

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 12, 1990
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 10:00 a.m. Council Member Henderson recognized and commended members of the United States Air Force Academy Awareness Team. The meeting was recessed by Mayor O'Connor at 11:15 p.m. to reconvene at 2:00 p.m. The meeting was reconvened by Deputy Mayor Wolfsheimer at 2:11 p.m. with Mayor O'Connor and Council Members Hartley and McCarty not present. Mayor O'Connor adjourned the meeting at 4:03 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member Hartley-present
 - (4) Council Member Pratt-present
 - (5) Council Member Bernhardt-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (rb,mp)

FILE LOCATION: MINUTES

Jun-12-1990

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-not present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present

(Trailed from the Adjourned Meeting of June 4, 1990,
Item 200.)

ITEM-200:

Alternate actions relating to the Traffic Control and
Comprehensive Growth Management Initiative:
(See City Clerk Report dated 5/17/90.)

Subitem-A: (R-90-1985a) NOTED AND FILED

Approving the legislation in the petition filed by the San
Diego 2000 Committee relating to traffic control and growth
management within the City; directing the City Attorney to
prepare a Resolution containing the legislation for the
purposes of putting it in the proper format for amending
the Progress Guide and General Plan of the City of San
Diego for adoption by the City Council.

Subitem-B: (R-90-1985b) ADOPTED AS RESOLUTION R-275887

Rejecting the legislation contained in the petition filed
by the San Diego 2000 Committee relating to traffic control
and growth management within the City; directing the City
Attorney to prepare an Ordinance calling a Special Election
to be consolidated with the regularly scheduled election of
November 6, 1990.

Council may take one of the following actions:

1. Approve the legislative act proposed by the initiative
petition (Subitem A); or
2. Reject the act and direct the City Attorney to prepare an
Ordinance calling a Special Election to be consolidated with
the regularly scheduled election of November 6, 1990
(Subitem B).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A108-599.)

Motion by Henderson to certify the initiative process, acknowledge that significant signatures have been gathered, place the item on the November ballot, and to accept Council Member Bernhardt's amendment to the motion to request that the City Attorney provide a written opinion on the matter by June 27, 1990. Second by McCarty. No vote.

Request by Roberts to divide the motion to vote to place the item on the ballot, followed by a vote to request a City Attorney opinion on the matter.

Motion by Henderson to place the item on the ballot. Second by McCarty. Failed. Yeas: 2,6,7,M. Nays: 1,5,8. Not present: 3,4.

Motion by Wolfsheimer to take a position in opposition to San Diego 2000. Second by Filner. Failed. Yeas: 1,5,8. Nays: 6,7,M. Not present: 2,3,4.

Motion by Bernhardt to reconsider the original motion and withdraw the motion to split the vote. Second by Roberts.

Passed. Yeas: 1,2,5,6,7,M. Nays: 8. Not present: 3,4.

MOTION BY HENDERSON TO CERTIFY THE INITIATIVE PROCESS, ACKNOWLEDGE THAT SIGNIFICANT SIGNATURES HAVE BEEN GATHERED, PLACE THE ITEM ON THE NOVEMBER BALLOT, AND TO REQUEST THAT THE CITY ATTORNEY PROVIDE A WRITTEN OPINION ON THE MATTER BY JUNE 27, 1990. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

Jun-12-1990

ITEM-310: WELCOMED

Welcoming a group of approximately 50 students from East San Diego Community College, accompanied by their teachers, Marilyn Spillane, Gretchen Bitterlin, and June Severson. This group will arrive at approximately 10:00 a.m. (District-3.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-107.)

ITEM-330:

Two actions relative to the MBM West Cost Reimbursement

District:
(Mission Valley Community Area. District-5.)
Subitem-A: (R-90-1774) ADOPTED AS RESOLUTION R-275888

Establishing the MBM West Cost Reimbursement District;
setting 20 years as the limiting period when assessed costs
are due and payable.

Subitem-B: (R-90-1776) ADOPTED AS RESOLUTION R-275889

Authorizing the execution of a Cost Reimbursement Agreement
with MBM West II relative to the MBM West Cost
Reimbursement District.

CITY MANAGER SUPPORTING INFORMATION: In February 1989, the
City Council authorized the initiation for the formation of a
cost reimbursement district for the developer of MBM West. The
improvements for which the developer is seeking partial
reimbursement include the widening and realignment of Camino de
la Reina between Mission Center Road and SR-163, the associated
traffic signal modifications at Mission Center Road and Camino
de la Siesta, water, sewer and storm drain facilities associated
with the street improvements, and right-of-way acquisition.
These improvements were required as a part of the Mission Valley
Plan and were included in the MBM West tentative map conditions.
These improvements benefit other property and it is proposed

that their costs be spread based upon the benefit they receive.
The total estimated cost of the improvements are \$2,315,260. Of
this amount, MBM West would absorb \$1,593,149 and the remaining
\$722,111 would be paid by the benefiting parcels if they
develop/redevelop within the 20-year period. A proposed
reimbursement district plan and cost distribution table has been
filed in the office of the City Clerk as Document No. CR-12-3 &
5. A 20-day notice was sent to all affected property owners
prior to today's hearing.

FILE LOCATION: STRT CR-12 CONT FY90-1

COUNCIL ACTION: (Tape location: B016-300.)

Hearing began at 10:41 a.m. and halted at 11:03 p.m.

Testimony in favor by Gerald Alford and Jeff Chine.

Testimony in opposition by Joe Hertel and Alan Perry.

MOTION BY BERNHARDT TO ADOPT ITEM 330, SUBITEMS-A&B, AND TO
REQUEST THAT THE CITY MANAGER HAVE THE APPROPRIATE STAFF TO

CORRECT THE SPELLING OF THE WORD "CAMINO" ON THE SIGN THAT READS "CAMINO DE LA SIESTA" AT THE INTERSECTION. Second by McCarty.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331:

Two actions relative to vacating the Alley adjacent to Parcel 1 and Parcel 2 of Parcel Map PM-15636 and Block 1 of Wilshire Place Map-1382:

(Mid-City Community Area. District-3.)

Subitem-A: (R-90-1816) ADOPTED AS RESOLUTION R-275890

Vacating the Alley adjacent to Parcel 1 and Parcel 2 of Parcel Map PM-15636 and Block 1 of Wilshire Place Map-1382.

Subitem-B: (R-90-1817) ADOPTED AS RESOLUTION R-275891

Approving the acceptance by the City Manager of the sewer and water easement deed of the Ford Leasing Development Company, granting to the City easements for sewer and water purposes in a portion of Parcel 1 of Parcel Map PM-15636.

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation has been requested by the abutting owners in order to accommodate the renovation and expansion of the existing automobile dealership and repair facility. The north/south alley proposed for vacation is bounded by El Cajon Boulevard, Fairmount Avenue, Meade Avenue, and 43rd Street. The area of vacation totals approximately 9,100 square feet and is located in the Mid-City Community and within a Neighborhood Commercial Zone that allows residential development. The adjacent properties are subject to the development controls of the Mid-City Planned District Ordinance. Although the residential entitlement of the adjacent properties would be increased by virtue of the vacation, density will not be affected since the adjacent properties will continue to be utilized commercially for automobile sales and service center. The Planning Department has no objections to the proposed vacation, and the Planning Commission recommended approval on August 17, 1989. The alleyway proposed for vacation is improved and provides only secondary access to adjacent properties and is not required for traffic circulation. It contains public utilities and franchise facilities for which easements are to be reserved. In addition,

a five-foot-wide water/sewer easement is being granted to the City encompassing the easterly five feet of Parcel 1. This easement will provide additional right-of-way, resulting in a twenty-foot-wide easement for three-quarters of the length of the alley to accommodate future maintenance requirements for the existing water and sewer mains. As a condition of the vacation, the existing alley aprons to the north, at Meade Avenue, and to the south, at El Cajon Boulevard, must be removed and replaced with standard curbs, gutters, and sidewalks, in a manner satisfactory to the City Engineer. Staff review has indicated that the right-of-way proposed for vacation is no longer required for present or prospective public use and may be vacated conditioned upon the acceptance of the required water/sewer easement deed and issuance of permits for the required public improvements.

FILE LOCATION: Subitem-A: STRT - J-2740 DEED F-5287;
Subitem-B: DEED F-5288 DEEDFY90-2

COUNCIL ACTION: (Tape location: C057-184).

Hearing began at 2:16 p.m. and halted at 2:27 p.m.

MOTION BY HARTLEY TO ADOPT THE RESOLUTIONS FOR ITEM-331. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-332: (R-90-1655) ADOPTED AS RESOLUTION R-275892

Acquiring 15.6 acres of Los Penasquitos Canyon Preserve North No. 7 for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention No. R-275692, adopted on May 14, 1990; authorizing the City Manager to offer to purchase the property; authorizing the expenditure of an amount not to exceed \$700,000 as payment for the property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(District-1.)

CITY MANAGER SUPPORTING INFORMATION: Los Penasquitos Canyon Preserve is priority number 1, in Category A, on the Council's adopted open space retention list. This 15.6 acre parcel is a portion of a large finger canyon northeast of the Newland tradeland property. On September 15, 1986, Council approved an acquisition plan for this and other land, along with funds to

have it appraised for purposes of acquisition for open space. Further, on June 1, 1987, Council established priorities for the acquisition plan which identified this land as the number eight priority. Since available funds were not adequate to proceed with all of the parcels included in this priority, we have been returning to Council for approval of funds in order of established priorities. Funding is now available to acquire this parcel, which consists mainly of canyon bottom and slope. This request is for \$700,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs.

Aud. Cert. 9000822.

FILE LOCATION: STRT - OS-23

COUNCIL ACTION: (Tape location: C197-210.)

Hearing began at 2:28 p.m. and halted at 2:29 p.m.

MOTION BY McCARTY TO ADOPT THE RESOLUTION. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-333: (R-90-1893) CONTINUED TO JUNE 19, 1990

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the construction, operation and maintenance of a public sewer or sewers and a land and ocean outfall disposal system to handle sewage flows in the South Bay; declaring that the public sewer or sewers require the acquisition of fee title, permanent easements and temporary work easements over, under, along and across portions of real property located in the Tijuana River Valley, and that the public interest, convenience and necessity demand said acquisitions; declaring the intention of the City of San Diego to acquire said property under eminent domain proceedings; and directing the City Attorney of the City of San Diego to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property and acquiring immediate possession.
(See City Manager Report CMR-90-255. Tijuana River Valley Community Area. District-8.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E248-278.)

Motion by Henderson to adopt the resolution. Second by McCarty.

Motion withdrawn.

MOTION BY HENDERSON TO CONTINUE FOR ONE WEEK. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-334:

(Continued from the meetings of June 13, 1989, August 8, 1989, November 14, 1989, December 4, 1989, January 29, 1990, February 27, 1990, and May 8, 1990, Item 336; last continued at Councilmember Bernhardt's request to allow the Planning Department to review the recommendation by the American Institute of Architects, and to allow the Community Planning Committee to review those recommendations as well as individual recommendations.)

A proposal to adopt the Mission Valley Planned District Ordinance (PDO) for the purpose of implementing the adopted Mission Valley Community Plan. The entire community is proposed to be rezoned from City-wide zones to PDO zones. The zone boundaries are consistent with the adopted community plan land use designations.

The planned district also involves three overlay districts which would regulate: 1) development intensity in the Mission Valley community and a portion of the Linda Vista community; 2) the San Diego River area; and, 3) hillside areas. The development intensity currently permitted by the adopted community plan and the existing adopted ordinance would be maintained. Under the planned district framework, most projects would be processed through a discretionary Mission Valley Development Permit.

The City Council has considered the PDO on several occasions and on February 27, 1990 recommended additional modifications. At the hearing, the Council voted to continue the item until May 8, 1990 to address the proposed modifications. This notice is being provided to property owners within the PDO area, within 300 feet of the PDO area and other interested persons potentially affected by the PDO.

No changes to the existing boundaries of the Hillside Review Overlay (HR) Zone, the Floodway (FW) Zone or the

Floodplain Fringe (FPF) Zone are proposed.
Copies of the complete draft Mission Valley Planned District Ordinance and detailed zoning and overlay district maps are available at the City Planning Department upon request.

(District-5.)

Subitem-A: (O-89-230 Rev. 1) INTRODUCED AS AMENDED, TO BE ADOPTED JUNE 25, 1990

Introduction of an Ordinance approving the Planned District.

Subitem-B: (O-89-231 Cor.Copy) INTRODUCED, TO BE ADOPTED JUNE 25, 1990

Introduction of an Ordinance rezoning various portions of Mission Valley.

FILE LOCATION: LAND - Mission Valley Planned District

COUNCIL ACTION: (Tape location: C213-D686.)

Hearing began at 2:29 p.m. and halted at 3:40 p.m.

Testimony in favor by Mark Phelman, Norman Erb, Janay Kruger, and Bill Scott.

Testimony in opposition by Laurence Brunton, Tim Kellogg, John Nevara, Matt Peterson, and Rick Aschenbrenner.

MOTION BY BERNHARDT TO INTRODUCE SUBITEM-A AS AMENDED BY (1) APPROVING THE MISSION VALLEY PDO DRAFT OF APRIL 25, 1990 WITH REVISIONS CONTAINED IN COUNCIL MEMBER BERNHARDT'S MEMORANDUM DATED JUNE 12, 1990, WHICH STATES IN SUMMARY, "ADDING A MISSION VALLEY DESIGN REVIEW SUBCOMMITTEE, FORMED AS A SUBCOMMITTEE OF THE MISSION VALLEY UNIFIED PLANNING COMMITTEE; REQUIRING ANNUAL REVIEW OF THE PLANNED DISTRICT, SUBJECT TO FUNDS BEING PROVIDED IN THE COUNCIL APPROVED BUDGET; REPLACING QUANTITATIVE DESIGN STANDARDS WITH QUALITATIVE DIRECTIVES TO ASSURE ARCHITECTURAL DESIGN FREEDOM, WHILE MAINTAINING THE ORIGINAL INTENT OF THE PDO; AND INCORPORATING MANY OF THE PLANNING DEPARTMENT RECOMMENDED CHANGES AS OUTLINED IN PLANNING REPORT NO. 89-537, ISSUED FOR THE COUNCIL HEARING OF MAY 8, 1990; (2) BY ADDING PARAGRAPH 8 TO PAGE 83 OF ORDINANCE O-89-230 REV. 1 AS FOLLOWS: "8. AUTOMOBILE DEALERSHIP. AUTOMOBILE DEALERSHIPS MAY UTILIZE GROUND SIGNS NOT EXCEEDING 50 FEET IN HEIGHT." IN ADDITION, REFER TO T&LU COMMITTEE THE ISSUE OF THE CITYWIDE SIGNAGE REGULATION ORDINANCE FOR REVIEW, FOCUSING ON PARTICULAR SITUATIONS; AND REFER TO THE CITY MANAGER THE MATTER OF BUDGETING FOR TWO STAFF POSITIONS FOR THE PLANNING DEPARTMENT

DURING THE BUDGETARY PROCESS. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-335: (R-90-2004) WATER PORTION CONTINUED TO AUGUST 6, 1990; SEWER PORTION CONTINUED TO JUNE 19, 1990

Establishing a cash management policy for the water and sewer Capital Improvements Program which provides for the use of both cash and debt financing to fund major construction projects and levelize cash flow requirements.

Establishing fees, pursuant to San Diego Municipal Code Sections 67.55, 67.59, 67.05, 67.72, 64.0404, and 64.0410, effective July 1, 1990, with additional increases effective July 1, 1991, July 1, 1992, July 1, 1993, and July 1, 1994, for the following water and sewer services:

- Monthly water charges, base fee, per meter
- Commodity Charge for each unit of 100 cubic feet of water delivered
- Fire service and automatic fire sprinkler service
- Maintenance and replacement of backflow prevention devices
- Minimum water capacity charges
- Sewer service charges
- Minimum sewer capacity charges

Replacing the current flat-rate sewer service charge applicable to single-family domestic customers by a rate based on winter months' water use.

Directing that a Low Income Discount Program for economically disadvantaged single-family domestic water/sewer customers be implemented as soon as possible.

The program shall provide a 25 percent discount on the combined monthly water/sewer billing of single-family domestic customers whose annual income does not exceed 150 percent of the current Federal Poverty Guideline for family size, with certification of eligibility in a form acceptable to the City Manager and subject to periodic review. The cost of the subsidy is to be recovered equitably from all other utility customers.

(See City Manager Reports CMR-90-257, 90-174 and 90-160.)

COMMITTEE ACTION: Reviewed by PSS on 4/18/90. Recommendation to approve an increase in sewer and water rates. The Committee

recommended additional tiers to create incentive to conserve water by low income persons, high water users, and commercial and industrial users, and requested the City Manager to meet with the Apartment Owners Association to develop a lifeline for low income persons living in multi-family rental units. Districts 2,4,5 and 7 voted yea. District 3 not present.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: C015-046;E043-244.)

MOTION BY MAYOR O'CONNOR TO CONTINUE THE WATER PORTION TO AUGUST

6, 1990, WHICH WOULD BE AFTER THE 60-DAY VOLUNTARY WATER TRIAL PERIOD. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY HENDERSON TO CONTINUE THE SEWER PORTION FOR ONE WEEK.

Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (R-90-2140) ADOPTED AS RESOLUTION R-275893

Authorizing and approving the transfer of not to exceed \$700,000 from CIP-29-664.0, North City West Neighborhood Park-Neighborhood #7, to CIP-29-625, North City West Community Park; authorizing and approving the expenditure of an amount not to exceed \$700,000 from CIP-29-625 to supplement funds authorized by Resolution R-269296, adopted September 21, 1987, for acquisition settlement of park site.

(North City West Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The Precise Plan of North City West for Center Development Unit 9 was approved by the Planning Commission on April 24, 1986, and by the City Council September 16, 1986 by Resolution R-266615. The Plan identified a 17.7-acre site for a community park affecting four privately owned properties. Three of the parcels were acquired by negotiation. The fourth parcel required condemnation which was approved by City Council and filed in Superior Court on March 5, 1989. On May 15, 1990, the City Attorney's office reached a settlement with the remaining property owner, which

will give the City total ownership of the 17.7-acre site.
Aud. Cert. 9001040.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C187-194.)

MOTION BY McCARTY TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO THE CITY CLERK

Comments by Don Stillwell regarding the procedure for placing items on the ballot.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B305-320.)

PUBLIC COMMENT:

ITEM-PC-2: REFERRED TO THE CITY ATTORNEY

Comments by Bob Glasser regarding the action taken by the City Council on ITEM-36 of June 11, 1990. The item was deemed denied due to a lack of five affirmative votes. Mr. Glasser stated that "Mid-City was cited as being unwilling to comply with any conditions. In fact Mid-City has

complied with every request and requirement and stands ready to comply with every condition. The Planning Commission during its hearing did not request anything of Mid-City. They spoke among themselves about what standards to use and additionally were confused as to whether or not they should make a level playing field and require Mid-City

provide more services and place more conditions on them but did not at any time ask Mid-City to agree to any conditions. Specifically, Mid-City is asking for a motion by a member voting in favor to reconsider."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E290-315.)

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor O'Connor at 4:03 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E319).