

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, AUGUST 13, 1985

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Mitchell at 10:02 a.m. Deputy Mayor Mitchell adjourned the meeting at 12:06 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Hedgecock-not present
 - (1) Council Member Mitchell-present
 - (2) Council Member Cleator-present
 - (3) Council Member McColl-present
 - (4) Council Member Jones-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Gotch-present
 - (7) Vacant
 - (8) Council Member Martinez-present
- Clerk-Abdelnour (eb)

FILE: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Hedgecock-not present
- (1) Council Member Mitchell-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Council Member Jones-present
- (5) Council Member Struiksma-not present
- (6) Council Member Gotch-present
- (7) Vacant
- (8) Council Member Martinez-not present

ITEM-206: (R-86-134) ADOPTED AS RESOLUTION R-263857

Urging the Board of Supervisors of the County of San Diego to address the urgent need for more jail space and booking facilities with all possible speed.

(See City Manager Report CMR-85-390.)

FILE: MEET

COUNCIL ACTION: (Tape location: C370-444.)

MOTION BY JONES TO ADOPT AND REFER THE MATTER OF PROPOSED

SOLUTIONS TO THE PUBLIC SERVICES AND SAFETY COMMITTEE. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-not present.

ITEM-330: (R-86-9) CONTINUED TO AUGUST 20, 1985 10:00 A.M.

Determining that Kettner Boulevard and a portion of Pringle Street adjacent to Lots 4 through 6, Block 190, of Middletown, Map-4134-R, within the boundaries of the final map for Mission Hillside Condominiums Subdivision (TM-83-0194), are unnecessary for present or prospective public street purposes; ordering the vacation of Kettner Boulevard and a portion of Pringle Street; declaring that this Resolution shall not become effective unless and until the final subdivision map for the Mission Hillside Condominiums Subdivision has been approved by Council action; in the event that the final map is not approved by June 5, 1987, this Resolution shall become void and of no further force or effect.

(Uptown Community Area. District-2.)

CITY MANAGER REPORT: The vacation of Kettner Boulevard and a portion of Pringle Street are conditions of final map approval for Mission Hillside Condominiums (TM-83-0194), an 18-unit condominium project. The subject streets were dedicated by subdivision prior to 1875. Pringle Street is classified as a local street. Sufficient right-of-way is being retained to accommodate its ultimate design width. The excess right-of-way to be vacated is unimproved and contains no public facilities. The Kettner Boulevard right-of-way to be vacated is unimproved, but contains several public utilities and a privately maintained walkway serving the development to the west. The proposed subdivision will provide easements for the public utilities, bike/pedestrian way, and emergency vehicle access. The associated improvements will be bonded for and constructed as a condition of the Mission Hillside Condominium subdivision. The reversionary rights to the Kettner Boulevard right-of-way are vested entirely with the owners of that development. Staff has concluded that the rights-of-way to be vacated are no longer needed for proposed or prospective public use and can be vacated conditioned upon the approval and recordation of the Mission Hillside Condominiums subdivision. This application has been processed in accordance with Council Policy 600-15.

FILE: --

COUNCIL ACTION: (Tape location: A028-470.)

Hearing began 10:05 a.m. and halted 10:36 a.m.

Council Member Struiksma entered 10:11 a.m.

Testimony in opposition by C. W. Carroll, Madelin Cranz, and Alice Perry.

Motion by Cleator to approve. No second.

MOTION BY CLEATOR TO CONTINUE TO AUGUST 20, 1985, AT COUNCIL MEMBER GOTCH'S REQUEST. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-not present, Mayor Hedgecock-not present.

ITEM-331: CONTINUED TO SEPTEMBER 10, 1985 10:00 A.M.

Proposal to approve the McMillin Scripps Three and Four Development Agreement.

The proposed development agreement would apply to approximately 180 acres in the Scripps Miramar Ranch Community Plan area. The primary purpose of the development agreement is to provide for the funding of public facilities. The owner would agree to pay its fair share of development impact fees for public improvements within the community, including street improvements, traffic signals, a library and fire station. The development agreement is being proposed to meet a condition placed on an approved tentative subdivision map for the property. The payment of development impact fees would be in addition to the provision of public improvements, facilities and services required by the approved tentative subdivision map.

The development agreement would assure the owner that the property could be developed in conformance with Scripps Miramar Ranch Community Plan, the R1-6000 Zone, Tentative Map TM-83-0559.1 and Planned Residential Development Permits PRD-84-0631 and PRD-84-0632 (resulting in a total of 548 residential units) for the 10-year term of the agreement. Additional provisions are included in the draft development agreement.

The property is located between the existing termini of Scripps Lake Drive and Charbono Street, north of the existing termini of Avenida Magnifica and Semillon Boulevard in Zone A-1-10 (proposed R1-6000) in the Scripps Miramar Ranch Community Plan area. The subject property is further described as a portion of Sections 27, 28, 33 and 34, Township 14 South, Range 2 West, S.B.B.M.

(Case-85-0071. Scripps Miramar Ranch Community Area. District-5.)

(O-85-231)

Introduction of an Ordinance approving the development agreement.

FILE: --

COUNCIL ACTION: (Tape location: A470-500.)

Hearing began 10:36 a.m. and halted 10:38 a.m.

Testimony on the request for continuance by John Thelan.

MOTION BY STRUIKSMA TO CONTINUE TO SEPTEMBER 10, 1985, AT HIS REQUEST. Second by Cleator. Passed by the following vote:

Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea,

Gotch-yea, District 7-vacant, Martinez-not present, Mayor

Hedgecock-not present.

ITEM-332:

Matter of the appeals of Lawrence N. Cooper, M.D., by Voyd H. Beights, Agent, from the decision of the Board of Zoning Appeals in denying the following:

a) CUP-18767, which proposes to use the rear portion of the subject lot to provide four off-street parking spaces for a medical building located at 233 Lewis Street, where such use is permitted by Conditional Use Permit only. The subject property is located at 4088 Third Avenue, in Zone R-400, in the Uptown Community Plan area and is further described as Lot 31, Block 5, Hillcrest Subdivision, Map-1024; and

b) Case C-18768, which proposes to construct a 520-sq. ft. addition to an existing 3,000-sq. ft. medical building, providing ten off-street parking spaces where 14 off-street parking spaces are required, at 233 Lewis Street, in Zone CO, in the Uptown Community Plan area. The subject property is further described as Lot 1, Block 4, Hillcrest Subdivision, Map-1024.

(CUP-18767 and Case-18768. Uptown Community Area. District-2.)

Subitem-A: (R-86-372) ADOPTED AS RESOLUTION R-263858
GRANTING APPEAL AND GRANTING
PERMIT

Adoption of a Resolution granting or denying the appeal and the permit (CUP-18767) with appropriate findings to support Council action.

Subitem-B: (R-86-373) ADOPTED AS RESOLUTION R-263859
GRANTING APPEAL AND GRANTING
VARIANCE

Adoption of a Resolution granting or denying the appeal and the variance (Case C-18768) with appropriate findings to support Council action.

FILE:

Subitem-A ZONE Zoning Appeals - Case CUP-18767;

Subitem-B ZONE Zoning Appeals - Case C-18768

COUNCIL ACTION: (Tape location: A502-B065.)

Hearing began 10:39 a.m. and halted 10:51 a.m.

Testimony in favor by Voyd Beights and Philip Smith.

MOTION BY CLEATOR TO GRANT THE APPEALS, THE PERMIT, AND THE VARIANCE. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-not present, Mayor Hedgecock-not present.

ITEM-333:

(Continued from the meeting of July 9, 1985 at the Planning Department's request.)

Proposal to amend Chapter X (Planning and Zoning Regulations) of the San Diego Municipal Code by providing a procedure for review and establishing regulations for satellite antenna placement in all zones; such regulations to include but not be limited to height of antennas, setback, screening and other related matters.

Subitem-A: (R-85-2293) ADOPTED AS RESOLUTION R-263860
Adoption of a Resolution establishing a fee of \$120.00 for processing a Satellite Antenna Permit.

Subitem-B: (O-85-209) INTRODUCED, TO BE ADOPTED
SEPTEMBER 9, 1985
Introduction of an Ordinance amending the San Diego Municipal Code.

Subitem-C: (R-86-50) ADOPTED AS RESOLUTION R-263861
Adoption of a Resolution approving Development Guidelines for Satellite Antennas.

FILE: MEET

COUNCIL ACTION: (Tape location: B066-C183.)

Hearing began 10:50 a.m. and halted 11:43 a.m.

Council Member Martinez entered 10:55 a.m.

Testimony in opposition by William Clasen, Kingsley Boyd,

Frederick MacManus, Rodney Daniel, Lester Harlow, Paul Piscatelli, Robert Dudley, and Ann McCullough.

MOTION BY GOTCH TO APPROVE AND DIRECT THE CITY ATTORNEY TO BRING TO COUNCIL AN AMENDMENT TO THE ORDINANCE STATING THAT IT IS THE OBLIGATION OF THE SELLER OF SATELLITE ANTENNAS TO INFORM BUYERS TO CHECK FOR ANY COVENANTS, CONDITIONS, OR RESTRICTIONS ON THEIR PROPERTY THAT WOULD REGULATE OR PROHIBIT THE INSTALLATION OF ANTENNAS. Second by Struiksma. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-not present.

ITEM-334: (R-86-321) ADOPTED AS RESOLUTION R-263862, DENYING THE APPEAL, GRANTING THE PERMIT

(Continued from the meeting of July 30, 1985 at Council Member McColl's request.)

Appeal of Kenneth W. Zebal from the decision of the Planning Commission in approving Conditional Use Permit CUP-83-0476 with modifications. This permit would modernize an existing service station by converting to self-service pumps and adding a snack shop. The subject property is a 15,246-square foot, C-zoned lot, located at 4616 Texas Street (the northwest corner of Madison Avenue and Texas Street), in the Park Northeast Community Plan area, and is further described as Lot 1, M & M Subdivision, Map-5929.

(CUP-83-0476. District-3.)

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

FILE: PERM CUP-83-0476

COUNCIL ACTION: (Tape location: C203-325.)

MOTION BY McCOLL TO DENY THE APPEAL AND GRANT THE PERMIT WITH THE FOLLOWING CONDITIONS: 1) THE MINI MART AND GAS STATION PUMP HOURS BE RESTRICTED TO 6:00 A.M. TO 10:00 P.M., 2) NO PNEUMATIC EQUIPMENT BE USED PRIOR TO 7:00 A.M. OR AFTER 7:00 P.M., AND 3) NO NOISE AT THE STATION AFTER MIDNIGHT, AND DIRECT THE PLANNING DEPARTMENT AND THE CITY MANAGER TO WORK TOWARD ELIMINATING TRAFFIC HAZARDS AT THE TEXAS STREET AND MADISON AVENUE INTERSECTION. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-not present.

Motion by McColl to refer to the Transportation and Land Use Committee the matter of establishing a policy for noticing

hearings for Conditional Use Permits to include the time of operation. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-not present.

ITEM-335: (R-86-181) ADOPTED AS RESOLUTION R-263863

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 1986 Capital Improvement Program to delete CIP-39-304, Horton Plaza Land Acquisition; authorizing and directing the City Auditor and Comptroller to transfer \$1,000,000 from CIP-39-304, Horton Plaza Land Acquisition, to CIP-39-301, Gaslamp - Fourth Avenue Project, in the amount of \$500,000 and CIP-39-023, Marina/Columbia Residential Project in the amount of \$500,000; authorizing the City Auditor and Comptroller to disburse such funds to the Redevelopment Agency.

(See memorandum from CCDC Executive Vice President dated 7/23/85. Centre City Community Area. District-8.)

Aud. Cert. 86132.

FILE: MEET

COUNCIL ACTION: (Tape location: C509-521.)

MOTION BY MARTINEZ TO ADOPT. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-not present.

ITEM-S500: (R-86-251) ADOPTED AS RESOLUTION R-263864

Authorizing the execution of an agreement with Howard Needles Tammen and Bergendoff for consultant services related to the completion of Route 15 in Mid-City; authorizing the transfer of an amount not to exceed \$100,000 from Fund 18519, Dept. 5713, Org. 1301, to Dept. 5713, Org. 1318; authorizing the expenditure of an amount not to exceed \$100,000 from Fund 18519, Dept. 5713, Org. 1318 for the above consultant services.

(See City Manager Report CMR-85-394. Mid-City Community Area. District-3.)

COMMITTEE ACTION: Reviewed by TLU on 8/7/85. Recommendation to approve the City Manager's recommendation. Districts 1, 3, 6 and 8 voted yea. District 5 not present.

Aud. Cert. 86170.

FILE: MEET CCONFY86-1

COUNCIL ACTION: (Tape location: C444-507.)

MOTION BY McCOLL TO ADOPT AND DIRECT THE CITY MANAGER TO REPORT BACK TO COUNCIL ON THE TIMETABLE FOR CALTRANS TO PLANT THE TREES FOR THE ROUTE 15 PROJECT. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, District 7-vacant, Martinez-not present, Mayor Hedgecock-not present.

ITEM-UC-1: (R-86-263) ADOPTED AS RESOLUTION R-263865

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Waiving the provisions of Council Policy No. 100-3 regarding the funding of religious organizations; authorizing the City Manager to execute an agreement with San Diego County Organization of Private Education (S.C.O.P.E.), to provide supervision and gang counseling service for the New Wings of Freedom Program from August 1, 1985, to September 30, 1985; authorizing the expenditure of an amount not to exceed \$10,974 from the General Fund, Unallocated Reserve, for the purpose of providing funds for the above program..

FILE: MEET CONFY86-1

COUNCIL ACTION: (Tape location: C196-203.)

MOTION BY JONES TO ADOPT. Second by McColl. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-not present.

ITEM-UC-2: (R-86-316) ADOPTED AS RESOLUTION R-263866

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Rescinding Resolution R-263598 which excused Council Member McColl from attending the Council Meeting of July 8, 1985, for the purpose of attending a hearing for the Public Safety Committee in Sacramento. Due to a continuance, her attendance was not required, therefore, she was present at the July 8, 1985, Council Meeting.

FILE: MEET

COUNCIL ACTION: (Tape location: C534-536.)

MOTION BY McCOLL TO ADOPT. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksmayea-not present, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-not present.

ITEM-CS-1: (R-86-258) ADOPTED AS RESOLUTION R-263867

A Resolution adopted by the City Council in Closed Session on August 13, 1985:

Authorizing and empowering the City Manager to pay the total sum of \$8,819.39 in settlement of each and every claim against The City of San Diego, its agents and employees resulting from property damage to the residence owned by Ramona Nevares; authorizing the City Auditor and Comptroller to issue one check in the amount of \$8,819.39 made payable to Luth and Turley, Inc. in full settlement of all claims.

Aud. Cert 86168

ITEM-CS-2: (R-86-260) ADOPTED AS RESOLUTION R-263868

A Resolution adopted by the City Council in Closed Session on August 13, 1985:

Authorizing and empowering the City Manager to pay the total sum of \$3,453 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from the property damage to the residence owned by June Hanson; authorizing the City Auditor and Comptroller to issue two checks, one in the amount of \$2,267.25 made payable to Luth and Turley, Inc. and one check in the amount of \$1,185.75 made payable to June Hanson.

Aud. Cert. 86166/86167

ITEM-CS-3: (R-86-259) ADOPTED AS RESOLUTION R-263869

A Resolution adopted by the City Council in Closed Session on August 13, 1985:

Authorizing and empowering the City Manager to pay the total sum of \$18,317.70 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from property damage to the basement of property owned by Pacific Bell; authorizing the City Auditor and Comptroller to issue one check in the amount of \$18,317.70 made payable to Luth and Turley, Inc. in full settlement of all claims.

Aud. Cert. 86169

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Mitchell at 12:06 p.m.

FILE: MEET

COUNCIL ACTION: (Tape location: C538-558).

MOTION BY GOTCH TO ADJOURN IN HONOR OF THE MEMORY OF AL STADTMILLER. Second by Martinez. Passed by the following vote:

Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea,

Struiksma-not present, Gotch-yea, District 7-vacant,

Martinez-yea, Mayor Hedgecock-not present.