

ITEM-2: Rules Committee voted 5-0 to support AB 1315 (Strickland-R): Sales and Use Taxes: Exemptions: Fuel Taxes; and S.266 (Feinstein-D) H.R.11 (Bilbray-R): Amendment to the Clean Air Act to permit the exclusive application of California State Regulations regarding reformulated gas in certain areas within the state. (Councilmembers Mathis, Wear, Warden, Vargas and Mayor voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A659-B264.)

MOTION BY WEAR TO ADOPT THE RESOLUTION WITH THE TWO RECOMMENDATIONS WITH THE FOLLOWING UNDERSTANDING: THE ENCOURAGEMENT OF RECRUITING THE GAS STATIONS SHOULD NOT BYPASS THE COMMUNITY PLANNING PROCESS WHICH IS KEY TO THE NEIGHBORHOOD CHARACTER; AND BOTTOM LINE, STATE AND FEDERAL LEGISLATORS SHOULD BE HELPING US PREVENT THE GOUGING OF CONSUMERS WHETHER IT BE GAS, MILK, OR BANK ATM FEES. 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-151: Seal Rock Marine Mammal Reserve.

(See City Manager Report CMR-99-156; Behavioral Ecology and Demography of Seals and Sea Lions at the Seal Rock Marine Mammal Reserve; Children's Pool Status, 8/4/99; Assembly Bill 993; Laura Seligsohn's 8/4/99 letter; Lee F. Olsen's 8/4/99 letter; Deane Oberste-Lehn's 8/3/99 letter; Carl B. Lind's 8/2/99 letter; R. Bartlett's 7/30/99 letter; Ed Greene's 7/30/99 letter; and John T. Nichelson's 4/22/99 letter. La Jolla Community Area. District-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2000-471 REV.1) ADOPTED AS AMENDED AS RESOLUTION R-292394

Directing the City Clerk to remove the title "Ecological Reserves" from Chapter VI, Article 3, Division 10, of the San Diego Municipal Code, which Division shall be reserved for future use;

Directing the City Clerk to remove Section 63.1001, including Appendix A, from Chapter VI, Article 3, Division 10, of the San Diego Municipal Code;

Directing the City Manager to continue to implement the following measures which have proven effective in reducing instances of people disturbing harbor seals in the Seal Rock-Children's Pool area:

1. Post educational signs.
2. Endorse a privately funded and managed harbor seal docent program.
3. Continue to separate people from seals on the Children's Pool beach.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 8/4/99, NR&C voted 4-0 to recommend that the City Council direct the City Manager to apply for permits from the California Fish and Game Commission and California Coastal Commission, and prepare an amendment to the San Diego Municipal Code to continue the Seal Rock Marine Mammal Reserve for an additional five-year term, to provide additional protection for the seals beyond the Federal Marine Mammal Protection Act, State Offshore Rocks and Pinnacles Reserve, and the San Diego Municipal Code. (Councilmembers Mathis, Kehoe, Warden and Stallings voted yea. Councilmember McCarty not present.)

CITY MANAGER SUPPORTING INFORMATION:

City Manager Report CMR-99-156 recommended letting the five-year Seal Rock Marine Mammal Reserve lapse on September 16, 1999. After a public hearing on August 4, 1999, the Natural Resources and Culture Committee voted 4-0 to recommend that the City Council direct the City Manager to apply for permits from the California Fish and Game Commission and California Coastal Commission, and prepare an amendment to the San Diego Municipal Code to continue the existing boundaries of the Seal Rock Marine Mammal Reserve for an additional five-year term, to provide additional protection for the harbor seals beyond the Federal Marine Mammal Protection Act, State Offshore and Pinnacles Reserve, and the San Diego Municipal Code.

The ordinance is written to expire five years from the effective date of the Coastal Development Permit. Staff will return to Committee prior to the end of that term with a recommendation about the future of the Seal Rock Marine Mammal Reserve. Other recommendations: On August 12, the La Jolla Town Council Trustees voted 14-4-0 to let the Reserve lapse.

On October 14, the La Jolla Town Council Trustees voted 11-3-1 to withdraw their 1993 support of the four new interpretive signs, described in City Manager Report CMR-99-156, Attachments 3a & 3b. The signs are being donated by two non-profit organizations (Zoological Society of San Diego and Hubbs-Sea World Research Institute); therefore, a small notation on the signs recognizing their contribution is consistent with the La Jolla Planned District Ordinance. As indicated in City Manager Report CMR-99-156, the scientific study at Seal Rock determined that educational signs were an important element in reducing disturbance of seals, so the Manager continues to recommend the added signs.

FISCAL IMPACT:

None with this action.

Culbreth-Graft/McLatchy/RDS

FILE LOCATION:

MEET

COUNCIL ACTION:

(Tape location: B265-D628.)

Substitute motion by Mathis to accept the City Manager's recommendation that we allow the lapse and let it stay lapsed. Include the signage and docent program and really impress upon folks through education. Second by Wear. Failed. Yeas: 1, 2, 7. Nays: 3, 4, 5, 6, 8, M.

MOTION BY VARGAS TO ADOPT THE RESOLUTION AS AMENDED FOR A PERMANENT RESERVE WITH A 5-YEAR REVIEW; FOR THE SIGNAGE AND THE DOCENT PROGRAM TO CONTINUE AND RETURN TO COUNCIL FOR REVIEW IN FIVE YEARS. Second by Stallings. Passed by the following vote: Mathis-nay, Wear-nay, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-200: Consultant Agreement - Energy Efficient Services.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-49) INTRODUCED, TO BE ADOPTED ON NOVEMBER 22, 1999
Introduction of an Ordinance authorizing a ten-year Master Energy Conservation Agreement with Onsite Energy Corporation for energy conservation services at