

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 30, 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 10:10 a.m. A quorum was not present. A quorum was present at 10:12 a.m. with Council Members Wolfsheimer, Hartley, Pratt, and Henderson not present. City Manager Lockwood announced the retirement of Mr. Ron Lochhead and commended him for his forty years service for the City of San Diego. The meeting was recessed by Mayor O'Connor at 12:07 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. A quorum was not present. A quorum was present at 2:11 p.m. with Council Member McCarty not present. Mayor O'Connor recessed the meeting at 6:42 p.m. to reconvene at 2:00 p.m. Wednesday, on October 31, 1990.

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 (eb,ll)

FILE LOCATION: MINUTES

Oct-30-1990

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-not 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-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

ITEM-202: (R-91-269 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-276797

19901030

(Continued from the meetings of August 6, 1990, Item S423, September 18, 1990, Item 336, October 2, 1990, Item 332, October 9, 1990, Item S500 and trailed from October 15, 1990, taken on October 16, 1990, Item S420; last continued at the City Manager's request, due to lack of time.)

Confirming the following appointments by the Mayor to serve as trustees of the Housing Trust Fund, to represent categories as shown, for terms to expire as indicated:

| Name | Category | Term Expires |
|------------------------|-------------------------------------|----------------|
| Linda Lopez | Business & Industry | August 5, 1993 |
| Jerold H. Goldberg | Business & Industry | August 5, 1993 |
| Alice Smith | Labor - minimum wage worker | August 5, 1993 |
| Sister RayMonda DuVall | Nonprofit/Community Organization | August 5, 1993 |
| Rev. Walter G. Wells | Nonprofit/Community Organization | August 5, 1993 |
| Mark P. Krones | Business & Industry | August 5, 1992 |
| Kathy Recordon | Business & Industry | August 5, 1992 |
| Nick Hernandez | Labor | August 5, 1992 |
| James Ridley | Nonprofit/Community | August 5, 1992 |

Organization
Jean E. Porter Nonprofit/Community August 5, 1992
Organization
James Mitsuo Cua Nonprofit/Community August 5, 1992
Organization

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E-062-112.)

MOTION BY PRATT TO AMEND AS FOLLOWS: MARGUERITE FERRANTE WILL REPLACE REV. WALTER G. WELLS; ARTHUR S. LUJAN WILL REPLACE NICK HERNANDEZ; AND NICO CALAVITA WILL REPLACE JAMES SITSUO CUA.

Second by Bernhardt. Passed by the following vote:

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

Oct-30-1990

ITEM-207: TRAILED AS UNFINISHED BUSINESS TO
OCTOBER 31, 1990

(Continued from the meeting of October 2, 1990, Item 701,
October 8, 1990, Item 204, and trailed from October 15,
1990, taken on October 16, 1990, Item S417; last continued
at the City Manager's request, due to lack of time.)

In the matter of discussion on docketing procedures.

(See memo from the City Attorney and City Clerk dated
10/16/90; and City Clerk memos dated 10/11/90, and
10/1/90.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F400-G144.)

MOTION BY WOLFSHEIMER TO TRAIL AS UNFINISHED BUSINESS TO OCTOBER
31, 1990. Second by Hartley. Passed by the following vote:

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

ITEM-209: (O-91-61) FIRST HEARING HELD - TO BE ADOPTED

NOVEMBER 5, 1990

First public hearing in the matter of:

Amending Ordinance No. O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17504-1, as amended and adopted therein, by exempting one Deputy Director position from the Classified Service; amending the personnel authorization schedule of the Water Utilities Department (700) Clean Water Program (70711) to reflect the position as Unclassified; and establishing a salary rate.

CITY MANAGER SUPPORTING INFORMATION: This Ordinance will create the Clean Water Program Deputy Director for Construction Management and will exempt this position from the Classified Service. This action will facilitate implementation of the Clean Water Program. The Deputy Director for Construction Management for the Clean Water Program will be responsible for construction of all projects connected with the expansion and upgrade of the Metropolitan Sewerage System.

WU-CWP-91-041.

NOTE: See Item 337 on the docket of Tuesday, October 30, 1990 for the introduction and adoption of the Ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D628-E010.)

MOTION BY PRATT TO APPROVE THE FIRST HEARING, AND TO CONTINUE THE INTRODUCTION AND ADOPTION OF THE ORDINANCE, ITEM-337, TO NOVEMBER 5, 1990. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-not present, Filner-nay, Mayor O'Connor-yea.

ITEM-210: (O-91-68) FIRST HEARING HELD - TO BE ADOPTED
NOVEMBER 5, 1990

First public hearing in the matter of:

Amending Ordinance No. O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the

Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17504-1, as amended and adopted therein, by amending the personnel authorization of the Water Utilities Department (41500) Engineering Division to

delete one Senior Drafting Aide position and add in lieu thereof one Assistant Deputy Director position; exempting the Assistant Deputy Director from the Classified Service; and establishing a salary rate.

CITY MANAGER SUPPORTING INFORMATION: This Ordinance will exempt an Assistant Deputy Director from the Classified Service.

This action will provide the Water Utilities Engineering Division with enhanced administrative capabilities, to ensure timely and appropriate implementation of all engineering responsibilities. The Division is responsible for Capital Improvements Program planning, design of replacement and expansion of water and wastewater projects, and contract construction of water and sewer facilities. The annual allocation for the Capital Improvements Program is \$125,000,000. At present the work effort is overseen solely by a Deputy Director. The Civil Service Commission reviewed this request pursuant to Charter Section 117 on September 6, 1990, and approved the proposed exemption.

WU-U-91-010.

NOTE: See Item 338 on the docket of Tuesday, October 30, 1990 for the introduction and adoption of the Ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D628-E010.)

MOTION BY PRATT TO APPROVE THE FIRST HEARING AND TO CONTINUE THE INTRODUCTION AND ADOPTION OF THE ORDINANCE, ITEM-338, TO NOVEMBER 5, 1990. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-not present, Filner-nay, Mayor O'Connor-yea.

ITEM-218: CONTINUED TO NOVEMBER 5, 1990

(Continued from the meetings of August 7, 1990, Item 338, September 18, 1990, Item 342, September 25, 1990, Item S500; Trailed as Unfinished Business from the meeting of October 16, 1990, Item 343, for full Council.)

In the matter of Vesting Tentative Map (Fairbanks Highlands), Planned Residential Development Permit and Resource Protection Overlay Zone Permit VTM, PRD & RPZ-88-1041, proposing a 109-lot subdivision of this site for each of the proposed residential development parcels, seven open space lots, one private recreation lot, and necessary public facilities to serve the site; and

construction of 92 single-family detached residences (including site landscaping, brush management and off-street parking) on a vacant 391-acre site.

Street Vacation of portions of Black Mountain Road, Road Survey 57, Old Survey 80, Old Survey 124, and Old Survey 451 as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with the proposed vesting tentative map for Fairbanks Highlands (VTM-88-1041).

The subject property is located generally north of Black Mountain Road and immediately west of the Penasquitos community in Zone A-1-10 (portions Hillside Review) and within the boundaries of the future urbanization area as identified by the City's General Plan. The subject property is more particularly described as portions of the northeast quarter and the east half of the northwest quarter of Section 11, the northwest quarter of Section 12, Township 14 South, Range 3 West, SBBM, Parcel Map PM-8133. (VTM, PRD & RPZ-88-1041. District-1.)

Subitem-A: (R-90-2220)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-1041 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-91-)

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

Subitem-C: (R-91-)

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

Subitem-D: (R-91-)

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

Subitem-E: (R-90-2219)

Adoption of a Resolution authorizing the vacation of

portions of Black Mountain Road, Road Survey 57, Old Survey 80, Old Survey 124, and Old Survey 451 as provided for under Section 66499.20-1/2 of the State Map Act.

CITY MANAGER SUPPORTING INFORMATION: The proposed vacations of portions of Black Mountain Road, Road Survey 57, Old Survey 80, Old Survey 124 and Old Survey 451 have been initiated by the submission of the tentative map for Fairbanks Highlands (VTM-88-1041). The tentative map proposes subdivision of a 391-acre site for the purpose of creating 92 single-family residential lots. Development of the site will be controlled by the associated Planned Residential Development (PRD). The subject vacation is located in an area designated as a Future Urbanizing area immediately west of the Penasquitos East Community. The proposed vacation was reviewed by the adjacent designated Community Planning Groups (North City West Planning Board and Rancho Penasquitos Planning Board) as part of the tentative map. There were no apparent concerns from the North City West Planning Board, and the Rancho Penasquitos Planning Board supported the project in concept. On May 24, 1990, the Planning Commission upheld an appeal to the Subdivision Board's recommendation of approval and recommended denial of the Fairbanks Highlands project by a 7-0 vote.

The subject vacation consists of portions of Black Mountain Road, which is an unimproved travelway that has an assumed width of 40 feet, three road surveys which are unplottable, and one road survey which is partially utilized as a private road. The rights-of-way to be vacated will not be required for easement rights-of-way for access or traffic circulation since they will be replaced if the map is approved. The tentative map conditions provide for the dedication of half-width improvements for Carmel Valley Road with off-site transitions, the dedication of Camino Ruiz with a deferred six-year agreement for full-width improvements, and a system of private streets for access within the subdivision boundaries. The public benefits to be accrued with this vacation are an improved road system and improved utilization of the land.

Upon Council approval of the Planned Residential Development Permit (PRD-88-1041) and the Vesting Tentative Map (VTM-88-1041)

for Fairbanks Highlands, the rights-of-way to be vacated would no longer be required for present or prospective use, as indicated by staff review. It is therefore recommended that, if the vacation is approved, it be conditioned upon the approval and recordation of the final map for Fairbanks Highlands (VTM-88-1041).

FILE LOCATION: --

COUNCIL ACTION: (Tape location: E047-058.)

MOTION BY WOLFSHEIMER TO CONTINUE ONE WEEK TO NOVEMBER 5, 1990 FOR COUNCIL MEMBERS TO LISTEN TO TAPES. Second by Hartley.

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

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ITEM-310: WELCOMED

Welcoming a group of approximately 32 international naval officers from Bangladesh, Cameroon, Indonesia, Morocco, Kenya, Philippines, Somalia, Tunisia, and members of the Naval Amphibious School at Coronado. This group will arrive at 10:30 a.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A366-373.)

MAYOR O'CONNOR WELCOMED THE GROUP.

ITEM-330: (R-91-) CONTINUED TO JANUARY 8, 1991, 10:00 A.M.

Appeal of McComic Westwood Ltd., by Charles B. Christensen, Vice President & General Counsel for Charles W. Christensen & Associates, from the decision of the Planning Commission in denying the request to initiate the Rancho Bernardo Community Plan amendment. The project proposes to redesignate 4.1 gross acres of land located on the west side of Pomerado Road between Cloudesly Drive and Reata Court, from Institutional to Low Density Residential use for the purpose of developing dwelling units on the site.

The subject property is more particularly described as Parcel 4 of Parcel Map PM-12542 in the north-central portion of the Rancho Bernardo Community Plan area. (District-1.)

Adoption of a Resolution granting or denying the appeal and granting or denying the request to initiate a plan amendment, with appropriate findings to support Council action.

FILE LOCATION: LAND-Rancho Bernardo Community Plan

COUNCIL ACTION: (Tape location: A019-029.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JANUARY 8, 1991, AT THE REQUEST OF MR. McCOMIC FOR HIM TO BE PRESENT. Second by Henderson. 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.

ITEM-331: (R-91-) CONTINUED TO NOVEMBER 13, 1990, 10:00 A.M.

Appeal of Dr. Stanley E. Willis II, by Michael Sidley Evans, Attorney, from the decision of the Historical Site Board in approving historical site designation of the Park Manor Apartment Hotel as Site No. 251, Grade 1. The subject property is located at 525 Spruce Street. (District-8.)

Adoption of a Resolution granting or denying the appeal and granting or denying the historical site designation, with appropriate findings to support Council action.

FILE LOCATION: GEN'L-Historical Site Board Decisions & Appeals, Etc-Park Manor Apt. Hotel

COUNCIL ACTION: (Tape location: A044-074.)

MOTION BY FILNER TO CONTINUE TO NOVEMBER 13, 1990, 10:00 A.M. FOR A STAFF REPORT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

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ITEM-332: (R-91-948) DENIED APPEAL, GRANTED DESIGNATION ADOPTED AS RESOLUTION R-276793

Appeal of Vista Hill Foundation, by David F. Dunbar, of Hyatt & Rhoads, from the decision of the Historical Site Board in approving historical site designation of the William Clayton House located at 545 Laurel Street.

Specifically, the area designated being the exterior of the building and the rear garden/patio/driveway and cobblestone wall, as Site No. 257, Grade 1.

(District-8.)

Adoption of a Resolution granting or denying the appeal and granting or denying the historical site designation, with appropriate findings to support Council action.

FILE LOCATION: GEN'L-Historical Site Board Decisions & Appeals, Etc-Wm. Clayton House

COUNCIL ACTION: (Tape location: A184-366, A373-B292.)

Hearing began 10:27 a.m. and recessed 10:40 a.m.

Hearing resumed 10:41 a.m. and halted 11:17 a.m.

Testimony in favor by Ronald Fickle and David Dunbar.

Testimony in opposition by Jim Whalen, Deirdre Lee, Al Alferos, and Robin MacKenzie.

The hearing was closed.

MOTION BY FILNER TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE HISTORICAL SITE BOARD. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

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ITEM-333: (R-91-) CONTINUED TO NOVEMBER 27, 1990, 10:00 A.M.

Appeal of Victor and Celia Liu, by Robert A. Ball, Attorney, from the decision of the Historical Site Board in approving historical site designations of the Shaffer, Jones and Silberhorn/Hord Houses as Site Numbers 252, 253

and 254, Grade 3. The subject properties are located at 1665 Union Street, 1658-68 Front Street and 205 West Date Street, respectively.

(District-8.)

Adoption of a Resolution granting or denying the appeal and granting or denying the historical site designation, with appropriate findings to support Council action.

FILE LOCATION: GEN'L-Historical Site Board Decisions & Appeals, Etc,-Shaffer, Jones, &

Silberhorn/Hord Houses

COUNCIL ACTION: (Tape location: A029-039.)

MOTION BY FILNER TO CONTINUE TO NOVEMBER 27, 1990, 10:00 A.M. AT HIS REQUEST FOR FURTHER REVIEW. Second by Henderson. 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.

ITEM-334:

(Continued from the meeting of October 9, 1990, Item 331, at Mayor O'Connor's request, for full Council.)

Appeal of Saul Haimowitz / Matthew Roth, by Lynne L. Heidel of Peterson and Price, from the decision of the Planning Commission in denying Coastal Development Permit CDP-89-0525, proposing the demolition of an existing two-unit building and the construction of a three-story, 11-unit condominium complex. The subject property is located at 302 San Antonio Avenue, in Zone R-600, in the Peninsula community plan area, and is further described as portions of Lots 3 and 4, Block 121, Map-37.

(CDP-89-0525. District-2.)

Subitem-A: (R-91-940) ADOPTED AS RESOLUTION R-276794

19901030

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-0525 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: (R-91-941) GRANTED APPEAL, GRANTED PERMIT
ADOPTED AS RESOLUTION R-276795

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

FILE LOCATION: Subitems A and B PERM CDP 89-0525

COUNCIL ACTION: (Tape location: B296-C433.)

Hearing began 11:18 a.m. and halted 12:07 P.m.

Testimony in favor by Lynne Heidel, Matthew Roth, and Randy Hanna.

Testimony in opposition by Betty Gaouette, Pat Holmes, Norman Magnuson, Rev. Josephine Reed, John Howard, and Howard Tirschwell.

The hearing was closed.

MOTION BY ROBERTS TO GRANT THE APPEAL AND GRANT THE PERMIT WITH CONDITIONS FOR APPROVAL THAT PLANNING DEPARTMENT WORK WITH THE DEVELOPER THAT A PUBLIC TURNAROUND, SATISFACTORY TO THE ENGINEERING DEPARTMENT TO THE EXTENT IT IS FEASIBLE, BE INCORPORATED IN THE DESIGN, MAKE EVERY EFFORT POSSIBLE NOT TO ELIMINATE ANY ON STREET PARKING SPACES, REDUCE THE NUMBER OF BUILDING UNITS TO 9 AS RECOMMENDED BY THE PENINSULA PLANNING GROUP, TO PROVIDE ADDITIONAL LANDSCAPING AND TREES, AND INCLUDE THE FINDINGS PRESENTED TO THE COUNCIL. Second by Henderson.

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

Oct-30-1990

ITEM-335: (R-91-916) DENY THE APPEAL AND GRANT THE PERMIT.
ADOPTED AS RESOLUTION R-276798

19901030

(Continued from the meetings of September 25, 1990, Item 331 and October 9, 1990, Item 333; last continued at Mayor O'Connor's request, for full Council.)

Appeal of Michael C. Russell and Barbara Huba, from the decision of the Planning Commission in granting Coastal

Development Permit CDP-89-1260 to construct an additional two-bedroom living unit and garage totaling 1,410 square feet to an existing 1,151-square-foot home for a combined total of two units totaling 2,561 square feet. The subject property, a 5,289-square-foot lot, is located at 7337 Fay Avenue, on the east side of Fay Avenue, north of Genter

Street, west of Girard Avenue, and south of Pearl Street and is more particularly described as Lot 6 except the easterly 75 feet, Lone Pine, Map-2819, in Zone R-3000 (Multiple-Family Residential, one unit per 3,000 square feet of lot area) within the La Jolla Community Plan Area. (CDP-89-1260. District-1.)

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

FILE LOCATION: PERM-CDP89-1260

COUNCIL ACTION: (Tape location: D117-627.)

Hearing began 2:11 p.m. and halted at 2:55 p.m.

Testimony heard in favor by Elmer Bjornstad, Michael Russell, Barbara Huba, Tony Ciami.

Testimony heard in opposition by Lynne Heidel, Pino Parente, David Singer, Jane Fletcher, Jaruska Parente, Dean Rogers, Roger De Silva, Jack Klausen, Jerry Easton, Todd Fletcher, Vincent Alfano.

MOTION BY WOLFSHEIMER TO DENY THE APPEAL AND APPROVE THE COASTAL

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

ITEM-336: (R-91-593) ADOPTED AS RESOLUTION R-276796

Directing the Planning Department to stop processing a community plan amendment and rezone for the intersection of Hilldale Road and Marlborough Road, also known as Area A. (Mid-City Community Area. District-3.)

FILE LOCATION: LAND-Mid-City Community Plan

COUNCIL ACTION: (Tape location: B294-296.)

MOTION BY HARTLEY TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337: (O-91-61) CONTINUED TO NOVEMBER 5, 1990

Introduction and adoption of an Ordinance amending Ordinance No. O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17504-1, as amended and adopted therein, by exempting one Deputy Director position from the Classified Service; amending the personnel authorization schedule of the Water Utilities Department (700) Clean Water Program (70711) to reflect the position as Unclassified; and establishing a salary rate.

CITY MANAGER SUPPORTING INFORMATION: This Ordinance will create the Clean Water Program Deputy Director for Construction Management and will exempt this position from the Classified Service. This action will facilitate implementation of the Clean Water Program. The Deputy Director for Construction Management for the Clean Water Program will be responsible for construction of all projects connected with the expansion and upgrade of the Metropolitan Sewerage System.

WU-CWP-91-041.

NOTE: See Item 209 on the docket of Monday, October 29, 1990 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D628-E010.)

MOTION BY PRATT TO APPROVE THE FIRST HEARING, AND TO CONTINUE THE INTRODUCTION AND ADOPTION OF THE ORDINANCE, ITEM-337, TO NOVEMBER 5, 1990. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-not present, Filner-nay, Mayor O'Connor-yea.

ITEM-338: (O-91-68) CONTINUED TO NOVEMBER 5, 1990

Introduction and Adoption of an Ordinance amending Ordinance No. O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17504-1, as amended and adopted

therein, by amending the personnel authorization of the Water Utilities Department (41500) Engineering Division to delete one Senior Drafting Aide position and add in lieu thereof one Assistant Deputy Director position; exempting the Assistant Deputy Director from the Classified Service; and establishing a salary rate.

CITY MANAGER SUPPORTING INFORMATION: This Ordinance will exempt an Assistant Deputy Director from the Classified Service.

This action will provide the Water Utilities Engineering Division with enhanced administrative capabilities, to ensure timely and appropriate implementation of all engineering responsibilities. The Division is responsible for Capital Improvements Program planning, design of replacement and expansion of water and wastewater projects, and contract construction of water and sewer facilities. The annual allocation for the Capital Improvements Program is \$125,000,000. At present the work effort is overseen solely by a Deputy Director. The Civil Service Commission reviewed this request pursuant to Charter Section 117 on September 6, 1990, and approved the proposed exemption.

WU-U-91-010.

NOTE: See Item 210 on the docket of Monday, October 29, 1990 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D628-E010.)

MOTION BY PRATT TO APPROVE THE FIRST HEARING AND TO CONTINUE THE INTRODUCTION AND ADOPTION OF THE ORDINANCE, ITEM-338, TO NOVEMBER 5, 1990. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-not present, Filner-nay, Mayor O'Connor-yea.

ITEM-339: (R-91-) CONTINUED TO NOVEMBER 27, 1990

Appeal of Alfred Strohlein from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property at 1461 Chalcedony Street is

located within a single-family neighborhood. The subject property is further described as Lots 16 & 17, Block 124, Pacific Beach Map-948, in Zone R-1500 within the Pacific Beach Community Plan area.

(ER-90-3024. District-6.)

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

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D062-083.)

MOTION BY HENDERSON TO CONTINUE TO NOVEMBER 27, 1990 AS PACIFIC BEACH REZONING MATTER WILL BE RESOLVED BY THEN. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-not present, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

Oct-30-1990

ITEM-340: (R-91-) CONTINUED TO NOVEMBER 27, 1990

Appeals of Jean Monfort, Alfred Strohlein, Thomas Battista, and Bertha Chase from the decision of the Planning Director in approving Early Release Single-Family Neighborhood Protection Ordinance Case-90-3025, which requests an early release from the Single-Family Neighborhood Protection Ordinance (ERSFNPO), which was adopted by the City Council on August 7, 1988. The ordinance restricts the replacement of single-family residences in multi-family zones. The applicant is requesting an Early Release from this restriction to determine if the property located at 936 Opal Street is located within a single-family neighborhood. The subject property is further described as Lots 27 and 28, Block 3, Reed's Ocean Front Addition Tract 913, in Zone R-1500 in the Pacific Beach Community Plan area.

(Case-90-3025. District-6.)

Adoption of a Resolution granting or denying the appeals and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D062-083.)

MOTION BY HENDERSON TO CONTINUE TO NOVEMBER 27, 1990 AS PACIFIC BEACH REZONING MATTER SHOULD BE RESOLVED BY THEN. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-not present, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

Oct-30-1990

ITEM-341:

Matter of the request of Teledyne Industries, Incorporated for a Conditional Use Permit CUP-89-0644 to operate a helistop located in an existing Teledyne Industries parking lot. The subject property is located at 8650 Balboa Avenue between Kearny Villa Road and Daley Center Drive and is further described as Lots 2 and 3, City of San Diego Industrial Park Unit No. 1, Map-3978 in Zone M1-B within the Serra Mesa Community Plan area.
(CUP-89-0644. District-5.)

19901030

Subitem-A: (R-91-942) ADOPTED AS RESOLUTION R-276799

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-89-0644 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: (R-91-943) ADOPTED AS AMENDED AS RESOLUTION R-276800 GRANTING PERMIT

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

FILE LOCATION: PERM-CUP-89-0644

COUNCIL ACTION: (Tape location: E180-E195.)

MOTION BY BERNHARDT TO APPROVE THE ITEM AND GRANT THE PERMIT WITH THE FOLLOWING CONDITIONS: 1) RESTRICTION ON HELICOPTER USE. THE SIKORSKY S-76 SHALL NOT USE FLIGHT PATH 3 TO PROCEED IN A SOUTHWESTERLY DIRECTION. 2) MODIFICATION OF FLIGHT PATH 3. ALL HELICOPTER FLIGHTS TO THE SOUTH SHALL USE FLIGHT PATH 3 WHICH IS COMPRISED OF ONLY HIGHWAY 163. 3) ALL HELICOPTER OPERATIONS TO AND FROM THE HELISTOP SHALL AVOID OVERFLIGHTS OF RESIDENCES IN THE TIERRASANTA COMMUNITY AND IN THE SERRA MESA AND KEARNY MESA COMMUNITIES TO THE MAXIMUM EXTENT FEASIBLE. 4) ADD A REFERENCE TO ATTACHMENT 5 OF THE PLANNING REPORT SHOWING THE MAXIMUM NOISE CONTOURS. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-342: (O-91-66) INTRODUCED AND ADOPTED AS ORDINANCE
O-17547 (New Series)

A proposed Emergency Ordinance limiting issuance of building permits and commencement of construction in a portion of Centre San Diego for a period of one year or until the California Coastal Commission approves an amendment to the City of San Diego's Local Coastal Program (LCP). This ordinance only affects that portion of Centre City within the Coastal Zone and bounded by Laurel, California, Ash Streets and Pacific Highway.

(District-2.)

Introduction and adoption of the Centre City Emergency Ordinance.

FILE LOCATION: LAND-Centre City San Diego Community Plan

COUNCIL ACTION: (Tape location: E223-353; F210-239.)

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-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-343: CONTINUED TO DECEMBER 11, 1990

Appeal of Robert J. Krause, S.P.E. Corporation, by Richard A. Rubin of Sholders & Sanford, Inc., from the decision of the Planning Commission in denying Tentative Map, Planned Infill Residential Development Permit and Resource Protection Overlay Zone Permit, Case-87-1098 (River Trails Project). The project would develop approximately 10.5

acres of residential and open space uses within the Coastal Zone and 100-year floodplain of the Tia Juana River. The project proposes 45 detached single-family dwelling units on 6.65 acres of fill material and is located on the west side of Hollister Street between Sunset and Tocayo Avenues, in Zone R1-5000, in the Otay Mesa-Nestor Community Plan area. The subject property is further described as Lot 75 of Sunrise Addition Unit No. 3, Map-10832.

(TM, PIRD/TM-87-1098. District-8.)

Subitem-A: (R-91-)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-1098 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-91-)

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

Subitem-C: (R-91-)

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

Subitem-D: (R-91-)

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

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D068-075.)

MOTION BY FILNER TO CONTINUE TO DECEMBER 11, 1990. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-not present, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-344: (R-91-) CONTINUED TO NOVEMBER 27, 1990

(Continued from the meeting of October 9, 1990, Item 335, for full Council.)

Appeal of Peninsula Community Planning Board, Inc., by Norman Magnuson, Chair, from the decision of the Board of Zoning Appeals in approving variance / Conditional Use Permit C-20523, subject to conditions.

The project request is to maintain the following currently in violation: a three-story, single-family dwelling 1) with three bay windows observing a 13'0" front yard where 15'0" is required; 2) a guest quarters where such use is permitted by Conditional Use Permit only; 3) a 7'2" wide fireplace observing a 3'0" rear yard where 4'0" is required; 4) an eave projection observing a 2'0" rear yard where 2'6" is required; and 5) a 7'4" high retaining wall observing a 2'0" street side yard where a 6'0" high

retaining wall is the maximum height permitted in the side yard. The subject property is located at 1447 Plum Street, in Zone R1-5000, in the Peninsula Community Plan area, and is more particularly described as portions of Lots 11 and 12, Block 55, Roseville, Map-165.

(C-20523. District-2.)

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

FILE LOCATION: --

COUNCIL ACTION: (Tape location: G562-H247.)

MOTION BY ROBERTS TO CONTINUE TO NOVEMBER 27, 1990 AND TO DIRECT STAFF TO PROVIDE INFORMATION BY A COMPETENT DESIGN PROFESSIONAL TO COME TO A FINAL DETERMINATION AND SOLUTION THAT THERE WILL BE NO WALLS IN THE PUBLIC RIGHT OF WAY, THAT THE CITY WILL NOT BE VIOLATING THE LAND DEVELOPMENT ORDINANCE AND THAT, GIVEN THAT SOLUTION, BOTH THE HEIGHT AND AREA RATIOS ARE KEPT WITHIN THE EXISTING ORDINANCES AND GIVEN THIS ADVISE, WHAT ACTION AS A CITY WE CAN TAKE IF THESE RULES ARE NOT COMPLIED WITH. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-345: (R-91-416) DEFEATED

(Continued from the meetings of June 12, 1990, portions of Item 335, and August 6, 1990, portions of Item 152; last

continued at Councilmember McCarty's request, for further review.)

Establishing monthly water service charges, pursuant to San Diego Municipal Code Section 67.55, as follows:

- (1) Establishing base fees, per meter, and Commodity Charges for each unit of 100 cubic feet of water delivered, effective upon the date of passage of this Resolution.
- (2) Providing for immediate imposition of two additional rate tiers in the event of a declaration of a Stage Three Water Warning by the City Council.

- (3) Establishing base fees, per meter, and Commodity Charges for each unit of 100 cubic feet of water delivered, to become effective July 1, 1991, July 1, 1992, July 1, 1993, and July 1, 1994; imposing two additional rate tiers, in the event of a Stage Three Water Warning declaration by the City Council during these years.
(See City Manager Report CMR-90-439.)

FILE LOCATION: WATER - Monthly Water Service Charges

COUNCIL ACTION: (Tape location: H274-I096.)

MOTION BY FILNER TO APPROVE THE RATE INCREASES AS RECOMMENDED BY THE CITY MANAGER. Second by Hartley. Failed by the following vote: Wolfsheimer-nay, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-nay, Henderson-nay, McCarty-not present, Filner-yea, Mayor O'Connor-nay.

Motion by Hartley to direct staff to amend the Capital Outlay Program to keep the Normal Heights Water Pressure Improvement Project in this year's budget and to bring back to Council (even though the rate increases were denied). Second by Wolfsheimer. Passed. Yeas-1,2,3,4,5,8,M. Nays-None. Not Present-6,7.

Oct-30-1990

ITEM-346: (R-91-386) RETURNED TO CITY MANAGER

(Continued from the meeting of October 1, 1990, Item 200, at Councilmember Bernhardt's request, for a report from staff to provide additional information on cost savings; Councilmember McCarty also requested specific information on the amount of money a family would save if they conserved 20 gallons of water a day.)

Accepting the Water Conservation Advisory Committee's final

report; authorizing funding and personnel resources necessary to implement the City Manager's recommended long term Water Conservation Plan; authorizing the expenditure of an amount not to exceed \$4,540,000 from the Water Utilities Operating Fund, (41500), Administrative Services Program (70613), for the purpose of providing funds to implement the Water Conservation Plan.

(See City Manager Report CMR-90-406.)

Aud. Cert. 9100179.

WU-U-91-017.

NOTE: See Item 347 for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: J201-212.)

MOTION BY PRATT TO RETURN TO THE CITY MANAGER IN LIGHT OF THE FACT THAT ITEM 345 CONCERNING RATE INCREASES WAS DEFEATED AND THESE ITEMS WERE TO BE FUNDED BY THESE INCREASES. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-347: (R-91-411) RETURNED TO THE CITY MANAGER

(Continued from the meeting of October 1, 1990, Item 201, at Councilmember Bernhardt's request, for a report from staff to provide additional information on cost savings.)

Authorizing the City Manager to implement a residential interior plumbing retrofit program for 50,000 pre-1981 single family residences; authorizing the execution of an agreement with the Metropolitan Water District (MWD) of

Southern California for receipt of funds from MWD to be used for the implementation of the City's retrofit program, together with any amendments or modifications 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 execution of an agreement with Brown and Caldwell, for retrofit program design and implementation services, 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 execution of a letter agreement with the

San Diego County Water Authority (CWA) stipulating the manner in which MWD funds will be passed through the City of San Diego, together with any amendments or modifications 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 Manager to accept the lowest responsible bid of Niagara Conservation Corporation for the provision of water conservation kits as may be required during the City's retrofit program, at an estimated cost of \$397,500 for 50,000 kits at \$7.95 per kit; authorizing the expenditure of an amount not to exceed \$917,729 from the Water Utilities Department Operating Fund (41500), Administrative Services Program (70613), for the purpose of implementing the residential interior plumbing retrofit program.

(See City Manager Report CMR-90-407.)

Aud. Cert. 9100199.

WU-U-91-020.

NOTE: See Item 346 for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: J201-213.)

MOTION BY PRATT TO RETURN TO THE CITY MANAGER IN LIGHT OF THE FACT THAT ITEM 345 CONCERNING RATE INCREASES WAS DEFEATED AND THESE ITEMS WERE TO BE FUNDED BY THESE INCREASES. Second by Hernderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-S500: (O-91-72) TRAILED TO OCTOBER 31, 1990 AS UNFINISHED BUSINESS

Introduction and adoption of an Ordinance amending Chapter II, Article 7, Division 27, of the San Diego Municipal Code by amending Sections 27.2715, 27.2717, 27.2718, and 27.2721 and by repealing Sections 27.2719 and 27.2720, pertaining to Supplemental Petitions in Local Recall Elections.

(See City Attorney Memorandum of Law dated 10/9/90 and City Attorney Report dated 10/24/90.)

COMMITTEE ACTION: Initiated by RULES on 10/17/90.

Recommendation to direct the City Attorney to produce an appropriate ordinance regarding "Supplemental Recall Petitions"

which would make the San Diego Elections Code consistent with state law by eliminating the requirement for supplemental recall petitions. The Committee also directed that the ordinance be docketed for introduction at the October 30, 1990, City Council meeting. Districts 1, 4, 5 and 8 voted yea. District 2 and Mayor not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: I103-J070.)

Motion by Pratt to delete the supplemental petition for recall, and extend the timing to 21 days for publication and 90 days for circulation. Second by Hartley. Failed. Yeas-1,3,4,5; Nays-2,6,M; Not present-6,7.

ITEM-S501: NOTED AND FILED

In the matter of proposed language for an Ordinance prohibiting disclosure of Closed Session discussion.
(See Report from the City Attorney.)

COMMITTEE ACTION: Initiated by Rules on 10/17/90.

Recommendation to direct the City Attorney to prepare for Council discussion of the issues presented in the City Attorney's Report, RC-90-53, dated 10/16/90, regarding "Closed Session Leaks." It was the direction of the Rules Committee that this be a companion docket item to the "Recall Petition" ordinance, which was directed to be docketed on 10/30/90.

Districts 1, 4, 5 and 8 voted yea. District 2 and the Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E345-F188.)

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

ITEM-S502: (R-91-690) ADOPTED AS AMENDED AS RESOLUTION
R-276801

Authorizing the City Manager to continue working with the San Diego Border Task Force to implement an interim solution to the problems caused by the flow of raw sewage

in the Tijuana River, as set forth in City Manager Report
CMR-90-451.

(See City Manager Report CMR-90-451. San Ysidro and
Tijuana River Valley Community Areas. District-8.)
WU-CWP-91-054.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F242-G275.)

MOTION BY FILNER TO ADOPT WITH THE FOLLOWING AMENDMENT: THAT THE
CITY MANAGER PREPARE A REPORT TO RESOLVE THE COST ISSUE OF
TREATMENT OF THE RAW SEWAGE FLOWING INTO THE TIJUANA RIVER.
COST ALLOCATION SHOULD INCLUDE THE EPA, CITY OF SAN DIEGO,
COUNTY OF SAN DIEGO, THE STATE OF CALIFORNIA AND THE MEXICAN
GOVERNMENT. Second by Wolfsheimer. Passed by the following
vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea,
Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

Comment by Mayor O'Connor regarding advice Council received
relating to the closure of Pomarado Road.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: J450-486.)

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, the meeting was recessed by Mayor O'Connor to
October 31, 1990, at 2:00 p.m. in honor of the memory of Johnie
Ray Sanders.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: J-489.)