

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

TUESDAY, JANUARY 27, 1987

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:26 a.m.  
Mayor O'Connor announced a correction to the location of the  
Quarterly Special Night Meeting. That meeting will be held at  
University City High School instead of University High School. The  
meeting was adjourned by Mayor O'Connor at 12:12 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
  - (1) Council Member Wolfsheimer-present
  - (2) Council Member Cleator-present
  - (3) Council Member McColl-present
  - (4) Council Member Jones-present
  - (5) Council Member Struiksmma-present
  - (6) Council Member Gotch-present
  - (7) Council Member McCarty-present
  - (8) Council Member Ballesteros-present
- Clerk-Abdelnour (mp)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Council Member Jones-present
- (5) Council Member Struiksmma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Ballesteros-present

ITEM-310: (R-87-1331) ADOPTED AS RESOLUTION R-267561

Authorizing suggestion awards and making a presentation to  
the following employees:

Fred Hoyle - Police Department - \$5,000.  
Duane Zimmerman and Wesley Williams - Utilities Department  
- \$5,000.  
Sean Donovan - Police Department - \$1,587.60.  
Anthony Bettinelli - Engineering and Development Department  
- \$1,000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A021-064.)

MOTION BY GOTCH TO ADOPT ITEM-310 AND ITEM-311. Second by  
Wolfsheimer. Passed by the following vote: Wolfsheimer-yea,  
Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea,  
McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-311: (R-87-1332) ADOPTED AS RESOLUTION R-267562

Authorizing suggestion awards to the following employees:  
Bradley Snyder - Engineering and Development - \$320.00  
Marla Brubaker - Citizens Assistance - \$124.31  
Charles Hogquist - Police Department - \$ 80.00  
Michael Donnelly - Fire Department - \$ 45.00

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A021-064.)

MOTION BY GOTCH TO ADOPT ITEM-310 AND ITEM-311. Second by  
Wolfsheimer. Passed by the following vote: Wolfsheimer-yea,  
Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea,  
McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-330: (O-87-143) INTRODUCED AND ADOPTED AS ORDINANCE  
O-16801 (new Series)

A proposal for an extension of time to Ordinance No.  
O-16764 N.S. (New Series), commonly known as the Greater  
North Park Emergency Ordinance. The ordinance provides  
that no development inconsistent with the rezoning program  
that the City Council has initiated occurs, within the  
areas designated residential by the adopted Greater North  
Park Community Plan, before the City Council has had an  
opportunity to consider such rezonings pursuant to the  
provisions of San Diego Municipal Code Section 101.0205.2.

The proposed action will extend Ordinance No. O-16764 N.S. for a period not to exceed one year from its present expiration date of February 15, 1987.

(Districts-3 and 8.)

Introduction and Adoption of an Ordinance for an extension of time to the Greater North Park Emergency Ordinance.

NOTE: Six votes required.

FILE LOCATION: LAND - Greater North Park Community Plan

COUNCIL ACTION: (Tape location: A221-B228.)

Hearing began at 10:43 a.m. and halted at 11:25 a.m.

Testimony in favor by Carol Landsman, Phillip Salliday, Katy McGee, Janice DuVall, Susan Hoekenga, Florence Zwerneman, and Josephine Hamilton.

Testimony in opposition by Donald Leichtling, Will Newbern, Gil Ontai, Anna De Luca, and Domenic De Luca.

Mayor O'Connor closed the hearing.

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE EXTENSION OF THE EMERGENCY ORDINANCE. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

**ITEM-331:**

(Continued from the meetings of September 16, 1986, Item 336, at Jerry Dawson's request; continued from the meeting of September 30, 1986, Item 332B, at Council Member Martinez's request, for a briefing regarding the phased development area boundaries and the boundaries of the Penasquitos East Community Plan with respect to the property identified as Carmel Rancho 2; Item 1 reconsidered and Items 2 and 3 continued from the meeting of October 7, 1986, Item S500, at Mayor O'Connor's request, to obtain a memo from the Planning Department explaining what occurred based on Dr. Freilich's recollection; continued from November 18, 1986, Item 338, at Mr. Milch's request, for further review by full Council.)

Matters of:

1) Amending the 1978 Penasquitos East Community Plan to incorporate the following previous actions:

- a. The Penasquitos East Community Plan Addendum approved January 15, 1981 by Planning Commission Resolution No. 2979;
- b. The Carmel Rancho Project (Unit 1) rezoned from A-1-10 to R-1-5, by the City Council on November 16, 1981 by Ordinance O-15611 N.S.;
- c. The Black Mountain Glen Project rezoned from A-1-10 to R-1-5, by the City Council on September 13, 1982 by Ordinance O-15815 N.S.;

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and concurrently amending the Progress Guide and General Plan to reflect the Penasquitos East Community Plan as so amended.

2) Amending the Penasquitos East Community Plan and the Progress Guide and General Plan Map (Land Use Element) to include the Carmel Rancho 2 and Rhodes/Grus properties.

3) Ratifying the boundaries of the Phased Development Areas, as delineated on Exhibits A and B, to reflect the cumulative revisions approved by the Council since the Phase Development Areas were initially designated in the Progress Guide and General Plan on February 26, 1979 by Council Resolution R-222918.

(Items 1 & 2 - District-1.)

(Item 3 - City-wide.)

Subitem-A: (R-87-1546) ADOPTED AS RESOLUTION R-267563  
Adoption of a Resolution amending the 1978 Penasquitos East Community Plan and the Progress Guide and General Plan.

Subitem-B: (R-87-1547) ADOPTED AS AMENDED AS RESOLUTION  
R-267564  
Adoption of a Resolution amending the Penasquitos East Community Plan and the Progress Guide and General Plan to include the Carmel Rancho 2/Grus properties.

Subitem-C: (R-87-399 Rev.1) ADOPTED AS RESOLUTION R-267565  
Adoption of a Resolution ratifying the Progress Guide and General Plan Phased Development Area boundaries.

NOTE:

Subitem C should be amended, as necessary, if

Subitem B  
is approved.

FILE LOCATION:

Subitem-A,B: LAND - Penasquitos East  
Community Plan;

Subitem-C: LAND - Progress  
Guide and General Plan

COUNCIL ACTION: (Tape location: B235-C196.)

Hearing began at 11:25 a.m. and halted at 12:04 p.m.

Testimony by Mr. Milch, Lynn Benn, Jerry Dawson, Paul Robinson,  
and Paul Peterson.

MOTION BY McCARTY TO ADOPT STAFF RECOMMENDATION WHICH WOULD BE

A

PHASED MAP IN EXHIBIT A AND B; ADOPT THE PENASQUITOS BOUNDARY  
LINE WHICH WOULD EXCLUDE PARCELS 10 AND 11. Second by Jones.

Passed by the following vote: Wolfsheimer-nay, Cleator-yea,  
McColl-yea, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea,  
Ballesteros-yea, Mayor O'Connor-yea.

MOTION BY McCARTY TO CHANGE THE COMMUNITY PLAN BOUNDARY LINE

AND

RECOGNIZE THE REALITY THAT PARCELS 7 AND 8 HAVE ALREADY BEEN  
DEVELOPED. Second by Ballesteros. Passed by the following  
vote: Wolfsheimer-nay, Cleator-yea, McColl-yea, Jones-yea,  
Struiksmay-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor  
O'Connor-yea.

ITEM-332: (R-87-1545) ADOPTED AS RESOLUTION R-267566 DENYING  
REQUEST AND BOUNDARY CHANGE

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(Continued from the meetings of September 16, 1986, Item  
337, September 30, 1986, Item 333, October 7, 1986, Item  
S501 and November 18, 1986, Item 339; last continued at Mr.  
Milch's request for further review by full Council.)

Matter of the request of the Rancho de los Penasquitos Planning Board that The San Diego City Council take action to correct the map dated December 11, 1985, showing the boundaries of the Penasquitos East Community Plan, to include property identified as Carmel Rancho 2 on the map dated March 14, 1986.

(Penasquitos East Community Area. District-1.)

Adoption of a Resolution approving or denying the request and boundary change.

FILE LOCATION: LAND - Penasquitos East Community Plan

COUNCIL ACTION: (Tape location: C199-214.)

Hearing began at 12:04 p.m. and halted at 12:05 p.m.

**MOTION BY McCARTY TO DENY THE REQUEST AND BOUNDARY CHANGE.**

Second by Gotch. Passed by the following vote:

Wolfsheimer-yea, Cleator-nay, McColl-yea, Jones-yea,

Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor

O'Connor-yea.

ITEM-333: (R-87- ) CONTINUED TO MARCH 2, 1987, 2:00 P.M.

(Continued from the meeting of December 16, 1986, Item 336, at James Carter's request, to allow time for the normal course of the Planning Board's review to occur.)

Request for a Conditional Use Permit to install a 15-foot high steel tower for face support of two microwave dish antennas, and to maintain a microwave relay facility with a roof-mounted antenna. The subject property (approximately .399-acres) is a portion of Lot 1, Bernardo Heights, Unit 15, Map-11011, located on the east side of Avenida Venusto, in Zone A-1-10, in the Rancho Bernardo Community Plan area.

(CUP-86-0676. District-1.)

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

FILE LOCATION: PERM - CUP-86-0676

COUNCIL ACTION: (Tape location: A065-089.)

**MOTION BY WOLFSHEIMER TO CONTINUE TO MARCH 2, 1987, AT THE REQUEST OF THE RANCHO BERNARDO COMMUNITY PLANNING BOARD FOR TIME TO FURTHER BUFFER AND LANDSCAPE THE MICROWAVE DISH**

AND THEN TO COME BACK FOR APPROVAL WITH THE NEW LANDSCAPE PLANS. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

**ITEM-334:**

Approval of the proposed River Run Development Agreement between the City of San Diego and River Run Club, LTD. and River Run Office Park, LTD., California Limited Partnerships.

The proposed development agreement would apply to approximately 39.8 acres in the Mission Valley community. The development agreement is being proposed to satisfy conditions associated with the Mission Valley Community Plan. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The owner would agree to pay its fair share of fees or contribute facilities in lieu of payment as required by the public facilities financing plan for the community. The development agreement would assure the owner that the property could be developed in conformance with the Mission Valley Community Plan, EIR-79-07-35, Zones CN, R-3000, R-3000 (FPF), M-1B and M-1B (HR), and Hillside Review Permit HRP-86-0171, for the 20-year term of the agreement. Additional provisions are included in the draft development agreement.

The property subject to the proposed development agreement is located on the north and south sides of Friars Road on the east side of I-805, in Zones CN, R-3000, R-3000 (FPF), M-1B and M-1B (HR) within the Mission Valley Community Plan. A brief legal description is as follows: Lots 27 and 28, Dos Pueblos Unit 2, Map-10318 and Lots 7-19, Dos Pueblos Unit 1, Map-10312. The specific legal description is on file in the City Planning Department.

(District-5.)

Subitem-A: (R-87-1153) ADOPTED AS RESOLUTION R-267567

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-86-0171 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-87-127) INTRODUCED, TO BE ADOPTED FEBRUARY 9, 1987

Introduction of an Ordinance approving the development agreement.

FILE LOCATION: DEVL - River Run Development Agreement

COUNCIL ACTION: (Tape location: A104-218.)

Hearing began at 10:34 a.m. and halted at 10:43 a.m.

Testimony in favor by Doug Allred.

MOTION BY STRUIKSMA TO CLOSE THE HEARING, ADOPT THE RESOLUTION, AND INTRODUCE THE ORDINANCE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-335: (O-87-148) INTRODUCED AND ADOPTED AS ORDINANCE O-16802 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-16678 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1986-87 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Documents No. 00-16678-1 and No. 00-16678-2, as amended and adopted therein, by transferring the sum of \$411,700 from the Unappropriated Fund Balance of the Sewerage Utility Revenue Fund (41506); amending Section 2, Subsection VI, Item, 3, entitled "Sewerage Utility Revenue Fund (41506)" to increase non-personnel expense and total by said \$411,700; directing the Auditor and Comptroller to set aside, transfer, and allocate the \$411,700 appropriated above to the Wastewater Operation Engineering Program (70820).

(Rancho Carmel, Sabre Springs, La Jolla North City West, North City West Development 3, North City West Neighborhoods 4, 5, 6, North City West Employment Center, Penasquitos, Rancho Bernardo, Torrey Pines, University, Carmel Valley, Sorrento Hills, Fairbanks Country Club, Scripps Mira Mar Ranch, Miramar Ranch North, and Mira Mesa Community Areas. Districts-1 and 5.)

CITY MANAGER REPORT: Operation records indicate that excessive rainwater inflow and groundwater infiltration exist within the sewerage system leading to Sewerage Pump Station No. 64. The Consultant, Montgomery Engineering, estimates 3.3 million gallons of excess water flow through Pump Station No. 64 daily during the rainy season. The estimated cost of pumping this excess water is \$253,000 annually; the treatment cost is over \$663,000 annually. This project was advertised in the San Diego Daily Transcript. Six respondents were interviewed by a committee comprised of Water Utilities Department Engineers. The firm of Brown and Caldwell Consulting Engineers was recommended by this committee with the approval of the City Manager. This Consultant Agreement provides for Phase I of a four-phase study. The Phase I estimate is \$411,700 and requires 290 calendar days; it involves initial data collection and accelerated source detection of gross excess water flow in the sewerage system. Depending upon Phase I results, subsequent phases could be reduced in scope or possibly eliminated. The Phase II estimate is \$400,000 and requires 270 calendar days; it provides for specific source detection throughout this sewerage system by utilizing data and results from Phase I. The Phase III estimate is \$200,000 and requires 150 calendar days; it offers rehabilitary project design engineering. The Phase IV estimate is \$250,000 and requires 360 calendar days; it offers construction management assistance for the Phase III design project.

Fowler/Campillo

Aud. Cert. 8700446.

WU-U-87-039.

NOTE: See Item 209 on the docket of Monday, January 26, 1987, for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A096-103.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCES FOR ITEM-335, ITEM-336, AND ITEM-337.

Second by Struiksma. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-336: (O-87-150) INTRODUCED AND ADOPTED AS ORDINANCE  
O-16803 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-16678 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1986-87 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Documents No. 00-16678-1 and No. 00-16678-2, as amended and adopted therein, by transferring the sum of \$50,986 from the General Fund 100, Unallocated Reserve (605) to Fund 70229, entitled "Eastgate Technology Park Landscape Maintenance District" and appropriating the sum of \$52,514 in Fund 70229 for the purpose for which the fund was established.

(University Community Area. District-1.)

CITY MANAGER REPORT: The Eastgate Technology Park Landscape Maintenance District was formed after the passage of the FY 1987 Annual Appropriation Ordinance and therefore was not included in the Ordinance. This action will serve to appropriate funds for the district maintenance and transfer \$50,986 from the General Fund Unallocated Reserve. Council established assessments for the maintenance of street medians, streetscapes and open space in the district for the last half of FY 1987. The developer of

the subdivision will continue to provide all necessary maintenance through the first half of FY 1987. Most parcels in this district are owned by the City of San Diego and are available for sale. Until all parcels are sold, the City is liable for the assessment of \$49,216. In addition, the City is responsible for a half-year contribution of \$1,770 which represents a standard level of maintenance for the area. This brings the total City obligation to \$50,986. Other property owners in the district will be assessed \$1,528, for a total district budget of \$52,514.

Aud. Cert. 8700498.

NOTE: See Item 211 on the docket of Monday, January 26, 1987, for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: STRT M-122

COUNCIL ACTION: (Tape location: A096-103.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCES FOR ITEM-335, ITEM-336, AND ITEM-337.

Second by Struiksma. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-337: (O-87-147) INTRODUCED AND ADOPTED AS ORDINANCE  
O-16804 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-16678 (New Series) as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1986-87 and Appropriating the Necessary Money to Operate the City for said Fiscal Year" by amending Document No. O-16678-1, as amended and adopted therein, by transferring \$23,000 from the local transportation fund to CIP-58-028.0, entitled, "Nimitz Boulevard Bikeway."

(Peninsula Community Area. District-2.)

CITY MANAGER REPORT: This project will provide a Class II Bike Lane on Nimitz Boulevard from North Harbor Drive to West Point Loma Boulevard. Construction improvements will include

relocation of the existing raised median, widening of the roadway at Famosa Boulevard, relocation of a sign bridge, and minor modifications of several existing traffic signal installations. Additionally, the center island on Nimitz Boulevard will be extended through the intersection with Locust Street to improve traffic control. This is necessary because of the accident frequency at this high volume intersection. This project will facilitate both the flow and safety of bicyclists using Nimitz Boulevard. It is heavily used by bicyclists and provides access to Mission Bay Park and to the communities of Point Loma and Ocean Beach. Bids were opened on October 7, 1986. The lowest of the four bids received is 15 percent above the estimate of \$153,400 (25 bid packages were issued). The bid received is above the City estimate, but approval to award is requested as readvertising will probably not result in a lower bid. SANDAG had provided LTF Funds from the Bikeway Reserve to cover the increased estimate.

Aud. Cert. 8700527.

NOTE: See Item 210 on the docket of Monday, January 26, 1987, for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A096-103.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCES FOR ITEM-335, ITEM-336, AND ITEM-337.

Second by Struiksma. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-CS-1: (R-87-1494) ADOPTED AS RESOLUTION R-267568

A Resolution adopted by the City Council in Closed Session on Tuesday, January 27, 1987:

Authorizing the City Manager to pay the sum of \$55,000 in settlement of Superior Court Case No. 506415, resulting from personal injury to Randal Poff and Sandra Poff; authorizing the City Auditor and Comptroller to issue one

check in the amount of \$55,000 made payable to Randal Poff, Sandra Poff and their attorney of record Philip Cohen in full settlement of all claims.

FILE LOCATION: MEET

**NON DOCKET ITEMS:**

None.

**PUBLIC COMMENT:**

PC-1: REFERRED TO CITY MANAGER

Comments by Nicholas Moffit, 1335 J Street, San Diego 92103: (1) Housing for Social Security Recipients; (2) Street people to construct the housing; (3) Immoral influence of teachers on students.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C231-310.)

**ADJOURNMENT:**

By common consent, the meeting was adjourned by Mayor O'Connor.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C316).