

19901008

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 8, 1990
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:02 p.m. The meeting was adjourned by Deputy Mayor Wolfsheimer at 6:00 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-excused by R-276774
(attend NAHRO Conference in Minneapolis, MN)
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (mp)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

Oct-8-1990

ITEM-10: INVOCATION

Invocation was given by Pastor Pleasant of the Ark
Missionary Baptist Church.

FILE LOCATION: MINUTES

Oct-8-1990

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Hartley.

FILE LOCATION: MINUTES

ITEM-30: RECOGNIZED

Recognizing the nominees in KidsPlace's Salute To Kids,
held in honor of National Children's Day, October 14, 1990,
which acknowledged San Diego young people for their
contributions to their communities in the categories of
leadership, vision, enterprise, social commitment,
environmental service, courage and citizenship.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-110.)

ITEM-31: PROCLAIMED

Proclaiming October 7 through 13, 1990, to be "Fire
Prevention Week" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A111-140.)

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

ITEM-50: (O-91-52) CONTINUED TO OCTOBER 15, 1990

Changing and establishing the boundary lines of the districts within the City of San Diego for the purpose of electing members of the City Council, and repealing Ordinance No. O-17517 (New Series), adopted on August 27, 1990.

(Introduced on 9/24/90. Council voted 5-2. Districts 6 and 7 voted nay. District 2 and Mayor not present.)

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A147-167.)

MOTION BY HENDERSON TO CONTINUE FOR ONE WEEK FOR A FULL COUNCIL.

Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-51: (O-91-18) ADOPTED AS ORDINANCE O-17535 (New Series)

Amending the text of several Sections of Chapters 5, 9, and 10, of the San Diego Municipal Code to reflect renumbering of Chapter 9, that took place last year (Ordinance O-17390 New Series, adopted on November 20, 1989). These changes were inadvertently omitted at the time renumbering of Chapter 9 took place.

(Introduced on 9/24/90. Council voted 7-0. District 2 and Mayor not present.)

DOCKET SUPPORTING INFORMATION: Amend the Municipal Code to reference correct renumbering for various sections as follows:

Amend Section	From Referencing	To Referencing
55.0102.0303	91.02.0204	91.0204
55.0311.0412	91.02.0203	91.0203
92.0105	91.02.0204	91.0204
96.0402	91.02.0303	91.0303
101.0260	91.01	91.0101
101.0702	91.02.0104	91.0104
101.1901	91.01	91.0101
103.0403	91.02.0303	91.0303

Abdelnour/MV

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A207-221.)

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

* ITEM-100: (R-91-320) ADOPTED AS RESOLUTION R-276655

Awarding a contract to Padre Janitorial Supplies for furnishing miscellaneous trash can liners, as may be required for a period of one year beginning August 15, 1990 through August 14, 1991, for an estimated cost of \$47,562.21, including tax and terms, with an option to renew the contract for two additional one year periods. (BID-G1683/91)

FILE LOCATION: CONT - Purchase - Padre Janitorial Supplies
CONTFY91-1

COUNCIL ACTION: (Tape location: A222-243.)

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

* ITEM-101: (R-91-498) ADOPTED AS RESOLUTION R-276656

Resolution of Intention to vacate Lahinch Drive between Waterville Road and Airway Road and adjacent to Lots 9-10 and Lots 15-16 of Brown Field Business Park, Unit 1, Map-12279, under the Public Streets, Highways, and Service Easements Vacation Law; fixing a time and place for the public hearing.

(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation has been requested to accommodate and facilitate the development of the adjacent properties. The subject right-of-way was granted to the City to comply with the tentative map conditions for Brown Field Business Park, which recorded as Tentative Map TM-12279 on December 14, 1988. The subject vacation is located in the Otay Mesa Community and is within the Otay Mesa Development District. The area-of-vacation totals approximately 41,800 square feet and is proposed for consolidation with the adjacent properties to create a six-parcel parcel map totalling approximately 14.73 acres. Development of the proposed parcels

will require an Otay Mesa Development District permit. No residential development will be permitted. The Planning Commission recommended approval of the vacation on May 24, 1990 by a 7-0 vote. The request for vacation has also been reviewed by the Otay Mesa Planning Group, which recommended approval on July 18, 1990 by a 10-0 vote. The area of vacation is

unimproved and does not contain public utilities or franchise facilities; therefore, easement reservations will not be required. The right-of-way was required as a tentative map condition to provide circulation for the proposed industrial complex. All of the rights-of-way for the future industrial complex have been constructed with the exception of the subject right-of-way. Recently, a traffic study was prepared to provide estimated traffic volumes. Upon review of the study, it has been indicated that the present street improvements can accommodate the estimated traffic volumes and that the construction of Lahinch Drive will not be required. Staff review has indicated that the right-of-way to be vacated is no longer required for present or prospective public use. The public benefits made possible by this vacation are relieving the City of maintenance responsibility and returning the property to the tax rolls. The right-of-way may be vacated with no restrictions.

FILE LOCATION: DEED F-5394 STRT J-2751 DEEDFY91-1

COUNCIL ACTION: (Tape location: A222-243.)

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

* ITEM-102: (R-91-579) ADOPTED AS RESOLUTION R-276657

Authorizing the issuance of bonds, approving the final terms and conditions for bonds, official statement and bond indenture for Mission Valley Heights, Assessment District No. 4025 (1913 Improvement Act).

(Mission Valley Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On September 18, 1990, City Council approved the formation, confirmed assessments and awarded the sale of bonds to Bateman Eichler, Hill Richards for the Mission Valley Heights Assessment District. This action sets forth the final terms and conditions for the issuance and administration of the improvement bonds relative to said

district.

FILE LOCATION: STRT D-2273

COUNCIL ACTION: (Tape location: A222-243.)

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

* ITEM-103: (R-91-563 COR.COPY) ADOPTED AS RESOLUTION R-276658

Authorizing the execution of a deed conveying to San Diego Gas and Electric Company, an easement for electrical service over a portion of the Southwest Quarter of Section 12, Township 18 South, Range 2 East, S.B.M.
(Located on the south side of Highway 94, east of Summit Road and west of Barret Junction.)

CITY MANAGER SUPPORTING INFORMATION: At the request of Earl Carter who lives at 19070 Highway 94, Dulzura, California, SDG&E has agreed to install electric service to his property. The installation requires 80 square feet of City-owned property in the San Diego Aqueduct right-of-way. The easement is for an anchor device which will be stationed 40 feet east of the Aqueduct, as requested by the Water Utilities Department.

FILE LOCATION: DEED F-5395 DEEDFY91-1

COUNCIL ACTION: (Tape location: A222-243.)

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

* ITEM-104: (R-91-512) ADOPTED AS RESOLUTION R-276659

Approving the acceptance by the City Manager of those deeds of Alcoa Inter Con-X, Inc. and Unisys Corporation, conveying to the City water easements in Lot 45 of Bernardo Industrial Park Unit No. 17, Map-10480, and Lot 31 of Bernardo Industrial Park Unit No. 16, Map-8099; authorizing the execution of a quitclaim deed, quitclaiming to Alcoa Inter Con-X, Inc., and to Unisys Corporation, all of the

City's right, title and interest in the water easements in Lot 45 of Bernardo Industrial Park Unit No. 17, Map-10480, and in Lot 31 of Bernardo Industrial Park Unit No. 16, Map-8022.
(Rancho Bernardo Community Area. District-1.)

FILE LOCATION: DEED F-5396 DEEDFY91-3

COUNCIL ACTION: (Tape location: A222-243.)
CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-105: (R-91-509) ADOPTED AS RESOLUTION R-276660

Approving the acceptance by the City Manager of a grant deed of Rosecrans Centre, granting to the City an easement for public street purposes in a portion of Pueblo Lot 335 of the Pueblo Lands of San Diego; dedicating said land as and for a public street, and naming the same Kurtz Street.
(Midway Community Area. District-2.)

FILE LOCATION: DEED F-5397 DEEDFY91-1

COUNCIL ACTION: (Tape location: A222-243.)
CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106: (R-91-511) ADOPTED AS RESOLUTION R-276661

Approving the acceptance by the City Manager of an easement deed of Harriet Goldstein and Barbara Jean Gardner, granting to the City an easement for public street purposes in Lot 109 of Empire Addition to Encanto Heights, Map-1254; dedicating said land as and for a public street and naming the same Republic Street.
(Southeast San Diego Community Area. District-3.)

FILE LOCATION: DEED F-5398 DEEDFY91-1

COUNCIL ACTION: (Tape location: A222-243.)

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

* ITEM-107: (R-91-510) ADOPTED AS RESOLUTION R-276662

Approving the acceptance by the City Manager of an easement deed of Nevada Investment Holdings, Inc., granting to the City an easement for public street purposes in a portion of Pueblo Lot 241 of the Pueblo Lands of San Diego; dedicating said land as and for a public street, and naming the same Midway Drive.
(Midway Community Area. District-2.)

FILE LOCATION: DEED F-5399 DEEDFY91-1

COUNCIL ACTION: (Tape location: A222-243.)
CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108: (R-91-487) ADOPTED AS RESOLUTION R-276663

Approving the acceptance by the City Manager of a grant deed of MBM West I, granting to the City an easement for pedestrian and non-motor vehicle right-of-way in Lot 1 of M.B.M. West, Map-12358; dedicating said land as and for pedestrian and non-motor vehicle right-of-way.
(Located northwesterly of Camino De La Reina and Mission Center Road. Mission Valley Community Area. District-5.)

FILE LOCATION: DEED F-5400 DEEDFY91-1

COUNCIL ACTION: (Tape location: A222-243.)
CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-109: (R-91-572) ADOPTED AS RESOLUTION R-276664

Accepting the donations from the friends of Dusty Rhodes to fund the construction of a children's playground at the

Collier-Sunset Neighborhood Park in Ocean Beach; authorizing the City Auditor and Comptroller to establish a Dusty Rhodes Memorial Trust Fund to finance the children's playground project; expressing appreciation to Lois Rhodes and the friends of Dusty Rhodes for their generous donations totaling over \$15,000 for this playground project.

(Ocean Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Dusty Rhodes, a long time resident and community leader in Ocean Beach, recently passed away. Lois Rhodes and many friends of Dusty's have donated \$15,595 to date, with more expected to come in, to establish a Memorial Trust Fund in Dusty's name to be used to construct a children's play area at Collier-Sunset Neighborhood Park. Collier-Sunset Park was acquired and developed, in part, through the diligent efforts of Dusty Rhodes. Dusty was an active member of Ocean Beach Planning Board, the Ocean Beach Town Council and was named Citizen of the Year in the mid-1980's.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A245-268.)

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

* ITEM-110: (R-91-588) ADOPTED AS RESOLUTION R-276665

A Resolution approved by the City Council in Closed Session on Tuesday, September 11, 1990 by the following vote:

Wolfsheimer-yea; Roberts-not present; Hartley-not present; Pratt-not present; Bernhardt-not present; Henderson-yea; McCarty-yea; Filner-yea; Mayor-yea.

Amending Resolution R-275602 which approved settlement of San Diego Superior Court Case No. 565318, Dorothy Trevor v.

City of San Diego, et al., to authorize an additional \$30,000 for the acquisition of a drainage easement on the Trevor property. This \$30,000 is in addition to the \$85,000 already approved for a total of \$115,000 in full settlement of the above-entitled action; authorizing the City Auditor and Comptroller to issue two checks: one check in the amount of \$90,000 made payable to Aetna Life and Casualty, and the second check in the amount of \$25,000

made payable to Dorothy Trevor.
CITY MANAGER SUPPORTING INFORMATION: On April 30, 1990 the City Council approved Resolution R-275602 authorizing the settlement of the subsidence claim of Dorothy Trevor in the amount of \$85,000. Contingent with the settlement was the granting of a storm drain easement to the City. The additional \$30,000 represents the finalization of the liability settlement and Mrs. Trevor granting an easement to the City.
Aud. Cert. 9000897 Revised.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A222-243.)
CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-111: (R-91-519 Rev.1) ADOPTED AS RESOLUTION R-276666

19901008

Approving the Application and Assurances for Grant Funding under the Coastal Conservancy Access Program for the Development of a Physically Challenged Play Area at Tecolote Shores.

(Mission Bay Park Community Area. District-6.)
CITY MANAGER SUPPORTING INFORMATION: This project will transform a play area in the Tecolote Shores area of Mission Bay Park that is currently only accessible to those without physical limitations into a multi-ability (mixed use play area). This will be the first playground in Mission Bay Park that will be designed for wheelchair accessibility. This will be accomplished by improving the access (including the parking area) creating a wheelchair accessible surface using a "fiber" matting material and installing specially designed play equipment for use by children with and without physical limitations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A270-287.)

MOTION BY WOLFSHEIMER TO ADOPT AND TO DIRECT STAFF TO LOOK INTO THE DEVELOPMENT OF PHYSICALLY CHALLENGED PLAY AREAS AT THE TIME NEW PLAYGROUNDS ARE ESTABLISHED RATHER THAN HAVING TO RETROFIT THEM. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112: (R-91-402) ADOPTED AS RESOLUTION R-276667

Authorizing the execution of agreements with A) Beach Area Family Health Center, B) Community Service Center for the Disabled, and C) Bayside Settlement House, for renovation of their facilities, with any necessary modifications or amendments which do not increase the project scope or cost which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the projects and agreements; authorizing the expenditure of an amount not to exceed \$293,100 for the purpose of funding the above projects, as follows: A) \$115,000 from CIP-37-198.0, Beach Area Family Health Center, consisting of \$38,600 from CDBG Fund 18523, Department 5632, Organization 3204, and \$76,400 from CDBG Fund 18526, Department 5892, Organization 9203; B) \$153,600 from CIP-37-237.0, Community Service Center for the Disabled, CDBG Fund 18526, Department 5892, Organization 9206, and C) \$24,500 from CIP-37-234.0, Bayside Settlement House, CDBG Fund 18526, Department 5892, Organization 9202.

(Hillcrest, Mission Beach, and Linda Vista Community Areas. Districts-5, 6 and 8.)

CITY MANAGER SUPPORTING INFORMATION: A) In February 1990, the Beach Area Community Health Clinic was incorporated into the Logan Heights Family Health Center as a satellite facility located at 3705 Mission Blvd. Now called the Beach Area Family Health Center, the center's primary clientele are homeless, women and AIDS patients. 1991 block grant funds are being combined with previous funding to allow for renovation of the facility to meet fire, safety and health codes. B) Community Service Center for the Disabled is an independent living center for San Diego's disabled community located at 1295 University Ave. Renovation work at the facility is to correct code and safety deficiencies. Work includes installation of needed

security gates and lighting and a model kitchen. C) Bayside Settlement House Inc., is a non-profit agency providing a variety of social services to the community. They have received block grant funding in previous years for their facility located at 2202 Comstock. This year's funding will provide for security features at the facility to include fencing and an alarm system. Aud. Cert. 9100182.

FILE LOCATION: MEET CONFY91-3

COUNCIL ACTION: (Tape location: A222-243.)

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

* ITEM-113: (R-91-571) ADOPTED AS RESOLUTION R-276668

Authorizing the execution of an amendment to Agreement No. 11-0380 with the California Department of Transportation (CalTrans) for the design, construction and environmental mitigation for Carmel Valley Road Improvement. (North City West Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On June 28, 1988, the City Council approved a cooperative agreement with CalTrans for the design, construction, and environmental mitigation for

Carmel Valley Road Improvement. In its original concept, the project was to have been a 40-foot-wide earth channel covering 40 acres. Due to higher environmental mitigation requirements, the project is now to be designed as a wide natural channel that is heavily landscaped and covering 110 acres. In addition, there are two bridge crossings that are being designed as part of this project, one at Carmel Creek Road, and the other at Carmel Country Road. This has increased the cost of the design of the project by \$1,050,000. This amendment to the original agreement is to change the amount of the cost of the project design from a total of \$400,000, to a total of \$1,450,000. The FBA portion of the total cost would be approximately \$400,000. The remaining cost is being funded by CalTrans, Transnet, and future North City West subdividers. The North City West FBA will advance the entire cost of the design and subsequently be reimbursed.

FILE LOCATION: MEET CONFY91-1

COUNCIL ACTION: (Tape location: A222-243.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.

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

* ITEM-114: (R-91-501) ADOPTED AS RESOLUTION R-276669

Authorizing the execution of an agreement with Linda Vista Community Development Corporation, for specified economic development activities, with any necessary modifications or amendments which do not increase the project's scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$79,000 from Fund 18526, Department 5896, Organization 9604, for the purpose of providing funds for the above project.

(Linda Vista Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The City Council, in the 1990-1991 Community Development Block Grant (CDBG) appropriation cycle, approved a \$79,000 grant to the new Linda Vista Community Development Corporation for neighborhood economic development activities. Major activities include development and

implementation of economic revitalization and redevelopment of the community. This grant will be administered by the Economic Development Division of the Property Department.

Aud. Cert. 9100244.

FILE LOCATION: MEET CONFY91-1

COUNCIL ACTION: (Tape location: A222-243.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Hartley.

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

* ITEM-115: (R-91-497) ADOPTED AS RESOLUTION R-276670

Authorizing the execution of an agreement to allow reimbursement through the Otay Mesa Sewer Capacity Surcharge to Turnberry Associates for construction of the Airway-Siempre Viva Trunk Sewer in Otay Mesa, together with any necessary modifications or amendments which do not increase the project scope or cost and which the City

Manager shall deem necessary to carry out the purposes and intent of this project and agreement.

(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On March 12, 1984, the Otay Mesa Sewer Capacity Surcharge was established per Resolution No. R-260280 for the area to be served by the Otay Mesa Sewer System. Monies collected through the surcharge will be applied for construction of gravity flow trunk sewers with diameters of 18-inches or larger. Otay International Center (OIC), the State of California Department of Corrections (CDC), and Border Business Park, Inc. (BBP), all constructed a portion of the Otay Mesa Sewer System with diameters of 18-inches or larger pursuant to prior agreements with OIC (9/30/85, RR-264173), with CDC (12/2/85, RR-263922), and with BBP (11/16/87, RR-269731), OIC will first be reimbursed from the surcharges collected. After OIC is fully reimbursed, 28.63 percent of the surcharges collected will be used to reimburse CDC and 70.87 percent to reimburse BBP. The BBP agreement also established the method of allocation of surcharge monies between BBP and other parties financing construction of the gravity trunk sewers in Otay Mesa. The BBP agreement further provided

the reallocation of surcharge monies in proportion to BBP's and other parties' construction costs by authorizing the City to amend the BBP agreement. Turnberry Associates has incurred \$290,142.73 and constructed 2,672 feet of 18-inch trunk sewer, named "Airway-Siempre Viva Trunk Sewer." Accordingly, this first amendment now reallocates the 70.87 percent of the surcharge monies previously allocated to BBP as 29.43 percent to BBP and 41.44 percent to Turnberry, after OIC is fully reimbursed. The CDC Share is not affected. The City is still authorized to reallocate the surcharge monies by amending existing agreements in the future when other parties construct the remaining portions of the Otay Mesa Sewer System.
WU-U-91-025.

FILE LOCATION: MEET CONFY91-1

COUNCIL ACTION: (Tape location: A222-243.)

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

* ITEM-116: (R-91-520) ADOPTED AS RESOLUTION R-276671

Authorizing the execution of an amendment to the agreement with the San Diego Service Center for the Blind, for the renovation of their facility located at 5922 El Cajon Boulevard; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$30,000 from Fund 18502, to Fund 18525, Dept. 5882, Org. 8204; authorizing the expenditure of an amount not to exceed \$30,000 from Fund 18525, Dept. 5882, Org. 8204, for a total of \$209,000, for the purpose of providing funds for the above project.

(Mid-City Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: On August 7, 1989, the City entered into an agreement with the San Diego Service Center for the Blind for the renovation of their facility at 5922 El Cajon Boulevard. Community Development Block Grant funds in the amount of \$179,000 were to be used for construction. The Agency used their funds to obtain an architect and also raised additional funds to meet their estimated construction costs of

\$200,000+. On August 31, 1990 bids were opened and the low bid was \$201,890, well within the limits of the combined funds available. The contractor called to the Agency's attention a potential asbestos problem. The sprayed acoustic ceiling was tested by the County Health Department and does contain asbestos. This material must be removed and cost estimates range from \$28,000 to \$32,000 plus monitoring. By transferring an additional \$30,000 into this Block Grant project, today's action will enable the project to proceed with an estimated completion date of February 1991.

Aud. Cert. 9100257.

FILE LOCATION: MEET CONFY91-1

COUNCIL ACTION: (Tape location: A222-243.)

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

ITEM-200: CONTINUED TO OCTOBER 15, 1990

(Continued from the meetings of July 30, 1990, Item 51, September 17, 1990, Item 200, and September 24, 1990, Item S404; last continued at Councilmember McCarty's request, for a report from the Planning Department on the motion by Councilmember Pratt and the substitute motion by Councilmember Bernhardt and on other ideas expressed in the Council meeting of September 24, 1990.)

Five actions relative to development in the Future Urbanizing Area:

Subitem-A: (O-90-215)

Amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code, by amending Section 101.0404, relating to the A-1 (Agricultural) Zones, to restrict the permitted density of residential development and eliminate off-street parking requirements within the Future Urbanizing area; to restrict the pattern of residential development in the A-1 zones City-wide; to delete churches as a use permitted by right in the A-1 zones city-wide; and to create A-1-20 and A-1-40 Zones.

(Introduced on 7/17/90. Council voted 5-3. Districts 2, 4, and 7 voted nay. Mayor not present.)

Subitem-B: (O-90-217)

Amending Chapter X, Article 1, Division 9 of the San Diego Municipal Code, by amending Section 101.0901, relating to Planned Residential Developments, to restrict the permitted density of residential development within the Future Urbanizing area; to restrict the pattern of residential development within the Future Urbanizing area and in the A-1 zones city-wide; and to clarify limitations on accessory uses city-wide.

(Introduced on 7/17/90. Council voted 5-3. Districts 2, 4 and 7 voted nay. Mayor not present.)

Subitem-C: (O-90-219)

Amending Chapter X, Article 1, Division 5 of the San Diego Municipal Code, by amending Section 101.0510, relating to Conditional Use Permits, to restrict the types of land uses which may be permitted within the Future Urbanizing area; to limit certain other conditional uses city-wide; to clarify limitations on incidental facilities city-wide; and to designate the City Council as the decision-making body for permitting of specified uses.

(Introduced as amended on 7/17/90. Council voted 5-3. Districts 2, 4 and 7 voted nay. Mayor not present.)

Subitem-D: (O-90-221)

Amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code, by amending Section 101.0403,

relating to the FW (Floodway) Zone, to restrict the types of conditional uses which may be permitted within the Future Urbanizing area; and to clarify limitations on incidental facilities city-wide.

(Introduced on 7/17/90. Council voted 5-3. Districts 2, 4, and 7 voted nay. Mayor not present.)

Subitem-E: (R-90-)

Adoption of further amendments to Council Policy 600-29 (amended July 17, 1990) entitled "Maintenance of the Future Urbanizing Area as an Urban Reserve."

NOTE: Subitem E is docketed per Council direction at the September 17, 1990 Council meeting.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A289-E434.)

Mayor O'Connor closed the public testimony.

Motion by Pratt to (1) approve staff's recommendations pertaining to water and sewer hookups. (2) Clustering. In recognition of the need to preserve an innovative planning tool, but with protections so that this tool is not abused, move that staff revise all ordinances, policies and procedures relevant to the future urbanizing area to implement the following concepts:

(a) Clustered units at a density of one unit per ten (10) acres overall shall be permitted by the City Council on a case-by-case basis for the purpose of preserving future land uses and public facilities options;

(b) Clustered units at densities of one unit per four (4) acres overall may be approved by the City Council on a case-by-case basis through special land use regulations applicable to the San Dieguito Regional Park Focused Planning Area or land to be included within the environmental tier as herein defined:

The environmental tier concept envisions that the clustering of units shall be accomplished in a manner which will: (1) encourage the creation and expansion of regional park open space systems, such as San Dieguito River Valley Regional Park, Los Penasquitos Canyon Preserve, and Black Mountain Regional Park, or (2) create a system of wildlife/open space corridors linking the various regional parks and/or creating a continuous open space system.

Such clustered units at densities of one unit per four

acres overall may be approved if the following findings can be made:

(i) a clustered project must advance the environmental tier concept of a contiguous open space system and, where appropriate, allow for the permanent preservation of open space through public and private open space easements and/or dedications;

(ii) a clustered project must not foreclose future decisions regarding the size of major roads and arterials;

(iii) a clustered project should be adjacent to areas already served by water and sewer services to avoid leapfrog development;

(iv) a clustered project must be at least fiscally neutral so it will not burden the City's capital and operating costs;

(v) a clustered project must address framework planning issues such as scale, land use, environmental resources and public facilities, in a comprehensive manner.

(3) Conditional Use Permits.

(a) Both public and private golf courses, as well as sensitively designed low rise ancillary resort amenities, will be permitted if the general findings described above in paragraph 2(b) (clustered projects) can be made for such conditional use permits.

(b) Preserve the option for the City Council to consider the permitting of certain public or quasi-public facilities on a case-by-case basis.

(4) Pre-condition of Planning. Revise Council Policy (and Guidelines for Future Development) to revise Section E to clarify the original intent. The intent was to ensure that premature planning for a phase shift does not occur. However, the intent was not to prohibit planning in ways that would benefit the regional park or the development of a contiguous open space system at densities consistent with voter approved Proposition A.

(5) Revise Section 101.0510 Subsection C(4)(h)(3) of the Conditional Use Permit ordinance to read as follows:

"Any agricultural zone, provided that permanent building and/or fill shall not be permitted in areas of the Coastal Zone and the future urbanizing area subject to the FPF Overlay Zone."

Move that no approval of a clustered project or conditional use permit (CUP) shall take place until the City Council has adopted

an ordinance regulation clustering in the future urbanizing areas; staff is directed to return with a draft of such ordinance within 60 days.

Move to approve the vision committee with directions previously given by Council.

Move to continue the second reading of the four ordinances.

Second by Henderson. Failed by the following vote.

Yeas-2,4,6,7. Nays-1,3,8. Ineligible-M. Not Present-5.

Motion by Wolfsheimer to limit public testimony to twenty minutes per side. Second by McCarty. Failed by the following vote. Yeas-1,3,7,8. Nays-2,4,6,M. Not Present-5.

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

ITEM-201: (R-91-415) CONTINUED TO OCTOBER 15, 1990

(Continued from the meetings of September 10, 1990, Item S406, and September 24, 1990, Item 200; last continued at Councilmember McCarty's request, to be considered with other actions relative to development in the Future Urbanizing Area.)

Appointing a committee to advise the City Council on comprehensive planning matters within the North City Future Urbanizing area, and requesting the committee formulate recommendations regarding: 1) The Planning issues that need to be addressed; 2) A process for resolving those issues; 3) A method of financing the required work; and 4) A schedule for completion of this effort; requesting the Advisory Committee to submit its recommendations to the City Council's Transportation and Land Use Committee within six months time; declaring that the Advisory Committee shall be comprised of the following members:

City of San Diego

Ralph Pesqueira, Chairperson Planning Commission

Robert P. Spaulding Planning Director

Severo Esquivel City Manager's Office

Academic and Professional Disciplines

Nico Calavita Planning Academician

Nick DeLorenzo Landscape Architect

Max Schmidt Planning Professional

Civic and Environmental Organizations

Diane Barlow Coombs San Dieguito Joint

Powers Authority

Linda Michael	Sierra Club
Karen Scarborough	Citizens Coordinate for Century Three
Property Owners Lance Burris	Potomac Investment Associates San Diego, Inc.
David B. Goodell	Del Mar Investment Group Inc.
Michael Madigan Jerry McCaw (District-1.)	Pardee Construction Co. South Coast Land Co.

CITY MANAGER SUPPORTING INFORMATION: On July 17, 1990 (Item 332) the City Council discussed the need for comprehensive planning for the North City Future Urbanizing area and determined that prior to the initiation of a comprehensive planning effort, a planning advisory committee representing a balance of community interest should be established to recommend, in preliminary fashion: 1) The planning issues that need to be addressed; 2) A process for resolving those issues; 3) A method of financing the required work; and 4) A schedule for completion of this effort. The Planning Department was directed to recommend the composition of this advisory committee for Council's consideration on September 10, 1990.

The recommended advisory committee, listed above, includes a balanced cross-section of the principal parties interested in and affected by this matter. The proposed membership includes: 1) Four property owners within the area, two large and two smaller and landholders; 2) Three representatives of interested civic and environmental organization; 3) Three members from relevant academic and professional disciplines; and 4) Three City of San Diego representatives, including the Vice-Chairman of the Planning Commission who is recommended as chairperson of the advisory committee. It is anticipated that the advisory committee will be able to conclude its work and submit its recommendations to the Council's Transportation and Land Use Committee within six months time.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: E528-531.)
MOTION BY PRATT TO CONTINUE FOR ONE WEEK ALONG WITH ITEM-200.
Second by Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,

Bernhardt-not present, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-202: (R-91-357) ADOPTED AS RESOLUTION R-276672

(Continued from the meetings of September 10, 1990, Item 148, and September 17, 1990, Item S403; last continued at Jack McGrory's request, to prepare a revised agreement.) Authorizing the execution of an agreement with Battle Mountain for professional services in connection with the proposed Bernardo Vista del Lago Development - San Pasqual Aquatic Treatment Facilities, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$761,000 within the Sewer Revenue Fund (41506) from CIP-46-111.0, Rose Canyon Trunk Sewer, to CIP-46-151.0, San Pasqual Water Reclamation Facility, and \$761,000 within the Water Revenue Fund (41502), CIP-73-248.0, Pomerado Pipeline, to CIP-73-290.0, San Pasqual Water Reclamation Facility; authorizing the expenditure of an amount not to exceed \$1,522,000, consisting of \$761,000 from CIP-46-151.0, San Pasqual Water Reclamation Facility, and \$761,000 from CIP-73-290.0, San Pasqual Water Reclamation Facility, for the purpose of providing funds for the above project; authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances so warrant.

(Rancho Bernardo Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On July 31, 1989, the City of San Diego entered into negotiations for the exclusive sale of City-owned land to Battle Mountain. The City required an easement for the San Pasqual Water Reclamation Pipeline across Battle Mountain's property. Since Battle Mountain has indicated that they plan to develop their property, the need for the agreement is necessary. Battle Mountain plans to grade their property and reduce the elevation along the proposed San

Pasqual Pipeline route by up to fifty feet. Battle Mountain must first grade their property; the City will then construct its pipelines; then Battle Mountain will construct their subdivision. The purpose of this agreement is to protect either party in case construction delays from one project affect the other. The primary purpose of this agreement is for the City to

grade the property and bill Battle Mountain if Battle Mountain's project was delayed, and if the City's project is delayed, Battle Mountain would construct the pipelines and bill the City. It is anticipated that delays which affect another party will not occur, and no expenditures will be required; however, if Battle Mountain is required to construct the City's pipelines, this work would be deducted from the original construction contract. Some minor work will also be performed by both parties for the benefit of the other. The agreement provides for Battle Mountain to blast additional rock along the pipeline route for the benefit of the City. The City would reimburse Battle Mountain for this work in the amount of \$52,000. It is practical to complete all blasting work at one time, and Battle Mountain has a much greater quantity than the City. The City is also constructing a casement below Interstate 15 for its pipelines. There is room in the casement for a sewer outfall that Battle Mountain is required to construct for this subdivision. The City will construct this sewer outfall, and Battle Mountain will reimburse the City \$35,000.
Aud. Cert. 9100115.
WU-U-90-139.

FILE LOCATION: MEET CCONFY91-1

COUNCIL ACTION: (Tape location: E435-523.)

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

ITEM-203: (R-91-445) ADOPTED AS AMENDED AS RESOLUTION
R-276673

(Continued from the meeting of September 24, 1990, Item 114, at the City Manager's request, to review the process of grass replacement in Horton Plaza and to report on any proposed innovations resulting from the Public Squares presentation on 9/27/90.)

Authorizing the execution of an agreement with Central City Association of San Diego for the making of improvements and landscaping of Horton Plaza Park.
(See City Manager Report CMR-90-387. Centre City Community Area. District-8.)

FILE LOCATION: MEET CCONFY91-1

COUNCIL ACTION: (Tape location: E539-636.)

MOTION BY FILNER TO ADOPT THE RESOLUTION AMENDING THE AGREEMENT TO ALLOW FOR THE OPPORTUNITY TO RESTORE THE GRASS BY CHANGING THE WORD "AND" TO "OR" ON PAGE 4, LINE 22. Second by Roberts.

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

ITEM-204: CONTINUED TO OCTOBER 15, 1990

(Continued from the meeting of October 2, 1990, Item 701.)

In the matter of discussion on docketing procedures.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A191-206.)

MOTION BY WOLFSHEIMER TO CONTINUE FOR ONE WEEK AT THE SUGGESTION OF MAYOR O'CONNOR. Second by Filner. Passed by the following

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

ITEM-S400: (R-91-599) ADOPTED AS RESOLUTION R-276674

Authorizing the City Manager to forward to the United States Comptroller of the Currency, City Manager Report CMR-90-427, in connection with the Wells Fargo/Great American transaction; authorizing the City Manager to convey to the Comptroller of the Currency the City's approval of the transaction, conditioned upon the expressed

commitment of Wells Fargo to a comprehensive San Diego community reinvestment program.

(See City Manager Report CMR-90-427; Committee Consultant Analysis PSS-90-12.)

COMMITTEE ACTION: Initiated by PSS on 9/19/90.

Recommendation to direct the City Manager to compile issues presented during the public testimony; incorporate the issues into recommendations; and present recommendations to the City Council as proposed communication to the Office of the Comptroller of the Currency. Districts 2, 3, 4, and 5 voted yea. District 7 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F029-172.)

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

* ITEM-S401: (R-91-478) ADOPTED AS RESOLUTION R-276675

Approving the Mayor's and City Manager's recommendation for continuing the existence of the San Diego Substance Abuse Commitment Committee (SANDSAC) through June 1991, for the purpose of assisting in the planning and implementation of the San Diego Summit in the Fall of 1990, as well as to complete work on the five-year City Substance Abuse Master Plan.

(See City Manager Report CMR-90-414.)

COMMITTEE ACTION: Reviewed by RULES on 10/3/90. Recommendation to approve the City Manager's recommendation to extend the life of the San Diego Substance Abuse Commitment Committee and request that they assist the Mayor and City Manager in planning and conducting a San Diego Drug Summit. Districts 1, 4, 5, 8 and Mayor voted yea. District 2 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A222-243.)

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

ITEM-S402: (O-91-39) NOTED AND FILED

An Ordinance calling for and giving notice of a Special Municipal Election to be held in the City of San Diego for the purpose of submitting to the qualified voters of the City of San Diego one proposition amending the Progress Guide and General Plan pertaining to Planned Growth (Prevent the Los Angelization of San Diego).

NOTE: On 9/10/90, Council voted 9-0 to note and file this item, and directed that the matter should be kept alive to come back for further discussion at a later date. During the Council discussion of Growth Management issues at the meeting of 10/1/90, Council requested that this item be redocketed for

further review and possible amendment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F175-301.)

MOTION BY McCARTY TO NOTE AND FILE. Second by Filner. Substitute motion by Hartley to place the matter on the ballot if Propositions D and M passes. Second by Wolfsheimer. Failed by the following vote: Yeas-1,3. Nays-2,4,7,8. Not Present-5,6,M.

The motion to note and file passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Council Member Hartley regarding selection criteria for the position of Police Chief.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F315-354.)

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO THE CITY MANAGER

Comments by Ted McNeal regarding the renaming of Imperial Avenue in honor of the memory of Dr. Martin Luther King, Jr.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F360-405.)

ADJOURNMENT:

By common consent, the meeting was adjourned by Deputy Mayor Wolfsheimer at 6:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F410).