

FILE: MINUTES

DESCRIPTION:

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, APRIL 21, 1981  
AT 8:30 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Mitchell at 9:35 a.m. The meeting was recessed by Deputy Mayor Mitchell at 9:51 a.m. into Closed Session in the 12th Floor Conference Room regarding pending litigation. The meeting was reconvened by Deputy Mayor Mitchell at 10:26 a.m. with Mayor Wilson not present. The meeting was recessed by Deputy Mayor Mitchell at 11:51 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Mitchell at 2:12 p.m. with Mayor Wilson and Councilmembers Mitchell, Cleator, and Schnaubelt not present. The meeting was adjourned by Deputy Mayor Mitchell at 3:40 p.m. to meet in Closed Session in the Twelfth Floor Conference Room on meet and confer.

Students from the University of Baja California in Mexicali were introduced by Dr. Jose Pena and welcomed by the Council.

ATTENDANCE DURING THE MEETING:

(M) Mayor Wilson-present.

(1) Councilmember Mitchell-present.

(2) Councilmember Cleator-excused by R-253708 (vacation).

(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 (mp,bb)

Apr-21-1981 ITEM-300:

FILE: MINUTES

DESCRIPTION:

Clerk Abdelnour called the roll:

Mayor Wilson-not present.

Councilmember Mitchell-present.

Councilmember Cleator-not present.

Councilmember Golding-present.

Councilmember Williams-present.

Councilmember Schnaubelt-not present.

Councilmember Gotch-present.  
Councilmember Murphy-present.  
Councilmember Killea-present.

Apr-21-1981 ITEM-310:

DESCRIPTION: (This group will arrive at approximately 10:00\_a.m.) Forty visitors from FRANKLIN ELEMENTARY SCHOOL will attend this Meeting accompanied by Sandy Arnke, teacher. (DISTRICT-3.)

FILE: MEET

COUNCIL ACTION:

(Tape location: A210-232).

Welcomed.

Apr-21-1981 ITEM-330:

DESCRIPTION: APPEAL of SKYLINE PARADISE HILLS PLANNING COMMITTEE, by Harriett

Florence and Ed Spencer, from the decision of the PLANNING COMMISSION in APPROVING PRELIMINARY PARCEL MAP PM-79-411 which proposes a four-lot division of a portion of SECTION 100, RANCHO DE LA NACION, MAP 166. The subject property is located at the intersection of Tonawanda Drive and Valley Road in the R-1-5 ZONE and within the boundaries of the South Bay Terraces Development Plan. (PM-79-411. DISTRICT-4.)

Subitem-A: (R-81- )

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL IMPACT REPORT EIR-79-08-53 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: (R-81- )

Adoption of a RESOLUTION granting the appeal and denying the map, or denying the appeal and granting the map with appropriate findings to support Council action.

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-79-08-53.

FILE: SUBD Rancho De La Nacion PM-79-411

COUNCIL ACTION:

(Tape location: A12-199)

Continued to May 12, 1981 at 3:00 p.m.

Hearing began at 9:36 a.m. and halted at 9:51 a.m.

Councilmember Golding entered at 9:42 a.m.

Councilmember Schnaubelt entered at 9:43 a.m.

MOTION BY WILLIAMS TO CONTINUE TO MAY 12, 1981, AT ATTORNEY CONRAD'S REQUEST

DUE TO A TEMPORARY RESTRAINING COURT ORDER PREVENTING FURTHER ACTION UNTIL

AFTER THE COURT HEARING ON MAY 12, 1981. Second by Killea. Passed by the following vote: Mitchell-yea. Cleator-not present. Golding-yea.

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

Apr-21-1981 ITEM-331:

DESCRIPTION: REZONING a portion of LOT 18, RANCHO MISSION OF SAN DIEGO, MAP-330 (approximately 2.3 acres), located on the north side of Federal Boulevard between Highway 94 and 60th Street, in the Southeast San Diego Community Plan area, from ZONE R-1-5 to ZONE M-1B. (Case-5-81-004. DISTRICT-3.)

Subitem-A: (R-81-1841)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-80-11-18 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-81-215)

INTRODUCTION of an ORDINANCE for M-1B Zoning.

FILE: ZONE 4/21/81

COUNCIL ACTION:

(Tape location: D013-182)

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

Hearing began at 2:13 p.m. and halted at 2:26 p.m.

Mayor Wilson entered at 2:14 p.m. and left at 2:16 p.m.

Councilmember Mitchell entered at 2:16 p.m.

Councilmember Schnaubelt entered at 2:27 p.m.

MOTION BY GOLDING TO CONTINUE TO MAY 5, 1981, AT 2:00 P.M. AT HER REQUEST.

Second by Williams. Passed by the following vote: Mitchell-yea. Cleator-not present. Golding-yea. Williams-yea. Schnaubelt-yea. Gotch-yea. Murphy-yea. Killea-yea. Mayor Wilson-not present.

Apr-21-1981 ITEM-332:

DESCRIPTION: REZONING LOTS 1 through 9, BLOCK 14 and LOTS 14 through 21, BLOCK

15, KENSINGTON PARK, MAP-1245 (approximately 2.34 acres), located on the east and west sides of Edgeware Road between Adams Avenue and Alder Drive, in the Mid-City Community Plan area, from ZONE R-2 to ZONE R-1-5. (Case-5-81-011 - City-initiated. DISTRICT-3.)

Subitem-A: (R-81-1840)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-81-01-20 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-81-214)

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

FILE: ZONE 4/21/81

COUNCIL ACTION: (Tape location: D227-267)

Subitem-A adopted as Resolution  
R-254046.

Subitem-B introduced, to be adopted May 4, 1981. Hearing began at 2:30 p.m. and halted at 2:32 p.m. MOTION BY GOLDING TO CLOSE HEARING, ADOPT SUBITEM-A AND INTRODUCE SUBITEM-B. Second by Killea. Passed by the following vote: Mitchell-yea. Cleator-not present. Golding-yea. Williams-yea. Schnaubelt-yea. Gotch-yea. Murphy-yea. Killea-yea. Mayor Wilson-not present.

Apr-21-1981 ITEM-333:

DESCRIPTION:

(Continued from the Meetings of February 3 and 24 and March 3 and 24, 1981; last continued at the City Manager's request.) Ten Resolutions relative to the improvement of CAMINO DEL RIO SOUTH, TEXAS STREET TO I-805 ASSESSMENT DISTRICT

under the Improvement Act of 1913, Resolution of Intention R-252941. (Mission Valley Community Area. DISTRICT-3.) Today's action is:

Subitem-A: (R-81-1136)

Adoption of a RESOLUTION OVERRULING PROTESTS ON RESOLUTION R-252941 of PRELIMINARY DETERMINATION AND OF INTENTION.

Subitem-B: (R-81-1137)

Adoption of a RESOLUTION FINDING AND DETERMINING that the public convenience

and necessity require proposed ACQUISITIONS AND IMPROVEMENTS. (8\_votes required.)

Subitem-C: (R-81-1138)

Adoption of a RESOLUTION ORDERING REDUCTION OF ASSESSMENTS.

Subitem-D: (R-81-1139)

Adoption of a RESOLUTION and ORDER adopting ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT and ORDERING THE WORK AND ACQUISITIONS.

Subitem-E: (R-81-1140)

Adoption of a RESOLUTION AWARDED SALE OF BONDS.

Subitem-F: (R-81-1141)

Adoption of a RESOLUTION of AWARD OF CONTRACT.

Subitem-G: (R-81-1142)

Adoption of a RESOLUTION DESIGNATING COLLECTION OFFICER.

Subitem-H: (R-81-1559)

Adoption of a RESOLUTION ORDERING CHANGES in MODIFICATIONS.

Subitem-I: (R-81-1729)

Adoption of a RESOLUTION ORDERING CHANGES IN MODIFICATIONS, pursuant to the second Resolution of Intention, adopted March 3, 1981.

Subitem-J: (R-81-1827)

Adoption of a RESOLUTION ORDERING CHANGES in MODIFICATIONS pursuant to the third Resolution of Intention adopted on March 24, 1981.

NOTE: Hearing open, testimony taken on 2/3/81. Districts 2, 5, 7 and Mayor not present. Hearing open, testimony taken on 2/24/81. District 5 not present. Hearing open, no testimony taken on 3/3/81. District 4 and Mayor not present. District 7 ineligible. Hearing open, testimony taken on 3/24/

81. District 7 ineligible.

FILE: STRT D-2191

COUNCIL ACTION:

(Tape location: E641-720)

Continued to May 19, 1981, at 8:30 a.m.

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

MOTION BY WILLIAMS TO CONTINUE TO MAY 19, 1981, AT 8:30 A.M. AT CITY MANAGER

BLAIR'S REQUEST. Second by Gotch. Passed by the following vote:

Mitchell-

yea. Cleator-not present. Golding-yea. Williams-yea. Schnaubelt-yea.  
Gotch-yea. Murphy-ineligible. Killea-yea. Mayor Wilson-not present.

Apr-21-1981 ITEM-334:

DESCRIPTION:

(R-81-1143) (Continued from the Meetings of February 3 and 24 and March 3 and 24, 1981; last continued at the City Manager's request.) Establishing an UNDERGROUND UTILITY DISTRICT to be known and denominated as the CAMINO DEL RIO

SOUTH (Texas Street to I-805) UNDERGROUND UTILITY DISTRICT. (DISTRICT-3.)

NOTE: Hearing open, no testimony taken on 2/3/81. Districts 2, 5, 7 and Mayor not present. Hearing open, no testimony taken on 2/24/81. Hearing open, no testimony taken on 3/3/81. District 4 and Mayor not present. District 7 ineligible. Hearing open, testimony taken on 3/24/81. District 7 ineligible.

FILE: STRT K-0119

COUNCIL ACTION:

(Tape location: E641-E720).

Continued to May 19, 1981, at 8:30 a.m.

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

MOTION BY WILLIAMS TO CONTINUE TO MAY 19, 1981, AT 8:30 A.M. AT CITY MANAGER

BLAIR'S REQUEST. Second by Gotch. Passed by the following vote:

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

Schnaubelt-not

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

Apr-21-1981 ITEM-S500:

DESCRIPTION: (R-81-1828)

FILE:

DESCRIPTION:

(Continued from the Meeting of April 14, 1981 at Councilwoman Killea's request.) Proposed submittal of the Border Highlands LCP (Local Coastal Program) Land Use Plan to the California Coastal Commission. The area is located generally south of Monument Road between Dairy Mart Road and the Border Field State Park. This Plan is intended to meet the requirements of the California Coastal Act of 1976. (DISTRICT-8.) (Reviewed by the T&LU COMMITTEE on 3/23/81. Recommendation to ADOPT the Resolution. Districts 3, 4, 5 and 7 voted yea. District 1 not present.)

Today's action is adoption of a RESOLUTION approving the submittal of the Border Highlands LCP Land Use Plan to the Coastal Commission.

FILE: LAND Border Highlands LCP

COUNCIL ACTION:

(Tape location: A233-C100).

Adopted as Resolution R-254044.

Hearing began at 10:29 a.m. and halted at 11:51 a.m.

Testimony in opposition by Ruth Snyder, Patty Ehman, Kathleen Nelson, and Phyllis Vance.

Testimony in favor by Ed Del Ginnes and William Walker.

Councilmember Williams entered at 10:30 a.m.

Councilmember Golding left at 10:33 a.m. and returned at 11:23 a.m.

Councilmember Gotch left at 10:40 a.m. and returned at 10:42 a.m.

Councilmember Williams left at 11:45 a.m.

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

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

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

Apr-21-1981 ITEM-S501:

DESCRIPTION: Two Resolutions relative to DEL SOL APARTMENT COMPLEX: (See Housing Commission Report HCR-81-061. Nestor Community Area. DISTRICT-8.)

Subitem-A: (R-81-1877)

Authorizing the CITY MANAGER to accept the OFFER TO PURCHASE the above complex submitted on February 27, 1981, by John Coogan, Wayne L. Browning, and Jane O.

Kato, subject to the following provisions: (1) That the City advance a purchase money trust deed in the amount of \$800,000 or less at an interest rate of 18.5% per annum, with monthly interest only payments, balance all due and payable one year from close of escrow. (2) That the City subordinate its trust deed to the future rehabilitation loan to be advanced by San Diego Federal Savings and Loan Association in an amount of approximately \$600,000.

(3) That the Coogan Group be allowed to purchase the property with alternate financing, if available. (4) That the Commission approve a one-year management contract with the buyers for operation of the complex by Commission staff; renewal of the management contract at the end of the one year will be subject to mutual approval of the Housing Commission and the buyers. (5) That the Coogan Group would provide a personal guarantee to pay off the note to the City one year from the close of escrow; declaring that the CITY MANAGER is authorized to execute documents necessary to accept said offer including escrow instructions, conveyance documents, financing documents, and a subordinate agreement. Declaring that upon the close of escrow all proceeds from the sale shall be deposited into the City's Low-Income Capital Outlay Fund; authorizing the execution of a DEED with attached conditions, pursuant to which deed and conditions the purchaser shall continue to provide housing opportunities to low-income families in all the units for a minimum period of 15 years, and pursuant to which conditions, certain repairs and improvements

to the units will be required. Declaring that in the event the above identified purchaser cannot complete the sale transaction, the CITY MANAGER is authorized and empowered to accept the OFFER TO PURCHASE the above complex submitted by Preferred Investments Del Sol Group (a partnership to be formed), subject to the following provisions: (1) That Preferred Investments extend their proposal and offer to purchase until June 30, 1981, and agree to enter into a 30-day escrow upon written notification by the City Manager that he has determined that the buyers known as Coogan, Browning, and Kato are unable to perform. (2) That the City advance a purchase money trust deed in the amount of \$710,000 or less at an interest rate of 18.5% per annum, with interest only payments due monthly, all due and payable three years from close of escrow. (3) That Preferred Investments be allowed to purchase the property with alternate financing, if available. (4) That the City subordinate its trust deed to the future rehabilitation loan to be advanced by San Diego Federal Savings and Loan Association in an amount of approximately \$650,000. (5) That the Preferred Investments would provide a personal guarantee to pay off the note to the City three years from close of escrow. Declaring that in the event of sale of the property to Preferred Investments Del Sol Group, the CITY MANAGER is authorized to execute documents necessary to effect the sale, including escrow instructions and a subordinate agreement and other conveyance and financing documents; declaring that in the event of such sale, the MAYOR and the CITY CLERK are authorized to execute a DEED, with conditions, conveying the above property; declaring that upon close of escrow, the proceeds of the sale would be deposited into the City's Low-Income Capital Outlay Fund.

Subitem-B: (R-81-1878)

Declaring that the CITY MANAGER or his designee is authorized to execute a SECOND AMENDMENT to PROPERTY MANAGEMENT AGREEMENT between the City and the

Housing Authority, DECREASING the number of units managed by the Housing Authority from 108 to 20 units; declaring that this resolution shall be and become effective upon the close of escrow conveying the above complex to a private purchaser and in the event such conveyance does not occur within six months following date of adoption of this resolution, this resolution shall be of no further effect.

FILE: DEED F-835

COUNCIL ACTION:

(Tape location: D267-E641)

Subitem-A adopted as amended as Resolution R-254047.

Subitem-B adopted as amended as Resolution R-254048.

MOTION BY KILLEA TO ADOPT AS AMENDED TO DELETE SENTENCE IN SUBITEM-A(4)

"RENEWAL OF THE MANAGEMENT CONTRACT AT THE END OF THE ONE YEAR  
WILL BE  
SUBJECT TO MUTUAL APPROVAL OF THE HOUSING COMMISSION AND THE  
BUYERS; TO  
ELIMINATE PREFERRED INVESTMENTS AS AN ALTERNATE PURCHASER"; AND TO  
ADOPT  
SUBITEM-B. Second by Gotch. Passed by the following vote: Mitchell-yea.  
Cleator-not present. Golding-yea. Williams-yea. Schnaubelt-yea. Gotch-yea.  
Murphy-yea. Killea-yea. Mayor Wilson-not present.

Apr-21-1981 ITEM-CS-1:

DESCRIPTION:

(R-81-1910) A Resolution adopted by the City Council in Closed Session on  
April 21, 1981:

Authorizing the City Manager to pay the total sum of \$135,000 in settlement of  
Superior Court Case No. 422188, and of each and every claim against the City,  
its agents and employees, resulting from the personal injuries to Gregory Alan  
Cooper; authorizing the City Auditor and Comptroller to issue one check in the  
amount of \$135,000 to Allstate Insurance Co. in full settlement of all claims.

FILE: MEET) CITY\_

COUNCIL ACTION: Adopted as Resolution R-254045.

Apr-21-1981 ADJOURNMENT:

FILE: MINUTES

DESCRIPTION:

By common consent the meeting was adjourned by Deputy Mayor Mitchell at 3:40  
p.m.