

Apr-7-1981

FILE: MINUTES

DESCRIPTION:

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, APRIL 7, 1981  
AT 8:30 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING: The meeting was called to order by Mayor Wilson at 9:00 a.m. The meeting was recessed by Mayor Wilson at 9:33 a.m. The meeting was reconvened by Mayor Wilson at 10:34 a.m. with Councilmembers Golding, Schnaubelt and Killea not present. Students from Dewey Elementary School were introduced and welcomed by the Council. Mayor Wilson introduced and welcomed Mr. and Mrs. Yigal and Varda El Hanani and family from Israel. The meeting was recessed by Mayor Wilson at 10:49 a.m. to meet in Closed Session in the Twelfth Floor Conference Room regarding pending litigation.

The meeting was reconvened by Mayor Wilson at 2:27 p.m. with Councilmembers Mitchell and Schnaubelt not present. Deputy Mayor Mitchell introduced Mr. Jake Whitecrow, Executive Director, National Indian Health Board. The meeting was adjourned by Mayor Wilson at 3:43 p.m. into Closed Session in the Twelfth Floor Council Conference Room on Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

(M) Mayor Wilson-present.

- (1) Councilmember Mitchell-present.
- (2) Councilmember Cleator-present.
- (3) Councilmember Golding-present.
- (4) Councilmember Williams-present.
- (5) Councilmember Schnaubelt-present.
- (6) Councilmember Gotch-present.
- (7) Councilmember Murphy-present.
- (8) Councilmember Killea-present.

Clerk-Abdelnour (jb,eb)

Apr-7-1981 ITEM-300:

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DESCRIPTION:

Clerk Abdelnour called the roll:

Mayor Wilson-present.

Councilmember Mitchell-present.

Councilmember Cleator-present.

Councilmember Golding-present.

Councilmember Williams-present.  
Councilmember Schnaubelt-present.  
Councilmember Gotch-present.  
Councilmember Murphy-present.  
Councilmember Killea-present.

Apr-7-1981 ITEM-330:

DESCRIPTION: Matter of REZONING a portion of RANCHO LOS PENASQUITOS (approximately 106.7 acres), located between Mannix Road and Arucauna Way, in the Penasquitos East Community Plan area, from ZONE A1-10 (portions Hillside Review) to ZONE R-1-5. (Case-5-80-019. DISTRICT-1.)

Subitem-A: (R-81-1680)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL IMPACT REPORT EIR-80-04-10 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-81-201)

INTRODUCTION of an ORDINANCE for R-1-5 Zoning.

Subitem-C: (R-81- )

Adoption of a RESOLUTION containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with ENVIRONMENTAL IMPACT REPORT EIR-80-04-10.

FILE: ( ZONE 4/7/81)

COUNCIL ACTION:

(Tape location: A335-409)

Subitem-A adopted as Resolution R-253974.

Subitem-B introduced to be adopted April 20, 1981.

Subitem-C adopted as Resolution R-253975.

Hearing began 9:24 a.m. and halted 9:28 a.m.

MOTION BY GOTCH TO CLOSE THE HEARING, ADOPT SUBITEMS-A AND C AND INTRODUCE

SUBITEM-B. Second by Killea. Passed by the following vote: Mitchell-yea.

Cleator-yea. Golding-yea. Williams-yea. Schnaubelt-yea. Gotch-yea.

Murphy-yea. Killea-yea. Mayor Wilson-yea.

Apr-7-1981 ITEM-331:

DESCRIPTION: Matter of REZONING a portion of RANCHO LOS PENASQUITOS (approximately 38.8 acres), located on the north side of Los Penasquitos Canyon between Birds Nest and Park Village Roads, in the Penasquitos East Community Plan area, from ZONE A1-10 to ZONE R-1-5. (Case-5-80-020. DISTRICT-1.)

Subitem-A: (R-81-1681)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL IMPACT REPORT EIR-80-04-11 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-81-202)

INTRODUCTION of an ORDINANCE for R-1-5 Zoning.

Subitem-C: (R-81- )

Adoption of a RESOLUTION containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with ENVIRONMENTAL IMPACT REPORT EIR-80-04-11.

FILE: ( ZONE 4/7/81)

COUNCIL ACTION:

(Tape location: A410-460)

Subitem-A adopted as Resolution R-253976.

Subitem-B introduced to be adopted April 20, 1981.

Subitem-C adopted as Resolution R-253977.

Hearing began 9:30 a.m. and halted 9:32 a.m.

MOTION BY MITCHELL TO CLOSE THE HEARING, ADOPT SUBITEMS-A AND C AND INTRODUCE

SUBITEM-B. Second by Williams. Passed by the following vote: Mitchell-yea.

Cleator-yea. Golding-yea. Williams-yea. Schnaubelt-yea. Gotch-yea.

Murphy-yea. Killea-yea. Mayor Wilson-yea.

Apr-7-1981 ITEM-332:

DESCRIPTION: Matter of REZONING portions of LOTS 4 and 5, H. L. BARROW'S SUBDIVISION, MAP 704 (approximately 19 acres), located on the north side of Eastgate Mall between I-805 and Miramar Road, in the University Community Plan area, from ZONE A1-10 portions (Hillside Review) to ZONE M-1B. (Case-5-80-093. DISTRICT-5.)

Subitem-A: (R-81-1660)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-80-10-17 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: (O-81-199)  
INTRODUCTION of an ORDINANCE for M-1B Zoning.  
FILE: ( ZONE 4/7/81)  
COUNCIL ACTION:  
(Tape location: A615-B065)

Subitem-A adopted as Resolution R-253978.

Subitem-B introduced to be adopted April 20, 1981.  
Hearing began 10:42 a.m. and halted 10:48 a.m.  
Councilmembers Golding and Schnaubelt entered at 10:36 a.m.  
Testimony in opposition by Alfred Bishop.  
MOTION BY SCHNAUBELT TO CLOSE THE HEARING, ADOPT SUBITEM-A AND INTRODUCE  
SUBITEM-B. Second by Cleator. Passed by the following vote: Mitchell-yea. Cleator-yea. Golding-yea. Williams-yea. Schnaubelt-yea. Gotch-yea. Murphy-yea. Killea-not present. Mayor Wilson-yea.

Apr-7-1981 ITEM-333:

DESCRIPTION: Matter of REZONING a portion of PUEBLO LOT 1120 of the PUEBLO LANDS OF SAN DIEGO, MISCELLANEOUS MAP NO. 36, (approximately 1.5 acres), located on the south side of Hotel Circle South between Hotel Circle Court and Allen Road, from ZONE R-1-40 to ZONE CO. (Case-5-80-099. DISTRICT-5.)

Subitem-A: (R-81-1679)  
Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-80-10-44 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: (O-81-200)  
INTRODUCTION of an ORDINANCE for CO Zoning.  
FILE: ( ZONE 4/7/81)  
COUNCIL ACTION:  
(Tape location: D360-418)

Subitem-A adopted as Resolution R-253982.

Subitem-B introduced, to be adopted April 20, 1981.

Hearing began 3:36 p.m. and halted 3:39 p.m.

MOTION BY SCHNAUBELT TO CLOSE THE HEARING, ADOPT SUBITEM-A, AND INTRODUCE

SUBITEM-B. Second by Cleator. Passed by the following vote: Mitchell-yea.

Cleator-yea. Golding-yea. Williams-yea. Schnaubelt-yea. Gotch-yea.

Murphy-yea. Killea-yea. Mayor Wilson-yea.

Apr-7-1981 ITEM-334:

DESCRIPTION: (R-81-1573) Overruling all protests against the acquisition of the property described in Resolution of Intention No. R-253774 relating the SAN DIEGO OPEN SPACE PARK FACILITIES DISTRICT NO. 1, and determining that the public interest and convenience requires the acquisition of said property for OPEN SPACE PARK PURPOSES, authorizing and directing the CITY MANAGER to acquire said property; authorizing the EXPENDITURE not to exceed \$1,475,000 as payment for said property and related costs from ENVIRONMENTAL GROWTH FUND 10505 reserved for future bond issues, to be repaid from OPEN SPACE PARK FACILITIES DISTRICT NO. 1, BOND FUND 79103; authorizing the CITY MANAGER to accept the DEED to said property without further Council action. (Located in Mission Trails Regional Park. DISTRICT-7.)

FILE: ( STRT OS4)

COUNCIL ACTION:

(Tape location: C038-108).

Adopted as Resolution R-253983.

Hearing began 2:30 p.m. and halted 2:35 p.m.

Councilmember Schnaubelt entered 2:31 p.m.

Testimony in opposition by Alfred Robert Fisher.

MOTION BY MURPHY TO CLOSE THE HEARING AND ADOPT. Second by Gotch. Passed by

the following vote: Mitchell-yea. Cleator-yea. Golding-yea. Williams-yea.

Schnaubelt-yea. Gotch-yea. Murphy-yea. Killea-yea. Mayor Wilson-yea.

Apr-7-1981 ITEM-335:

FILE:

DESCRIPTION:

(R-81-1443) (Continued from the Meetings of March 2 and 9, 1981; last continued for report from Committee on Transportation and Land Use.)

Authorizing the execution of a GRANT DEED conveying all the City's interest in City-owned property consisting of approximately 45 acres, located in the area of West Point Loma and Nimitz Boulevards, to the Housing Authority of the City, for the purpose of utilizing said property for the DEVELOPMENT and OPERATION of HOUSING UNITS, a portion of which are to be available to persons and families of LOW and MODERATE INCOME; the conveyance is subject to an

express condition that any portions of the parcel which were acquired with the proceeds of park bonds be either utilized for public park and recreation purposes or that such portions be leased or conveyed for not less than their full fair market value and the proceeds of any such lease or sale are required to be deposited into the appropriate park bond fund. SITE-17

FILE: ( DEED F-824)

COUNCIL ACTION:

(Tape location: A004-334).

Continued to April 28, 1981, 2:00 p.m. Time Certain.

Motion by Williams to proceed with the matter of Item 335 that is before Council today. Second by Mitchell. No Vote.

MOTION BY MURPHY TO CONTINUE TO APRIL 28, 1981, 2:00 P.M. TIME CERTAIN AT HIS

REQUEST. Second by Schnaubelt. Passed by the following vote: Mitchell-nay.

Cleator-yea. Golding-yea. Williams-nay. Schnaubelt-yea. Gotch-yea.

Murphy-yea. Killea-yea. Mayor Wilson-yea.

Apr-7-1981 ITEM-UC-1:

DESCRIPTION:

(R-81-0000) A Resolution presented to the City Council with UNANIMOUS CONSENT: Naming the fountain in the Plaza de Balboa, located near the Reuben H. Fleet Space Theater and Museum of Natural History, the Bea Evenson Fountain and that the City hold a special ceremony dedicating the fountain and naming it in her honor.

FILE: ( MEET)

COUNCIL ACTION: (Tape location: D418-450).

Adopted as Resolution R-253985.

MOTION BY KILLEA TO ADOPT. Second by Williams. Passed by the following vote:

Mitchell-yea. Cleator-yea. Golding-yea. Williams-yea. Schnaubelt-yea.

Gotch-yea. Murphy-yea. Killea-yea. Mayor Wilson-yea.

Apr-7-1981 ITEM-CS-1:

DESCRIPTION:

(R-81-1855) A Resolution adopted by the City Council in Closed Session on April 7, 1981:

Authorizing the City Manager to accept a grant deed executed by Pardee Construction Company in favor of The City of San Diego for Lot 221 of the Mira Mesa West Unit No. 2 in conjunction with the settlement of San Diego Superior Court Case No. 444474, entitled City of San Diego v. Pardee Construction Company. Authorizing the transfer of \$133,950 from Park Fee Fund 11226 to T.O. CIP Project 29-261; authorizing the expenditure of \$172,000 from

Environmental Growth Fund 10505 and \$227,950 from Park Fee Fund 11226 for acquisition of this improved park site.

FILE: F-832

CITY COUNCIL ACTION: Adopted as Resolution R-253979.

Apr-7-1981 ITEM-CS-2:

DESCRIPTION:

(R-81-1856) A Resolution adopted by the City Council in Closed Session on April 7, 1981:

Authorizing the City Attorney to hire Leighton & Associates as an expert witness and consultant in connection with the Summit Ridge landslide litigation in an amount not to exceed \$25,000; authorizing the City Attorney to conduct additional investigation and discovery in connection with Summit Ridge landslide litigation in an amount not to exceed \$5,000. Authorizing the expenditure of an amount not to exceed \$30,000 from the General Fund Unallocated Reserve.

FILE: ( MEET) CITY\_

COUNCIL ACTION: Adopted as Resolution R-253980.

Apr-7-1981 ITEM-CS-3:

DESCRIPTION:

(R-81-1854) A Resolution adopted by the City Council in Closed Session on April 7, 1981:

Authorizing the City Manager to pay the total sum of \$13,410.00 in the settlement of each and every claim against The City of San Diego, its agents and employees (Superior Court Case No. 453263, Carman v. City of San Diego; and Superior Court Case No. 445396, Carman v. City of San Diego, et al.) for the purpose of back payment of wages; authorizing the City Auditor and Comptroller to issue one check in the total amount of \$13,410.00 made payable to John Carman in full settlement of the lawsuit and of all claims.

FILE: ( MEET) CITY\_

COUNCIL ACTION: Adopted as Resolution R-253981.

Apr-7-1981 ADJOURNMENT:

FILE: MINUTES

DESCRIPTION:

By common consent the meeting was adjourned at 3:43 p.m.

Apr-7-1981

ITEM-S500:

DESCRIPTION: Two Items relative to LAND ACQUISITION for the SOUTH BAY SECONDARY SEWAGE TREATMENT PLANT: (See City Manager Report CMR-81-130.

Located at the southwesterly intersection of Interstate 5 and Dairy Mart Road. San Ysidro-South Bay Community area. DISTRICT-8.)

Subitem-A: (O-81-207)

Amending Ordinance O-15298 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1980-81 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," by amending Documents OO-15298-1 and OO-15298-2, as adopted and amended therein, by APPROPRIATING and TRANSFERRING the sum of \$7.550 million from UNAPPROPRIATED REVENUE to WATER REVENUE FUND 41502 for CAPITAL IMPROVEMENT PROJECT CIP-73-226, SOUTH BAY LAND ACQUISITION.

Subitem-B: (R-81-1804)

Amending the CAPITAL IMPROVEMENTS PROGRAM, by amending Documents Nos. OO-15298-1 and OO-15298-2, as amended, by ADDING PROJECT CIP-73-226, entitled "SOUTH BAY LAND ACQUISITION," to the FISCAL 1981 CAPITAL IMPROVEMENTS PROGRAM; authorizing the EXPENDITURE of a sum not to exceed \$7.550 million for the SOUTH BAY SECONDARY SEWAGE TREATMENT PLANT; approving the acceptance by the CITY MANAGER of GRANT DEED of Parkview/Del Rio Company conveying to City a portion of SECTION 34, TOWNSHIP 18 SOUTH, RANGE 2 WEST, S.B.B.M.; approving the acceptance by the CITY MANAGER of GRANT DEED of Robinhood Homes, Inc. conveying to City LOT 1, DAIRY MART INTERNATIONAL.  
FILE: Subitem A: MEET; Subitem B DEED F-826  
COUNCIL ACTION: (Tape location: C109-D243)

Filed.

MOTION BY CLEATOR TO FILE. Second by Killea. Passed by the following vote: Mitchell-yea. Cleator-yea. Golding-yea. Williams-yea. Schnaubelt-yea. Gotch-yea. Murphy-yea. Killea-yea. Mayor Wilson-yea.

ADDITIONAL BUSINESS:

DESCRIPTION: During consideration of the regular business item, the following resolution was adopted.

(R-81-0000) Lifting building restrictions on all property designated for sewage treatment plant and directing staff to contact the Coastal Commission to lift the building moratorium on the property.

COUNCIL ACTION: (Tape location: D353-360).

Adopted as Resolution R-253984.

MOTION BY CLEATOR TO ADOPT. Second by Mitchell. Passed by the following vote: Mitchell-yea. Cleator-yea. Golding-yea. Williams-yea.

Schnaubelt-not present. Gotch-yea. Murphy-yea. Killea-yea. Mayor Wilson-yea.

DESCRIPTION:

(Continued from the Meetings of January 12 and 26, February 3 and

10 and March 23, 1981; last continued at the City Manager's request.)  
Matter of DISCUSSION relating to the OPERATION of the PARAMEDIC PROGRAM.  
(See City Manager Reports CMR-80-573, CMR-80-647 and PSS Committee  
Consultant Analysis PSS-80-16.)

COMMITTEE ACTION:

Reviewed by PSS on 11/19/80. Districts 1, 2, 6 and 8 voted to forward to  
full Council with no recommendation. District 3 voted nay.

FILE: ( MEET)

COUNCIL ACTION: (Tape location: C006-034).

Continued to May 5, 1981, 2:00 p.m. Time Certain.

MOTION BY GOTCH TO CONTINUE TO MAY 5, 1981, 2:00 P.M. TIME CERTAIN AT  
MAYOR

WILSON'S REQUEST. Second by Killea. Passed by the following vote:

Mitchell-not present. Cleator-yea. Golding-yea. Williams-yea.

Schnaubelt-not present. Gotch-yea. Murphy-ineligible. Killea-yea.

Mayor Wilson-yea.