular meeting of Tuesday, December 16, 1997 at 10:00 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/Fishkin (ms/mc)

FILE LOCATION: MINUTES

ITEM-1: 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

ITEM-10: INVOCATION

Invocation was given by Pastor Paul Tangonan of the Linda Vista United Methodist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vargas.

CLOSED SESSION ACTION:

City Attorney Leslie Devaney announced that the City Council voted in closed session, with a vote of 8 to 0, with one member absent, to initiate litigation in five matters relating to foreclosures of special assessment districts. Those individuals are Golden City Group, Intransport Services, Jose and Blanca Vazquez, and Eduardo Aceves.

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO CITY MANAGER

Anthony Mournian commented on the leash and cleanup after your dog laws. These laws are effective in all City parks except in 5 designated areas. These 5 areas were decided by the Council, and he feels any future areas that are designated leash free should also be decided on by the entire Council. This is a matter of public health and safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A058-084.)

ITEM-PC-2:

Don Stillwell spoke on bypassing City laws. He does not believe elected officials always obey City laws or the City Charter and the Municipal Code. Many lawsuits have been brought against the City as a result of this. He said the Municipal Code allows 3 minutes for public comment, yet the Mayor has chosen to only give 2 minutes. Also since July 14, 1997, 15 out of 18 regularly scheduled Monday meetings have been adjourned and combined with Tuesday meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A085-111.)

ITEM-PC-3:

Cindy Burrascano commented that she has spent many volunteer hours in local open space parks. She was given a T-shirt by a ranger for all her work at Mission Trails Park. She is angry now and will not wear the T-shirt. She said many people claim to be concerned about the environment, but they could not even be bothered to put a campground across the street so it would not interfere with the plant species.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A112-122.)

ITEM-PC-4:

Greg Hill had a very brief comment, "What about those Super Chargers".

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A124-126.)

COUNCIL COMMENT:

ITEM-CC-1:

Mayor Golding explained that City Council meetings are scheduled when there is enough on the docket to take staff time, which costs many thousands of dollars, to conduct a Council meeting. If Council can conduct all the business in one day, then the Monday or Tuesday meeting will be canceled. Special meetings are called when there is urgency.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A130-143.)

ITEM-CC-2:

Council Member Kehoe said that despite the rain, over 100,000 people attended Christmas on the Prado last Friday and Saturday and had a wonderful time. She also wanted to remind everyone that the poinsettia display is now on at the Botanical Gardens in Balboa Park and she encouraged everyone to visit it.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A144-160.)

ITEM-CC-3:

Council Member Stevens wanted to remind everyone that the council members also meet in council committees on

Wednesday and Thursday, and that the City Council meetings on Monday and Tuesday were not the only meetings for council members.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A167-174.)

ITEM-CC-4:

Council Member Vargas commented that he toured Rodriguez Dam in Tijuana last week. A study was done on the dam last year and it was concluded that it is in very good condition. Officials in Mexico are also working to find out exactly how they can operate during the rainy weather to prevent problems. It is miles ahead of where we were in 1993. There is still a significant capacity in the dam and hopefully we can work together well during this rainy season.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A175-197.)

ITEM-30:

SUBJECT: St. Augustine High School Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-634) ADOPTED AS RESOLUTION R-289523

Recognizing the outstanding contributions that St. Augustine High School has made towards meeting the range of education opportunities for the citizens of the City of San Diego;

Proclaiming December 8, 1997 to be "St. Augustine High School Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A199-271.)

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

ITEM-31: HEARING GRANTED

SUBJECT: Matter of a request for a hearing of an appeal from the decision of the Hearing Officer in approving CDP/CUP/BLP-96-7362 with a denial of a second over-height ground sign. (Chevron Service Station No. 20-5979).

(CDP/CUP/BLP-96-7362. District-8.)

TODAY'S ACTION IS:

A motion either granting or denying the request for a hearing of the appeal.

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, time will be reserved for the project to be heard sometime in January, 1998 after the Legislative Calendar is determined. Notification of this hearing will be sent to the interested parties when the date is determined.

OTHER RECOMMENDATIONS:

Planning Commission voted 3-3; therefore the decision of the Hearing Officer stands; no opposition.

Ayes: Quinn, Skorepa and White
Nays: Butler, Watson and Steele
Not present: Anderson

There is no officially recognized Community Planning Group for this area.

SUPPORTING INFORMATION:

The project would renovate an existing service station to include a mini-mart and to increase the allowed number of ground signs on a .59 acre site at 3774 Main Street in the Barrio Logan Community Plan Area, Subdistrict B and Coastal Zones.

LEGAL DESCRIPTION:

The project site is more particularly described as being Lots 11 through 17, Block 256 of Hoels Subdivision re-filed Map-457 in Barrio Logan Subdistrict B and the Coastal Zone.

FILE LOCATION: PERM-CDP/CUP/BLP-96-7362

COUNCIL ACTION: (Tape location: A273-315.)

MOTION BY VARGAS TO GRANT THE REQUEST FOR A HEARING OF THE APPEAL SINCE IT IS AN ISSUE OF CITY WIDE SIGNIFICANCE. 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-50:

SUBJECT: Carmel Valley Neighborhood 8C Precise Plan.

(Carmel Valley Community Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/25/97. (Council voted 7-0. Districts 4 and 6 not present):

(O-98-45) ADOPTED AS ORDINANCE O-18449 (New Series)

Amending Chapter X, Article 3, Division 6 of the San Diego Municipal Code by amending Section 103.0602 relating to the Carmel Valley Planned District Regulations, Area of Applicability.

FILE LOCATION: LAND-Carmel Valley Neighborhood 8C
Precise Plan

COUNCIL ACTION: (Tape location: A323-590.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. COUNCIL MEMBER MATHIS ADDED A CLARIFICATION FOR THE RECORD TO HIS MOTION OF NOVEMBER 25 WHEN THE ORDINANCE WAS INTRODUCED, THAT THE INTENT OF THE MOTION WAS DIRECTED ONLY AND SPECIFICALLY FOR PARCEL C AND NOT ANY OTHER PARCEL IN NEIGHBORHOOD 8A. THE LANGUAGE

REFERRING TO THE COMMUNITY PLANNING GROUP OPTION APPLIES ONLY TO PARCEL C IN THAT MOTION, AND DOES NOT IMPLY A POTENTIAL LAND USE OUTCOME FOR ANY OTHER PARCELS IN THE COMPREHENSIVE SPECIFIC PRECISE PLAN FOR NEIGHBORHOOD 8A. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Three actions related to Street Dedication for San Ysidro, Border Village and Virginia Avenue.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-567) ADOPTED AS RESOLUTION R-289524

Dedicating for street purposes portions of Boundary Tract, Map-1690; portions of Schultz Addition to San Ysidro, Map-1758; portions of Addition No. 1 to San Ysidro, Map-1194; and portions of Section 1, T19S, R2W, SBM; naming the same San Ysidro Boulevard.

Subitem-B: (R-98-568) ADOPTED AS RESOLUTION R-289525

Dedicating for street purposes portions of Boundary Tract, Map-1690; portions of Schultz Addition to San Ysidro, Map-1758; and portions of Addition No. 1 to San Ysidro, Map-1194; naming the same Border Village Road.

Subitem-C: (R-98-569) ADOPTED AS RESOLUTION R-289526

Dedicating for street purposes portions of Section 1, T19S, R2W, SBM and naming the same Virginia Avenue.

CITY MANAGER SUPPORTING INFORMATION:

On October 12, 1993, City Council Resolution R-282815 authorized the acquisition of right-of-way necessary for improvements to San Ysidro Boulevard, Border Village Road, and Virginia Avenue as part of CIP-52-166.1. The project provided major improvements to traffic circulation within the business district of the community of San Ysidro. The right-of-way acquired as part of the project now needs to be dedicated for street purposes.

FILE LOCATION: SUBITEMS A,B,C: DEED F-7132
 DEED FY98-1

COUNCIL ACTION: (Tape location: A323-590.)

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

* ITEM-101:

SUBJECT: Undergrounding of Utilities - 1998 Calendar Year,
 Annual Allocation Case 8209 Funds.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-636) ADOPTED AS RESOLUTION R-289527

Approving the proposed job listing of Underground Utility Conversion projects for Calendar Year 1998 and the allocation of 1998 Underground Utility Conversion funds, plus any available balance from previous years, towards these projects.

CITY MANAGER SUPPORTING INFORMATION:

The list of Utility Undergrounding projects for Calendar Year 1998 is in conformance with the terms of the franchise agreement reached with SDG&E in April, 1995. The agreement requires that projects to be allocated in Calendar Year 1998 must be approved by the City Council. The proposed 1998 job listing was approved by the Land Use and Housing Committee on October 29, 1997.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A323-590.)

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

* ITEM-102:

SUBJECT: Market Street (12th Avenue to 26th Avenue) Underground Utility District.

(Sherman Heights Community Area. Districts-2 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-621) ADOPTED AS RESOLUTION R-289528

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Market Street (12th Avenue to 26th Street) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on Market Street (12th Avenue to 26th Avenue). The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral.

In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

Aud. Cert. 9800626.

FILE LOCATION: STRT-K-243

COUNCIL ACTION: (Tape location: A323-590.)

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

* ITEM-103:

SUBJECT: State Street (Ash Street to Juniper Avenue) Underground Utility District.

(Centre City and Uptown Community Areas. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-617) ADOPTED AS RESOLUTION R-289529

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the State Street (Ash Street to Juniper Avenue) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on State Street (Ash Street to Juniper Avenue). The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral.

In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This

cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

Aud. Cert. 9800625.

FILE LOCATION: STRT-K-244

COUNCIL ACTION: (Tape location: A323-590.)

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

* ITEM-104:

SUBJECT: National Home Care Month.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-635) ADOPTED AS RESOLUTION R-289530

Recognizing the outstanding contributions that home care professionals have made to improving the lives of many citizens in the City of San Diego;

Proclaiming the month of November, 1997 to be "National Home Care Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A323-590.)

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

* ITEM-105:

SUBJECT: Authorizing Financial Incentives for San Diego High
Technology Manufacturing Company - LG InfoComm, Inc.

(See City Manager Report CMR-97-215. Scripps Miramar
Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-556) ADOPTED AS RESOLUTION R-289531

Finding that the retention and expansion in San Diego
of LG InfoComm, Inc. would result in the retention and
creation of jobs and other economic benefits and is in
the best interests of the City of San Diego;

Finding that LG InfoComm, Inc., proposes to invest
substantial amounts for the purchase and use of
manufacturing equipment used in conjunction with the
expansion of the Company's manufacturing facility
within the jurisdiction of the City of San Diego;

Findings that the manufacturing equipment which LG
InfoComm, Inc. proposes to purchase and use will be
directly involved in the manufacturing process in the
State of California, and not in a preliminary or
subsequent activity, or one incidental to
manufacturing;

Finding that the manufacturing equipment which LG InfoComm, Inc. proposes to purchase and use will lead to the retention of over 50 existing jobs and the creation of over 175 new full-time manufacturing jobs, that both the retained and new jobs are at salary levels of at least \$10 per hour, and that these jobs will continue in existence for at least a continuous five-year period;

Authorizing the City Manager to negotiate and execute an agreement with LG InfoComm, Inc., to rebate to the Company for a period of five years that portion of taxes which the City of San Diego receives on the personal property tax imposed on manufacturing equipment which the Company places into service during calendar years 1997, 1998, and 1999.

FILE LOCATION: MEET CONT FY98-1

COUNCIL ACTION: (Tape location: A323-590.)

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

ITEM-106:

SUBJECT: Two actions related to Appointment of the Deputy Mayor and Chairpersons for the Four Standing Committees.

(See memorandum from Mayor Golding dated 11/25/97.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-98-668) ADOPTED AS RESOLUTION R-289548

Selecting Councilmember Byron Wear as Deputy Mayor for the City Council for the period commencing December 1, 1997 and ending December 6, 1998, pursuant to Section 25 of the City Charter.

Subitem-B: (R-98-669) ADOPTED AS RESOLUTION R-289549

Appointing the following Councilmembers to serve as chairpersons of the four standing Council committees for terms commencing December 1, 1997 and ending December 6, 1998, pursuant to the Municipal Code Section 22.0101, as amended, as follows:

COMMITTEE	CHAIRPERSON
Committee on Rules, Finance and Intergovernmental Relations	Mayor Susan Golding
Committee on Public Safety and Neighborhood Services	Barbara Warden
Committee on Natural Resources and Culture	Harry Mathis
Committee on Land Use and Housing	Judy McCarty

RULES COMMITTEE'S RECOMMENDATION:

On 12/1/97, Rules voted 5-0 to approve the Mayor's recommendation.

(Councilmembers Mathis, Wear, Stevens, Warden and Mayor Golding voted yea.)

FILE LOCATION: Subitems A,B: MEET

COUNCIL ACTION: (Tape location: E436-F001.)

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS FOR ITEMS 106 AND 109. ACCEPT COUNCIL MEMBER McCARTY'S REQUEST TO ALLOW FOR MORE TIME TO BE SET ASIDE FOR BUDGET DISCUSSION BY COUNCIL OR IF THE CITY MANAGER REQUESTS IT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Two actions related to Approval of Appointments to the Four Standing Council Committees and Establishing a Subcommittee of the Rules Committee (Select Committee on Government Efficiency and Fiscal Reform.)

(See memorandum from Mayor Golding dated 11/25/97.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-98-670) ADOPTED AS RESOLUTION R-289532

Accepting the Appointment Order of the Rules Committee, appointing the following Councilmembers to Standing Committees, for terms commencing December 1, 1997 through December 6, 1998:

Committee on Rules, Finance & Intergovernmental Relations:

Mayor Golding (Chair)
Byron Wear
Barbara Warden
Harry Mathis
Judy McCarty

Committee on Natural Resources and Culture:

Harry Mathis (Chair)
Valerie Stallings
Byron Wear
Christine Kehoe
Barbara Warden

Committee on Land Use and Housing:

Judy McCarty (Chair)
George Stevens
Valerie Stallings
Juan Vargas
Harry Mathis

Committee on Public Safety and Neighborhood Services:

Barbara Warden (Chair)
Juan Vargas
Byron Wear
Judy McCarty
George Stevens

Subitem-B: (R-98-680) ADOPTED AS RESOLUTION R-289555

Establishing a Temporary Rule of the Council to establish a subcommittee of the Rules Committee to be known as the Select Committee on Government Efficiency and Fiscal Reform consisting of the following Rules Committee members and such advisors as they shall appoint:

Byron Wear
Judy McCarty
Barbara Warden

Declaring that this Temporary Rule supersedes the Permanent Rules of the Council established by Section 22.0101 of the San Diego Municipal Code and shall be effective until December 6, 1998 unless made permanent by enactment of an ordinance.

RULES COMMITTEE'S RECOMMENDATION:

On 12/1/97, RULES voted 5-0 to approve Mayor Golding's recommendations for Council membership to the four Standing Committees. (Councilmembers Mathis, Wear, Stevens, Warden and Mayor Golding voted yea.)

FILE LOCATION: SUBITEMS A,B: MEET

COUNCIL ACTION: (Tape location: A323-590.)

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

* ITEM-108:

SUBJECT: Approval of Appointments to Outside Organizations.

(See memorandum from Mayor Golding dated 11/25/97.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-671 Cor.Copy) ADOPTED AS RESOLUTION R-289533

Approval of appointments of Council Representatives and Council Liaisons to various organizations for the period of December 1, 1997 to December 6, 1998.

RULES COMMITTEE'S RECOMMENDATION:

On 12/1/97, Rules voted 5-0 to approve Mayor Golding's recommendations for Council appointments as amended by the Rules Committee. (Councilmembers Mathis, Wear, Stevens, Warden and Mayor Golding voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A323-590.)

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

ITEM-109:

SUBJECT: Approval of the Legislative Calendar for 1998.

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-674) ADOPTED AS RESOLUTION R-289550

Approval of the Legislative Calendar for 1998.

RULES COMMITTEE'S RECOMMENDATION:

On 12/1/97, RULES voted 5-0 to approve the Legislative Calendar as amended to include additional Land Use and Housing Meetings. (Councilmembers Mathis, Wear, Stevens, Warden and Mayor Golding voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E436-F001.)

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS FOR ITEMS 106 AND 109. ACCEPT COUNCIL MEMBER McCARTY'S REQUEST TO ALLOW FOR MORE TIME TO BE SET ASIDE FOR BUDGET DISCUSSION BY COUNCIL OR IF THE CITY MANAGER REQUESTS IT. Second by Kehoe. 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-110:

SUBJECT: Two actions related to Approval of the 1998 City of San Diego Legislative Program.

(See Intergovernmental Relations Department Report IRD-97-9 and IRD-97-10, amended.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-98-672) ADOPTED AS RESOLUTION R-289534

Approval of the 1998 City of San Diego Legislative Program.

Subitem-B: (R-98-667) ADOPTED AS RESOLUTION R-289556

Amending Council Policy 000-19 entitled "Legislative Policy Guidelines 1997 - 1998."

RULES COMMITTEE'S RECOMMENDATION:

On 12/1/97, Rules voted 5-0 to approve the Legislative Program for 1998 as amended by the Rules Committee. (Councilmembers Mathis, Wear, Stevens, Warden and Mayor Golding voted yea.)

FILE LOCATION: SUBITEMS A,B: MEET

COUNCIL ACTION: (Tape location: A323-590.)

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

ITEM-200:

SUBJECT: Six to Six Policy.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-606) ADOPTED AS RESOLUTION R-289535

Approving the City Council's recommendation that the San Diego Unified School Board adopt a Six to Six Policy to keep schools open and operating the hours that most parents work as described in the Mayor's memorandum to the City Council dated December 4, 1997;

Declaring that the San Diego Unified School District Board of Education is responsible for operating the District, but that the City of San Diego has in the past and continues to fund after school programs;

Directing the City Manager to continue to work with the San Diego Unified School District on an implementation strategy, including budget, organizational structure, and potential funding sources for Six to Six.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B002-D022.)

MOTION BY VARGAS TO ADOPT THE RESOLUTION WITH THE CAVEAT THAT WHEN THIS COMES BACK, WE WANT TO SEE PROGRAMS THAT WORK. WE SHOULD BE PARTICIPATING FINANCIALLY, BUT THERE MUST BE PROGRAMS THAT WORK. THEY SHOULD NOT SIMPLY OPEN UP THE SCHOOLS AND LET THE KIDS RUN WILD. THEY MUST HAVE PROGRAMS WHERE THERE IS SCHOOL, WHERE THEY ARE LEARNING, WHERE THEY ARE BEING PREPARED, AND WHERE THEY MOVE FORWARD. Second by Kehoe. 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-201:

SUBJECT: Three actions related to the Balboa Park Activity Center.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-612) ADOPTED AS RESOLUTION R-289536

Inviting bids for the construction of the Balboa Park Activity Center;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$6,389,190 from CIP-21-834.0, Balboa Park/Mission Bay Park Improvement Program, sublet CIP-21-840.4, Balboa Park Activity Center, San Diego Facilities and Equipment Leasing Corporation Fund 91106.

Subitem-B: (R-98-613) ADOPTED AS RESOLUTION R-289537

Approving the Balboa Park Master Plan amendment.

Subitem-C: (R-98-614) ADOPTED AS RESOLUTION R-289538

Certifying that the information contained in Environmental Impact Report LDR-92-0520, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the report 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 the Council; adopting Findings made with respect to the project pursuant to the California Public Resources Code Section 21081 and California Code of Regulations Section 15091, and adopting the Statement of Overriding Considerations and Mitigation, Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The Balboa Park Activity Center (BPAC) is the replacement building for the activities formerly held in the Federal Building

which has been turned over to the Hall of Champions for remodeling into a museum. The site of the BPAC was approved by Council on April 15, 1996. The Balboa Park Master Plan Amendment, which includes the siting of the BPAC, was completed in May, 1995. The program for the BPAC includes facilities for all of the former users of the Federal Building including the Greater San Diego Science Fair, Volleyball, Badminton, Table Tennis, and Disabled Services Wheelchair competitions.

Aud. Cert. 9800623.

FILE LOCATION: SUBITEMS A,B,C: W.O. 218404 CONT-Taylor
Ball of California Inc. CONT FY98-1

COUNCIL ACTION: (Tape location: A323-590.)

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

ITEM-202:

SUBJECT: Agreement with Parsons Infrastructure and Technology, Inc. for the Water System CIP - Program Management Services.

(See City Manager Report CMR-97-214.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-611) ADOPTED AS RESOLUTION R-289551

Authorizing an agreement with Parsons Infrastructure and Technology, Inc., to provide program management services for the Water System Capital Improvements Programs;

Authorizing the expenditure of not to exceed \$13,406,233 from Fund 41500, CIP-73-347.0, for the purpose of funding this agreement as follows:

1. \$2,727,214 (Phase I) from FY 1998 appropriations
2. \$4,490,629 (Phase II) from FY 1999 appropriations, contingent upon the approval of the FY 1999 CIP budget
3. \$4,129,426 (Phase III) from FY 2000 appropriations, contingent upon approval of the FY 2000 CIP budget
4. \$2,058,964 (Phase IV) from FY 2001 appropriations, contingent upon the approval of the FY 2001 CIP budget.

Aud. Cert. 9800561.

FILE LOCATION: MEET CCONTFY98-1

COUNCIL ACTION: (Tape location: G622-H069.)

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

ITEM-203:

SUBJECT: Two actions related to Central Area Police Substation.

(Logan Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-609) ADOPTED AS RESOLUTION R-289539

Authorizing the expenditure of not to exceed \$1,500,000 from CIP-36-056.0, Fund No. 18722, for acquisition of property rights, relocation, title, escrow, contingencies and miscellaneous costs associated with the Central Area Police Substation Project, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

Subitem-B: (R-98-610) ADOPTED AS RESOLUTION R-289540

Certifying that the information contained in Environmental Impact Report LDR-96-7667 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the report reflects the independent judgement of the City as Lead Agency; that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the Central Area Police Substation Project;

Stating for the record that the final Finding of No Significant Impact/Mitigated Negative Declaration (FONSI/MND) has been reviewed and considered prior to approving this project;

Adopting the Mitigation, Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The proposed 23,500 sq. ft. Central Area Police Substation and the proposed 1,500 sq. ft. Community Service Center are to be located at the southeast corner of 25th Street and Imperial Avenue. The proposed substation will serve the Central Area,

including Logan Heights, Barrio Logan, Sherman Heights, Golden Hill, Grant Hill and nearby areas. These neighborhoods will benefit greatly from the proximity to a neighborhood-based police facility that can respond rapidly to local calls.

Aud. Cert. 9800581.

FILE LOCATION: SUBITEMS A,B: MEET

COUNCIL ACTION: (Tape location: A323-590.)

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

ITEM-204:

SUBJECT: Appointments to the San Diego Convention Center Corporation Board of Directors.

(See memorandum from Mayor Golding dated 11/25/97.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-639) ADOPTED AS RESOLUTION R-289541

Consider the following nominees for appointment to the San Diego Convention Center Corporation Board of Directors, to fill two vacancies:

NOMINEE

NOMINATED BY

Fahari Jeffers
(Reappointment)

Mayor Susan Golding
Councilmember Kehoe

Councilmember Warden

Stephen P. Cushman
(Reappointment)

Mayor Susan Golding
Councilmember Warden

After discussion and deliberation, appointing Fahari Jeffers and Stephen P. Cushman for three-year terms ending December 1, 2000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A323-590.)

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

ITEM-205:

SUBJECT: Transfer of Funds to the Housing Commission for Use in Public Housing Project.

(Linda Vista, San Carlos and College Community Areas. Districts-6 & 7.)

HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-533) ADOPTED AS RESOLUTION R-289542

Authorizing the Auditor and Comptroller to transfer funds presently deposited in the Low Income Housing Capital Outlay Fund No. 30249, in an amount not to exceed \$197,000, to the San Diego Housing Commission for additional planning and development permit fees

incurred for the construction of permanent public improvements in connection with Public Housing Project No. CA16-PO63-044, constructed at 7520 Fulton Street, 7891 Golfcrest Drive, and 7281 Saranac Street.

Aud. Cert. 9800579.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A323-590.)

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

ITEM-330:

SUBJECT: Matter of the appeal of Mike Strode from the decision of the Planning Commission in approving Conditional Use Permit CUP-96-7862 (amendment to CUP-94-0484), Stadium Driving Range.

(CUP-96-7862. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A and adopt Subitem B to deny the appeal and grant the permit:

Subitem-A: (R-98-711) ADOPTED AS RESOLUTION R-289552

Adoption of a Resolution certifying that the information contained in Addendum LDR-96-7682 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Addendum to Negative Declaration

LDR-94-0484 reflects the independent judgement of the City of San Diego as Lead Agency, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-98-712) ADOPTED AS RESOLUTION R-289553,
WITH AMENDMENT TO PERMIT CONDITIONS

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 6-0 to approve the permit, subject to conditions.

Ayes: Steele, Anderson, Quinn, Skorepa, Watson, White
Abstaining: Butler

The Kearny Mesa Community Planning Group voted to approve the project.

SUPPORTING INFORMATION:

On January 19, 1995, the Planning Commission approved a Conditional Use Permit CUP-94-0484 allowing the development and use of the site as a golf driving range with accompanying putting green, chipping area, batting cage, club house, maintenance shed and other related features. The applicant's use is adjacent to a drain channel for Murphy Canyon Creek which lies between the golf driving range and the parallel roadway of Interstate 15 and Murphy Canyon Road. The applicant is concerned that predicted rainfall, storm intensity and runoff coming through this channel will cause damage to their property and use. The applicant proposed to City staff that they would prepare plans and bear the cost of improving the channel, thereby adding protection to their property and providing a benefit to the City by constructing this extra protection. The applicant requests that the City of San Diego, by CUP Amendment considered by the Planning Commission,

approve a modification to condition No. 9 of existing CUP-94-0484 to extend the expiration date of the use of an additional ten (10) years to the year 2015. The request to extend the CUP is to show value in the land and improvements to a lender in order to obtain a loan to finance the drain channel improvements.

LEGAL DESCRIPTION:

The 22.6 acre site is located at 2990 Murphy Canyon Road south of Aero Drive and west of Interstate 15. The property is also within the Kearny Mesa Community Plan area and the Stonecrest Specific Plan and is zoned M-1B.

FILE LOCATION: Subitems A,B: PERM - CUP-96-7862

COUNCIL ACTION: (Tape location: F002-G520.)

Hearing began at 2:57 p.m. and halted at 4:18 p.m.

Testimony in opposition by Nathaniel Cohen, Dorothy Green, and Gary Weber.

Testimony in favor by Mike Strode, Fred Baranowski, William Rockwell, Larry Huppert, Neale Stoner, Dan Stringer, Dedric Holmes.

MOTION BY MATHIS TO ADOPT THE RESOLUTIONS DENYING THE APPEAL AND GRANTING THE PERMIT WITH CONDITION NO. 34 OF THE PERMIT REMAINING INTACT, OTHER THAN THE AMENDMENT REQUESTED BY COUNCIL MEMBER VARGAS, THAT \$25,000 BE COMMITTED WITHIN THE FIRST YEAR BY THE APPLICANT TO RESOLVE THE LIGHTING PROBLEM. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-331:

SUBJECT: This is the second of two public hearings regarding the annual assessments for the Calle Cristobal Landscape Maintenance District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following resolution:

(R-98-420) ADOPTED AS RESOLUTION R-289554

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Calle Cristobal Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1998 assessments for the Calle Cristobal Landscape Maintenance District (LMD). The district was established in 1987 to provide maintenance for the street side of the sound attenuator wall along Calle Cristobal, 67,227 square feet of median (of which 27,992 contains landscaping) and 373,110 square feet of street scape. The Fiscal Year 1998 proposed maintenance costs for the district are as follows:

DESCRIPTION	FUND		TOTAL
	OPERATIONS	RESERVE	
BEGINNING BALANCE	\$ 0.00	\$ 15,913.00	\$ 15,913.00

REVENUE:			
Assessments	\$122,000.00	\$ 0.00	\$122,000.00
Interest	0.00	1,900.00	1,900.00
City Contribution	\$ 8,057.00	\$ 0.00	\$ 8,057.00
TOTAL REVENUE	\$130,067.00	\$ 1,900.00	\$131,967.00
TRANSFER	(1,843.00)	(1,843.00)	0.00
EXPENSE:			
Personnel	\$ 18,731.00	\$ 0.00	\$ 18,731.00
Contractual	61,000.00	0.00	61,000.00
Incidental	20,629.00	0.00	20,629.00
Utilities	31,550.00	0.00	31,550.00
TOTAL EXPENSE	\$131,910.00	0.00	\$131,910.00
ENDING BALANCE	\$ 0.00	\$15,970.00	\$ 15,970.00

The District has been re-engineered to meet the Proposition 218 guidelines, requiring a change in methodology and apportionment. The proposed assessment for Fiscal Year 1998 in Zone 1 is \$86.61 per equivalent benefit unit (EBU) in Zone 1, \$25.98 per EBU in Zone 2 and \$43.30 per EBU in Zone 3. The maximum authorized assessment is \$89.15 per EBU indexed annually to the San Diego CPI-U. The district contains a total of 1,408.6 equivalent benefitting units (EBU's). Zone 1 contains 1,037.4 EBU's, Zone 2 contains 234.9 EBU's, and Zone 3 contains 136.3 EBU's.

FILE LOCATION: STRT - M-405-98

COUNCIL ACTION: (Tape location: G521-621.)

Hearing began at 4:19 p.m. and halted at 4:23 p.m.

Testimony in opposition by Scott Barnett.

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

ITEM-332:

SUBJECT: Matter of a proposal for a Coastal Development Permit (CDP) and Street Vacation (SA) in the Peninsula Community Plan Area.

(CDP/SA-96-0712. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A and C and adopt Subitem B to grant the permit:

Subitem-A: (R-98-554) ADOPTED AS RESOLUTION R-289543

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration LDR-96-0712, on file in the Office of the City Clerk, 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 and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-98-786) ADOPTED AS RESOLUTION R-289544

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

Subitem-C: (R-98-553) ADOPTED AS RESOLUTION R-289545

Adoption of a Resolution authorizing the vacation of a portion of Tavera Place as provided for under Section 66499.20-1/2 of the State Map Act.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to approve.

Ayes: Steele, Anderson, Quinn, Watson, Butler and White.

Not present: Skorepa

The Peninsula Community Planning Board has recommended approval of the project.

SUPPORTING INFORMATION:

The project proposes to vacate a portion of Tavera Place at the physical end of the street, bounded by a vacant 13,187-square-foot site and an already developed lot. The project also proposes to construct a coastal development consisting of a 4,094-square-foot single family residence with garage, walls, and landscape improvements on the vacant lot addressed as 450 Tavera Place, within the R1-10000 Zone. The Peninsula Community Plan designates the property low density residential development (0-4 du/ac). The project includes an easement reservation for existing general utilities and required direct public street access. A variance allowing vehicle access via the easement and allowance of a less than minimum street frontage is also part of this request. The surrounding properties are developed with single family residences. The lot is steeply sloped and currently vegetated with ornamental plant material and large Eucalyptus Trees. Mitigated Negative Declaration LDR-96-0712 indicated that the project could affect paleontological resources. A Mitigation and Reporting Program has been incorporated into the draft permit conditions and would mitigate potential impacts to below a level of significance. The project is consistent with the residential land use designation of the Peninsula Community Plan. The design and proposed improvements for the development are consistent with the zoning and development regulations of the R1-10000 Zone except for lot frontage and access due to the constraints of the lot location and topography of the land. The single-family development would be compatible with the surrounding single-family development.

The street vacation involves a portion of Tavera Place that terminates in a dead end section of land that is no longer needed by the City for public vehicular access. Since the subject project meets the requirements of the underlying R1-10000 Zone (with the exception to street frontage and access), Proposition "D" Height Limitation and the Peninsula Community Plan, Development Services recommends approval of the CDP/VAR-96-0712 and the associated street vacation subject to the draft permit conditions.

LEGAL DESCRIPTION:

The project site is more particularly described as a portion of the southerly half of Pueblo Lot 142, according to Map of Pueblo Lands of San Diego made by James Pasco in 1870, in the R1-10000 Zone of the Peninsula Community Plan.

FILE LOCATION: SUBITEM A,B: PERM CDP-96-0712; SUBITEM
 C: STRT-J-2878; DEED FY98-1

COUNCIL ACTION: (Tape location: A323-590.)

Hearing began at 10:37 a.m. and halted at 10:52 a.m.

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

ITEM-333:

SUBJECT: Matter of a Rezone from R-3000 to R-1500 within the Navajo Community Planning Area (Worm Rezone).

(RZ-96-7661. District-7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-44) INTRODUCED, TO BE ADOPTED JANUARY 12, 1998

Introduction of an Ordinance for R-1500 Zoning.

OTHER RECOMMENDATIONS:

Planning Commission voted 7-0 to approve.

Ayes: Steele, Anderson, Butler, Quinn, Skorepa, Watson, White

The Navajo Community Planning Group has recommended approval of the this project.

CITY MANAGER SUPPORTING INFORMATION:

The project site is a 0.35 acre parcel located at 6115 Decena Drive within the Navajo Community Planning Area. The existing underlying zone is R-3000, which would allow the development of a maximum of five residential dwelling units. The applicant is requesting a rezone to the R-1500 zone, which would allow a maximum of 10 residential dwelling units to be developed on the site.

LEGAL DESCRIPTION:

The subject property is located at 6115 Decena Drive and is more particularly described as a Portion of Lot 1, Grantville, Map-776 in the Navajo Community Planning Area.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A323-590.)

Hearing began at 10:37 a.m. and halted at 10:52 a.m.

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

ITEM-S500:

(Continued from the meeting of December 2, 1997, Item 52,
for full Council.)

SUBJECT: Amendments to the Municipal Code as Part of the Land
Development/Zoning Code Update Project.

(Citywide. Districts-1,2,3,4,5,6,7 & 8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as
amended on 11/18/97.

(On 11/18/97, Council voted 9-0 to introduce Ordinance
O-98-27 as amended; Council also voted 5-4 (Councilmembers
Kehoe, Stevens, Stallings and Vargas voted nay) to support
the City Manager's recommendations on changes to wetlands
regulations and guidelines.)

(O-98-27 Rev.3) ADOPTED AS ORDINANCE O-18451 (New
Series)

Amending the San Diego Municipal Code by repealing the
Municipal Code provisions to be replaced by the Land
Development Code, and adding Chapters 11, 12, 13 and 14
of the Land Development Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E014-435.)

MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE WITH THE CHANGES THAT WERE APPROVED BY COUNCIL AT THE MEETING OF TUESDAY, NOVEMBER 18, 1997, AS FOLLOWS:

ACCEPT THE WETLAND MITIGATION RATIOS OUTLINED IN THE ORIGINAL MANAGER'S REPORT RECOMMENDING THE 2:1 RATIOS WITH THE EXCEPTION OF THE CHANGE TO 4:1 IN SALT MARSH AND SALT PANNE IN THE COASTAL WETLANDS, NOT THE RPO GUIDELINES.

ACCEPT TEXT CHANGES IN CHAPTER 14 OF THE PROPOSED LAND DEVELOPMENT CODE TO ELIMINATE CHANGES MADE BY ATTACHMENTS 13, 14, AND 15 OF CITY MANAGER REPORT NO. 97-180

APPROVE THE BIOLOGY GUIDELINES (IN SUBITEM C OF ITEM-330 OF NOVEMBER 18, 1997 DOCKET) WITH THE FOLLOWING REVISIONS:

A. RETAIN THE COASTAL WETLAND MITIGATION RATIO CHANGE FROM 2:1 TO 4:1 AS SHOWN ON ATTACHMENT 18, TABLE 2;

B. REVISE ATTACHMENT 18, TABLE 2, BY CHANGING THE MITIGATION RATIOS FOR RIPARIAN SCRUB AND FRESHWATER MARSH FROM 3:1 TO 2:1 TO BE CONSISTENT WITH STATE AND FEDERAL MITIGATION REQUIREMENTS;

C. RETAIN THE WETLAND MITIGATION METHOD REVISION THAT REQUIRES CREATION OR RESTORATION MITIGATION AT A 1:1 RATIO BEFORE WETLAND ENHANCEMENT OR ACQUISITION CAN BE USED (NO NET LOSS) AS SHOWN ON ATTACHMENT 18, PAGE 12; AND

D. REVISE ATTACHMENT 18, PAGE 12 BY RETAINING THE DELETED LANGUAGE THAT WETLAND MITIGATION REQUIRED THROUGH A FEDERAL OR STATE PERMIT WILL SUPERSEDE MITIGATION IDENTIFIED IN A LOCAL CEQA DOCUMENT.

DELETE THE LANGUAGE IN THE ORDINANCE THAT LIMITS USES AND ACTIVITIES PERMITTED IN WETLANDS BECAUSE NO IMPACTS TO WETLANDS ARE ALLOWED BY THE REGULATIONS WITHOUT A DEVIATION PROCESS.

DIRECT THE MANAGER TO REFER IMPLEMENTING GUIDELINES AND REGULATIONS TO BE CONSISTENT WITH THE CURRENT RESOURCE REQUIREMENTS TO THE WETLANDS WORKING GROUP.

Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea (nay on the Wetlands portion), Stevens-yea (nay on the Wetlands portion), Warden-yea, Stallings-yea (nay on the Wetlands portion), McCarty-yea, Vargas-yea (nay on the Wetlands portion), Mayor Golding-yea.

ITEM-S501:

(Subitem B was continued from the meeting of 12/2/97, Item 205B, to come back with the Ordinance in Subitem A.)

SUBJECT: Two actions related to Funding for Strategic Plan Capital Improvement Projects.

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-98-50) INTRODUCED AND ADOPTED AS ORDINANCE O-18450 (New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-18424 (New Series), entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1997-98 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by increasing total appropriations in the Water Operating Fund 41500 by \$10,600,000 from unappropriated fund balance and revenue, by amending Capital Improvement

Program Budget to add CIP-73-347.0, by creating a new division entitled "CIP Program Management Division" within the Water Department and adding personnel to the Water Department, CIP Program Management Division.

Subitem-B: (R-98-605) ADOPTED AS RESOLUTION R-289546

Authorizing the Auditor and Comptroller to transfer funds from Water Operating Fund 41500 to the following projects and programs in the indicated amounts:

CIP	Title	Amount
73-083.0	Annual Allocation - Water Mains	\$3,600,000
73-261.0	Alvarado Filtration Plant-Upgrade	\$1,500,000
73-284.0	Miramar Filtration Plant-Exp. & Upgrade	\$ 150,000
73-347.0	CIP Program Management	\$3,000,000

Authorizing the Auditor and Comptroller to transfer \$1,750,000 from Water Operating Fund 41500 to CIP Program Management Division 76310 for personnel and related non-personnel expenses, and \$600,000 to the Water Conservation Program 76250, to implement the programs approved in the Water Strategic Plan;

Authorizing the expenditure of \$400,000 from CIP-73-261.0, Alvarado Filtration Plant - Upgrade & Expansion, and \$150,000 from CIP-73-284.0, Miramar Filtration Plant - Expansion & Upgrade, and \$270,000 from CIP-73-347.0, CIP Program Management for the purpose of providing funds for additional project related costs, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

City Council adopted a water rate increase on August 12, 1997, which will produce six percent more revenue in this fiscal year than was reflected in the proposed budget (\$8 million). These revenues were shown in the final 1998 budget revenue estimates but were not appropriated.

In order to proceed with certain critical capital projects during this fiscal year, and to properly manage and implement the CIP Program adopted by City Council in the Water Strategic Plan (see City Manager Reports CMR-97-57, Water Capital Improvement Program, and CMR-97-86, Water Rate Increase) it is necessary to appropriate these additional revenues and unappropriated fund balances. The necessary actions include the creation and funding of a new division within the Water Department to oversee implementation of the capital program. The CIP Program Management Division (\$1,750,000) will be staffed with 46 positions to manage the \$773 million capital program. These positions will be filled by transfers of experienced staff members from other sections of the Water Department, the Engineering and Capital Improvements Department, and other City Departments in order to ensure that the program can be implemented as rapidly as possible. Additionally, funds will be added to the following CIP projects to ensure continued progress until bonds can be issued:

CIP	Title	Amount
73-083.0	Annual Allocation - Water Mains	\$3,600,000
73-261.0	Alvarado Filtration Plant-Upgrade	\$1,500,000
73-284.0	Miramar Filtration Plant-Exp. & Upgrade	\$ 150,000
73-347.0	CIP Program Management	\$3,000,000

CIP-73-347.0, CIP Program Management, will provide for consultant services required for managing the large and complex capital program previously authorized. These services will assist with preparing for and successfully implementing a bond financing program and will assist the City's project managers in implementing individual CIP projects. Funds will also be added

to the Water Conservation Program in order to implement the conservation measures contained in the Strategic Plan that will achieve 50 percent additional water savings.

Aud. Cert. 9800568.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A323-590.)

CONSENT MOTION BY McCARTY TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE IN SUBITEM A, AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S502: CONTINUED TO DECEMBER 16, 1997

(Continued from the meeting of December 2, 1997, Item 101, for a report from staff.)

SUBJECT: Two actions related to the City of San Diego Ultra-Low Flush Toilet Rebate Program.

(See City Manager Report CMR-97-212.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-518)

Authorizing an agreement with Volt Viewtech for services associated with the day-to-day operation of the City's Ultra-Low Flush Toilet Rebate Program in an amount not to exceed \$3,000,000.

Subitem-B: (R-98-517)

Authorizing the City Manager to continue the Ultra-Low Flush Toilet Rebate Program;

Authorizing the City Manager to enter into an agreement with the San Diego County Water Authority for receipt of funds from the Metropolitan Water District of Southern California to be used to pay half of the program costs for approximately 30,000 ultra-low flush toilet rebates;

Authorizing the City Auditor and Comptroller to increase the annual appropriation in the Water Operating Fund 41500, Program 70622, by \$2,100,300 for the City of San Diego's Rebate Program;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$3,000,000 from the Water Operating Fund 41500, Water Conservation Program, for the purpose of operating the Rebate Program in Fiscal Year 1998.

Aud. Cert. 9800586.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A323-590.)

CONSENT MOTION BY McCARTY TO CONTINUE TO DECEMBER 16, 1997, AS REQUESTED BY COUNCIL MEMBER WARDEN, SO COUNCIL CAN REVIEW INFORMATION THAT WAS RECEIVED LATE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-98-713) ADOPTED AS RESOLUTION R-289547

A Resolution adopted by the City Council in Closed Session on December 9, 1997:

Authorizing the City Manager to pay the total sum of \$26,698.44 in settlement of each and every claim against The City, its agents and employees in Superior Court Case No. 707549, Szasz v. City of San Diego, resulting from the personal injury of Karoly Szasz; and authorizing the City Auditor and Comptroller to issue one check in the amount of \$26,698.44 made payable to Karoly Szasz and his attorney of record Michael R. Lennie in full settlement of all claims.

Aud. Cert. 9800653

FILE LOCATION: MEET

ITEM-CS-2: (R-98-676) ADOPTED AS RESOLUTION R-289557

A Resolution adopted by the City Council in Closed Session on December 9, 1997:

Authorizing the City Manager to pay the sum of \$54,018.74 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from property damage to Winona Garden Apartments; and authorizing the City Auditor and Comptroller to issue one check, in the amount of \$23,048.70, made payable to Luth & Turley, Inc.

Aud. Cert. 9800642

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

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

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H072.)