

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 23, 1991
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 10:41 a.m. The meeting was recessed by Mayor O'Connor at 12:27 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:07 p.m. with Council Members Roberts, Hartley, Pratt and Filner not present. Mayor O'Connor recessed the meeting at 2:52 p.m. to convene as the Housing Authority. Mayor O'Connor reconvened the meeting at 2:53 p.m. with Council Member Filner not present. Mayor O'Connor adjourned the meeting at 4:40 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 Behr-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour/Fishkin (mp;so)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-203: CONTINUED TO JULY 29, 1991

Two actions relative to Wilson Middle School -
Acquisition:

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

Subitem-A: (R-91-2240)

Authorizing the transfer of an amount not to exceed \$300,000 CDBG Fund 18523 from CIP-29-574.1, Paradise Hills Community Park - Phase I, to CIP-29-636.0, Wilson Middle School - Acquisition, CDBG Fund 18523, Dept. 5633, Org. 3306, J.O. 000001; authorizing the transfer of an amount not to exceed \$300,000 Open Space Bond Fund 79103 from CIP-29-636.0, Wilson Middle School - Acquisition, to Open Space Bond 79103; authorizing the transfer of an amount not to exceed \$100,000 from Mid-City Park Fees Fund 39094 into CIP-29-636.0, Wilson Middle School - Acquisition;

authorizing the expenditure of an amount not to exceed \$600,000 from CIP-29-636.0, Wilson Middle School - Acquisition, consisting of \$500,000 from CDBG Fund 18523, Dept. 5633, Org. 3306, J.O. 000001, and \$100,000 from Mid-City Park Fees Fund 39094, for the acquisition of real property and related costs.

Subitem-B: (R-91-2241)

Certifying that the information contained in Environmental Negative Declaration END-87-0011, in connection with the acquisition of property for the Wilson Middle School project, together with any comments received during the public review process, has been completed in compliance with the California Environmental Quality Act of 1970 as amended, and State

guidelines, and that said Report has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: Authorizing the acquisition of four parcels of land located on the north side of Orange Avenue between 39th Street and 40th Street in the Mid-City area will help create a greenbelt consisting of landscaping and a meandering path which will connect Wilson Middle School, Central Elementary School and the cut and cover project over Highway 15. This project is consistent with the Mid-City Community Plan and is in accordance with the City's General Plan Guidelines. The transfer of \$300,000 CDBG Funds from CIP-29-574.1, Paradise Hills Community Park Phase I to CIP-29-636.0, Wilson Middle School - Acquisition, is necessary to fully restore the CIP project to fund the acquisition for the Wilson Middle School project. The transfer of \$300,000 Open Space Bond Funds from CIP-29-636.0, Wilson Middle School - Acquisition to Open Space Bond Fund 79103 is necessary as funds are now required for current open space acquisitions and debt service.
Aud. Cert. 9100988.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A066-067.)

Motion by Hartley to deny approval of funding, direct staff to withdraw all offers under this project, note and file the END and direct staff to meet with community to clarify their highest priority projects and return with appropriate action to program those funds for those projects. No second.

MOTION BY HARTLEY TO CONTINUE ONE WEEK TO WORK OUT THE TRANSFER OF FUNDS AND TO WORK WITH THE COMMUNITY; DIRECT STAFF TO PREPARE A WRITTEN REPORT ON WHAT PHASE THE CITY IS AT WITH THE ACQUISITION. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-310: WELCOMED

Welcoming approximately 20 Junior High School students from the Encinitas YMCA, accompanied by Mr. Troy Lucero. This group will arrive at approximately 10:30 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A066-068.)

ITEM-330: (O-92-6) INTRODUCED AND ADOPTED AS ORDINANCE
O-17667 (New Series)

Introduction and adoption of an Ordinance adopting the Annual Budget for the Fiscal Year 1991-92 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year.

NOTE: See Item 200 on the docket of Monday, July 22, 1991, for the first public hearing.

FILE LOCATION: MEET Budget-Annual (Record Series #5)

COUNCIL ACTION: (Tape location: A028-036.)

MOTION BY PRATT TO INTRODUCE AND ADOPT THE ORDINANCE AS AMENDED ON MONDAY, JULY 22, 1991, ADDING \$640,000.00 TO THE PLANNING DEPARTMENT'S BUDGET AND FOURTEEN POSITIONS TO PLANNING PERSONNEL AUTHORIZATION. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (R-91-2027) ADOPTED AS RESOLUTION R-278391

Considering the protests, approving the modified map, and ordering the proposed maintenance, in the matter of the Coronado View Landscape and Lighting Maintenance District.

(Southeast San Diego Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Coronado View Landscape and Lighting and Maintenance District. The district provides maintenance for landscaping within street right-of-ways, and energy and maintenance for ornamental street lights. The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 5,650
Personnel	4,489
Utilities	1,740
Incidentals	4,098*
Total Expenses	\$15,977
Reserve	1,000
Total	\$16,977
Less Carry-over & Interest	3,400

Less City Contribution	0
Assessed to District	\$13,577

*Includes Assessment District Management Fee of \$904.

The proposed unit annual assessment for Fiscal Year 1992 is \$117 per living unit as compared to \$110 per living unit for Fiscal Year 1991. The increase is due to a smaller carry-over from Fiscal Year 1991 and the normal increase in personnel and incidental expenses.

FILE LOCATION: STRT M-244

COUNCIL ACTION: (Tape location: A040-048.)

Hearing began at 10:39 a.m. and halted at 10:40 a.m.

MOTION BY PRATT TO ADOPT ITEMS-331, -332, AND -333. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332: (R-91-2030) ADOPTED AS RESOLUTION R-278392

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Eastgate Technology Park Landscape Maintenance District.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Eastgate Technology Park Landscape Maintenance District. The district maintains landscaped center islands, streetscapes, and open space areas within the district. The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 77,500
Personnel	11,204
Utilities	20,350
Incidentals	16,693*
Total Expenses	\$125,747
Reserve	40,899
Total	\$166,646
Less Carry-over & Interest	45,000
Less City Contribution	3,438
Assessed to District	\$118,208

*Includes Assessment District Management Fee of \$7,119.

Assessments for Fiscal Year 1992 correspond to approximately \$545 per acre of each lot. The assessments for Fiscal Year 1991 were the same.

FILE LOCATION: STRT M-245

COUNCIL ACTION: (Tape location: A040-048.)

Hearing began at 10:39 a.m. and halted at 10:40 a.m.

MOTION BY PRATT TO ADOPT ITEMS-331, -332, AND -333. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (R-91-2024) ADOPTED AS RESOLUTION R-278393

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Mission Boulevard Landscape Maintenance District.

(Mission Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Mission Boulevard Landscape Maintenance District. The district provides for the maintenance of approximately 200 trees within the district. The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$17,765
Personnel	20,428
Incidentals	11,123
Total Expenses	\$49,316
Reserve	16,249
Total	\$65,565
Less Carry-over & Interest	21,531
Less City Contribution	0
Assessed to District	\$44,034

The annual assessment for Fiscal Year 1992 will be \$11.73 per living unit (L.U.), compared to \$11.94 per living unit for Fiscal Year 1991.

FILE LOCATION: STRT M-246

COUNCIL ACTION: (Tape location: A040-048.)

Hearing began at 10:39 a.m. and halted at 10:40 a.m.

MOTION BY PRATT TO ADOPT ITEMS-331, -332, AND -333. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334: (R-92-) REFERRED TO CITY CLERK

Appeal of Glen D. Larsen, Sr., from the Housing Commission's determination requiring a Coastal Affordable Housing Compliance Permit for property located at 8141 El Paseo Grande, La Jolla. This determination would require the applicant to provide replacement units based upon a tenant income survey pursuant to the City's Coastal Housing Program, Council Policy 600-03.

(Case-91-073. District-1.)

Adoption of a Resolution granting or denying the property exemption.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A014-020.)

MOTION BY PRATT TO REFER TO THE CITY CLERK FOR PROPER NOTICING. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: (R-92-) CONTINUED TO AUGUST 6, 1991

In the matter of the request of Miramar Ranch North Partnership that the City of San Diego initiate a community plan amendment to re-designate land uses. Industrial land uses would be re-designated to commercial, office, hotel/restaurant, church, day care and park land uses. The amendment would also result in the addition of 749 new dwelling units.

The subject property (approximately 130-acres) is located on the east side of I-15, between Miramar Lake and Poway Road, within the boundaries of the Miramar Ranch North Community Plan. The subject property is more particularly described as a portion of the south half of the south half of Section 21, Township 14 South, Range 2 West, S.B.B.M.; portions of Parcels 1 and 2 of Parcel Map PM-14987; a portion of Parcel Map 1 of Parcel Map PM-11571; and a portion of Parcel 1 of Parcel Map PM-11698.

(District-5.)

A motion granting or denying the initiation request.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A051-058; D011-320.)

Motion by Behr to trail the item to 2:00 p.m. Second by Henderson. Passed by the following vote:
Yeas-1,2,3,4,5,6,7,8,M. Nays-None. Not Present-None.

Hearing began at 2:09 p.m. and halted at 2:32 p.m.

Testimony in favor by Karen L. McElliott.

Testimony regarding the initiation by Jim Dawe.

MOTION BY BEHR TO CONTINUE TO AUGUST 6, 1991 WITH DIRECTION TO STAFF TO RETURN WITH A PLAN INITIATION REVISING THE TOWN CENTER CONCEPT TO BE THE BASIS OF THE PLAN AMENDMENT. ALSO DIRECT STAFF TO BEGIN AN INITIAL REVIEW OF THE REVISED CONCEPT WITH THE MIRAMAR RANCH NORTH PLANNING GROUP FOR COMMUNITY COMMENT AND ENCOURAGE STAFF TO REFINE THE CONCEPT BEFORE THE INITIATION SO THAT THE SIX-MONTH PROCESSING PERIOD WILL BE SIMPLIFIED.

SEVERAL IMPACTS SHOULD BE ANTICIPATED REGARDING THE REVISED TOWN CENTER CONCEPT WITH RESPECT TO ALTERNATIVE 8-A AS FOLLOWS:

1. MOVING THE SCHOOL AND THE PARK THAT NOW FRONT 8-A TO AN INTERIOR PHASE (PERHAPS WHERE THE MULTI-FAMILY RESIDENTIAL IS) AS ONE ELEMENT OF THE REVISED CONCEPT.
2. WHETHER OR NOT TO MOVE THE RESIDENTIAL TO WHAT IS PRESENTLY INDUSTRIAL ON THE NORTH SIDE OF 8-A.
3. FURTHER DIRECT STAFF TO RETURN WITH THE REVISED TOWN CENTER CONCEPT WHICH LEADS TO A PLAN AMENDMENT INDICATING

THE IMPACTS, IF ANY, ON THE CONSTRUCTION OF 8-A AS IT RELATES TO OTHER PUBLIC FACILITIES SUCH AS FUNDING FOR THE SCHOOL OR THE LIBRARY, PARKS, AVAILABILITY OF CHURCH SITES, THE MERCY ROAD INTERCHANGE AND WHETHER IT IS FEASIBLE TO GO FROM A FOUR-LANE TO A SIX-LANE ROAD. INDICATE IN THE ANALYSIS AS TO WHETHER IT IS FEASIBLE IN THIS REVISED TOWN CENTER CONCEPT IN THE SENSE IT DOES NOT IMPACT OR TO WHAT EXTENT IT DOES IMPACT THE BUILD-OUT OF 8-A AND THE MERCY ROAD INTERCHANGE.

4. ENCOURAGE STAFF TO LOOK AT PROMOTING MASS TRANSIT AND PEDESTRIAN WALK ABOUTS WITHIN THE COMMUNITY.

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

ITEM-336: (O-91-103) RETURNED TO THE CITY MANAGER

Proposal to amend Chapter X (Planning and Zoning Regulations) of the San Diego Municipal Code by amending specific commercial zones to either:
1) Remove residential development as a permitted use unless a Planned Commercial Development Permit is satisfied.
2) Amend the density threshold from 29 dwelling units to 15 dwelling units which triggers the requirement for a Planned Commercial Development Permit.
3) To completely remove residential development as a permitted use in commercial zones.

(Citywide.)

Introduction of an Ordinance amending the San Diego Municipal Code.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D320-330.)

Hearing began at 2:33 p.m. and halted at 2:34 p.m.

MOTION BY WOLFSHEIMER TO RETURN TO THE CITY MANAGER TO REVIEW THE DIRECTION FROM THE TRANSPORTATION AND LAND USE COMMITTEE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-337:

Two actions relative to the Scripps Miramar Ranch
Facilities Benefit Assessment:

(District-5.)

Subitem-A: (R-91-1975) ADOPTED AS RESOLUTION R-278396

Designating an area of benefit in Scripps Miramar Ranch; confirming the description of Public Facilities Projects, The Community Financing Plan, and Capital Improvement Program with respect to said Public Facilities Projects; the method for apportioning the costs of said Public Facilities projects among the parcels within the area of benefit and the amount of the facilities benefit assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in facilities benefit assessments; and ordering the proposed public facilities project in the matter of the Scripps Miramar Ranch Facilities Benefit Assessment Area.

Subitem-B: (R-91-1976) ADOPTED AS RESOLUTION R-278397

Adopting the assessment fee schedule contained in the Scripps Miramar Ranch Public Facilities Plan as adopted in R-278240; declaring it to be an appropriate and applicable development impact fee for all properties located within the Scripps Miramar Ranch Community Planning Area that have either never been assessed under the Scripps Miramar Ranch Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment Fees as prescribed by the City Council.

FILE LOCATION: STRT - FB-11

COUNCIL ACTION: (Tape location: D332-341.)

Hearing began at 2:34 p.m. and halted at 2:36 p.m.

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

ITEM-338:

Two actions relative to the Mira Mesa Facilities
Benefit Assessment:

(District-6.)

Subitem-A: (R-91-1979) ADOPTED AS RESOLUTION R-278398

Designating an area of benefit in Mira Mesa; confirming the description of Public Facilities Projects, The Community Financing Plan, and Capital Improvement Program with respect to said Public Facilities Projects; the method for apportioning the costs of the Public Facilities projects among the parcels within the area of benefit and the amount of the facilities benefit assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in facilities benefit assessments; and ordering the proposed public facilities project in the matter of the Mira Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-91-1980) ADOPTED AS RESOLUTION R-278399

Adopting the assessment fee schedule contained in the Mira Mesa Public Facilities Plan as adopted in R-278242; declaring it to be an appropriate and applicable development impact fee for all properties located within the Mira Mesa Community Planning Area that have either never been assessed under the Mira Mesa Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment Fees as prescribed by the City Council.

FILE LOCATION: STRT - FB-12

COUNCIL ACTION: (Tape location: D341-347.)

Hearing began at 2:36 p.m. and halted at 2:38 p.m.

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

ITEM-339: (R-92-98 Rev.1) ADOPTED AS RESOLUTION R-278400

Accepting the City Manager's Report on State Route 15/40th Street "Visions Project"; directing the City Manager to implement the actions contained in the State Route 15/40th Street "Visions Project" Report.

(See City Manager Report CMR-91-328. Mid-City Community Area. District-3.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E047-G394.)

Hearing began at 2:53 p.m. and halted at 4:40 p.m.

Testimony in favor by Mike Gotch, Jim Beiesner, John Stump, Bill Baber, Greg Oma, Bethany Porter, Frank Gormlie, Kathy Stafford, Jim Baross, Steve Rowe, Tahira Faruq, David Hutchinson and Joe Berardini.

Testimony in opposition by Harold Sweet, Gladys Kieta, Marie Cavanaugh, Lincoln Pickard, Mark Jolles and Bill Swager.

MOTION BY HARTLEY TO ADOPT THE CITY MANAGER'S REPORT NO. 91-328 AS AMENDED TO REVISE THE COMMITTEE ESTABLISHED BY SECTION 2A TO BE FORMED AS A VISIONS IMPLEMENTATION TASK FORCE, HEADED BY THE MANAGER'S OFFICE, INVOLVING THE COMMUNITY, AND RETURN TO COUNCIL WITH RECOMMENDATIONS ON ALL OF THE OUTSTANDING ISSUES AFFECTING THE BRIDGES ON ADAMS AVENUE AND ALL OF THE POSSIBILITIES OF AMENITIES AND ADJUSTMENTS TO THOSE BRIDGES, PARKING AND TRAFFIC.

DIRECT THE CITY MANAGER TO:

1. UTILIZE THE EXISTING TIME SCHEDULE. THERE IS NO NEED TO SPEED UP THE FIRST PHASE ON THE PROCESS BECAUSE THE CITY IS MOVING AHEAD ACCORDING TO THE SCHEDULE IN THE AGREEMENT WITH THE CITY AND THE STATE.
2. DIRECT THE MANAGER TO COME BACK WITH A WRITTEN AGREEMENT WITH CALTRANS STATING THAT PHASE I WILL IN NO WAY IMPINGE UPON THE POSSIBILITY OF FULFILLING THE VISIONS PROJECT.
3. FURTHER DIRECT THE CITY MANAGER AND THE VISIONS IMPLEMENTATION TASK FORCE TO REVIEW THE 1985 RESOLUTION BETWEEN THE CITY AND CALTRANS AND REDRAFT THE SR-15 MEMORANDUM OF AGREEMENT TO INCORPORATE FULLY ALL ASPECTS OF THE VISIONS PROJECT, AND RETURN IN 60 DAYS WITH A STATUS REPORT.
4. DIRECT THE TASK FORCE TO OBTAIN ASSURANCES FROM CALTRANS THAT ALL FUNDING WILL REMAIN IF THE CITY PROCEEDS ACCORDING TO THE ORIGINAL SCHEDULE, AND REPORT BACK TO COUNCIL ON SEPTEMBER 9, 1991 ON THIS ISSUE AND ANY OTHER ISSUES THAT

HAVE BEEN RESOLVED.

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

ITEM-S400: (O-91-148) MULTI-FAMILY, COMMERCIAL AND
INDUSTRIAL RATE STRUCTURES
CONTINUED TO JULY 30, 1991

(Trailed as Unfinished Business from the Special Meeting of Thursday, March 14, 1991, Item 707; Continued from the meetings of March 18, 1991, Item S407, March 26, 1991, Item S503, April 8, 1991, Item 202, April 16, 1991, Item 603, April 22, 1991, Item 601, May 6, 1991, Item 601, May 14, 1991, Item 601, and May 21, 1991, Item 601; Trailed as Unfinished Business from the meeting of Tuesday, July 16, 1991, Item S406, due to lack of a quorum.)

Introduction of an Ordinance amending Chapter VI, Article 4, Division 4, of the San Diego Municipal Code, by amending Section 64.0411, and amending Chapter VI, Article 7 of the San Diego Municipal Code, by amending Section 67.59.1, relating to Sewer and Water Rate Adjustment.

CITY MANAGER SUPPORTING INFORMATION: The Municipal Code (Section 64.0411 and 67.59.1) currently provides that water and sewer rates be adjusted annually on the first day of January to compensate for any increases in the costs of purchased water and/or energy which are beyond the control of the City. The Proposed Ordinance:

1. Amends Section 64.0411 (Sewer Rates - Adjustments) and 67.59.1 (Water Rates - Adjustments) to provide that adjustments to water and sewer rates be made at any time to compensate for increases in Water Purchase and/or Energy Costs.

WU-U-91-134.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B140-C314;E024-036.)

Motion by McCarty to approve the City Manager's

recommendations. No vote.

MOTION BY HENDERSON TO APPROVE THE MAYOR'S RECOMMENDATIONS ON SINGLE FAMILY RATES. Second by Mayor O'Connor. Passed by the following votes: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Pratt-yea, Behr-nay, Henderson-yea, McCarty-nay, Filner-not present, Mayor O'Connor-yea.

Motion by Henderson to continue for one week the Commercial/Industrial/Multi-Family rates. Take \$1,000,000.00 out of the budget assuming the rates are not raised. Review the budget if we don't proceed with the rebate program in March or April. Keep the rates the same for Commercial/Industrial/Multi-Family. Bring back a Multi-Family structure that shows equity between Single Family and Multi-Family. Continue one week the water purchase. Failed by the following vote: Yeas-1,2,6,M. Nay-5. Not Present-3,4,7,8.

MOTION BY HENDERSON TO CONTINUE FOR ONE WEEK WITH DIRECTION TO THE CITY MANAGER TO PREPARE ADJUSTMENTS FOR PASS THROUGH RATES FROM MWD, MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL RATE STRUCTURES. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-nay, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S401: (R-92-) MULTI-FAMILY, COMMERCIAL AND
INDUSTRIAL RATE STRUCTURES
CONTINUED TO JULY 30, 1991

(Trailed as Unfinished Business from the Special Meeting of Thursday, March 14, 1991, Item 706; Continued from the meetings of March 18, 1991, Item S406, March 26, 1991, Item S502, April 8, 1991, Item 203, April 16, 1991, portion of Item 604, April 22, 1991, Item 602, May 6, 1991, Item 602, May 14, 1991, Item 602, and May 21, 1991, Item 602; Trailed as Unfinished Business from the meeting of Tuesday, July 17, 1991, Item S407, due to lack of a quorum.)

Adoption of a Resolution amending and/or increasing certain currently effective water rates and charges as part of the annual review of water and sewer utility rates.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: B140-C314; E024-036.)

Motion by McCarty to approve the City Manager's recommendations. No vote.

MOTION BY HENDERSON TO APPROVE THE MAYOR'S RECOMMENDATIONS ON SINGLE FAMILY RATES. Second by Mayor O'Connor. Passed by the following votes: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-nay, Henderson-yea, McCarty-nay, Filner-not present, Mayor O'Connor-yea.

Motion by Henderson to continue for one week the Commercial/Industrial/Multi-Family rates. Take \$1,000,000.00 out of the budget assuming the rates are not raised. Review the budget if we don't proceed with the rebate program in March or April. Keep the rates the same for Commercial/Industrial/Multi-Family. Bring back a Multi-Family structure that shows equity between Single Family and Multi-Family. Continue one week the water purchase. Failed by the following vote: Yeas-1,2,6,M. Nay-5. Not Present-3,4,7,8.

MOTION BY HENDERSON TO CONTINUE FOR ONE WEEK WITH DIRECTION TO THE CITY MANAGER TO PREPARE ADJUSTMENTS FOR PASS THROUGH RATES FROM MWD, MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL RATE STRUCTURES. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-nay, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S402:

(Trailed as Unfinished Business from the meeting of Tuesday, July 16, 1991, Item S411, due to lack of a quorum.)

Two actions relative to a Recreational Vehicle Parking Enforcement Moratorium:

Subitem-A: (O-91-197) INTRODUCED AS AMENDED, TO BE ADOPTED AUGUST 5, 1991

Introduction of an Ordinance amending Chapter X, Article 1, Division 4, of the San Diego Municipal Code by amending Section 101.0407 and Section 101.0410, relating to a temporary suspension of the enforcement of regulations affecting storage and parking of recreational vehicles in residential zones.

Subitem-B: (R-91-2270) ADOPTED AS RESOLUTION R-278394

Adoption of a Resolution authorizing the Planning Director to take necessary steps to cause temporary suspension, for a period not to exceed six months, enforcement of the storage and parking regulations for recreational vehicles in residential zones, during which time a comprehensive policy and administrative process shall be developed;

directing that San Diego Municipal Code Sections 101.0407 and 101.0410 be amended to provide for such temporary suspension of enforcement of recreational vehicles parking and storage regulations; authorizing the Planning Director to enforce Municipal Code Sections 101.0407F and 101.0410(0) only for those violations which the Planning Director deems to constitute a safety hazard.

NOTE: Subitem B must be heard before Subitem A.

FILE LOCATION: Subitem-A: - - ; Subitem-B: MEET

COUNCIL ACTION: (Tape location: A412-B141.)

MOTION BY BEHR TO APPROVE THE PROPOSED INTERIM ORDINANCE PLACING A MORATORIUM ON ENFORCEMENT OTHER THAN SAFETY PURPOSES WITH THE FOUR INTERLINEATIONS HANDED OUT ON JULY 22, 1991, WHICH WERE WORD CHANGES TO ADD CLARITY TO THE ORDINANCE AS FOLLOWS:

(1) PARAGRAPH 101.0407F.6(b): INCLUDE "SCREENING" IN THE APPLICABLE MUNICIPAL CODE PROVISION AS WELL AS IN EVERY REFERENCE TO "PARKING AND STORAGE"; (2) PARAGRAPH 101.0407F.6(d) - CHANGE TO READ: "(d) NOTHING IN SAN DIEGO MUNICIPAL CODE SECTION 101.0407F.6 SHALL BE INTERPRETED TO PRECLUDE THE CITY FROM PROCEEDING AFTER CONCLUSION OF THE SUSPENSION PERIOD WITH PENDING INVESTIGATIONS, ADMINISTRATIVE ACTIONS OR COURT ACTIONS."; (3) PARAGRAPH 101.0410(O)2.f.2: CHANGE "RESIDENTIAL ZONES" TO "R (MULTIPLE FAMILY RESIDENTIAL) ZONES"; (4) PARAGRAPH 101.0410(O)2.f.4: "SAME AS (2) ABOVE." BRING BACK THE PERMANENT ORDINANCE IN THREE MONTHS AND ONLY WITH RESPECT TO PARKING ON THEIR OWN PROPERTY. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-nay, McCarty-nay, Filner-not present, Mayor O'Connor-yea.

ITEM-S412: (R-92-241) ADOPTED AS RESOLUTION R-278395
GRANTING APPEAL, GRANTING MAP

(Trailed as Unfinished Business from the meeting of
July 16, 1991, Item 338, due to lack of a quorum.)

Appeal of Old Grove Associates, by Ronald W. Currie,
General Partner, from the decision of the Planning
Commission in approving the map with conditions. This
project was a request to divide a 2.68-acre lot into
three parcels for industrial development, and a
requested variance to allow one 36,640 square-foot
parcel where the M-IP Zone requires 40,000 square feet.

The subject property is located at the southwest corner
of Old Grove Road and Business Park Avenue, in Zone
M-IP, in the Scripps Miramar Ranch Community Plan area,
and is more particularly described as Lots 6 and 7 of
Scripps Ranch Business Park Unit Two, Map-8887.

(TM-90-1025. District-5.)

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

FILE LOCATION: SUBD - Lots 6 and 7 of Scripps Ranch Business
Park Unit Two

COUNCIL ACTION: (Tape location: A311-409.)

Hearing began at 10:59 a.m. and halted at 11:05 a.m.

Testimony by Frank Finney representing Ronald W. Currie.

MOTION BY BEHR TO GRANT THE APPEAL AND GRANT THE MAP IN
PART, REMOVING CONDITION 8. Second by Wolfsheimer. Passed
by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (O-92-16) INTRODUCED, TO BE ADOPTED AUGUST 5, 1991

Introduction of an Ordinance amending Ordinance No.
O-17648 (New Series), as amended, entitled "An
Ordinance Establishing a Schedule of Compensation for
Officers and Employees of the City of San Diego for
Fiscal Year 1991-92," by adding a new Section 5.1,
entitled "FLSA Exempt Employee Salary Status."

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B142-144; D348-E024.)

MOTION BY McCARTY TO INTRODUCE THE ORDINANCE AND TO HAVE A THOROUGH DISCUSSION ON THE LITIGATION AROUND THIS ISSUE IN CLOSED SESSION ON AUGUST 6, 1991. COUNCIL WILL HAVE THE ABILITY TO NOTE AND FILE THE ISSUE AT THAT TIME IF THERE IS A PROBLEM. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-S501: CONTINUED TO JULY 29, 1991

Recognizing Fern James for her community work.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A021-027.)

MOTION BY PRATT TO CONTINUE TO JULY 29, 1991. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-CS-1: (R-92-152) ADOPTED AS RESOLUTION R-278401

A Resolution adopted by the City Council in Closed Session on July 23, 1991:

Authorizing the City Manager to pay the sum of \$29,656.84 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage to H. G. Fenton Material Co.; authorizing the City Auditor and Comptroller to issue one check in the amount of \$29,656.84, made payable to H. G. Fenton Material Co., in full settlement of all claims.

Aud.Cert.: 9200055.

FILE LOCATION: MEET

ITEM-CS-2: (R-92-153) ADOPTED AS RESOLUTION R-278402

A Resolution adopted by the City Council in Closed Session on July 23, 1991:

Authorizing the City Manager to pay the sum of \$22,042.93 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage to the East San Diego Assembly of God;

authorizing the City Auditor and Comptroller to issue one check in the amount of \$22,042.93, made payable to Luth & Turley, Inc., in full settlement of all claims.

Aud.Cert.: 9200057.

FILE LOCATION: MEET

ITEM-CS-3: (R-92-154) ADOPTED AS RESOLUTION R-278403

A Resolution adopted by the City Council in Closed Session on July 23, 1991:

Authorizing the City Manager to pay the sum of \$21,454.83 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage to the residence of U. S. Sam Inc.;

authorizing the City Auditor and Comptroller to issue one check in the amount of \$21,454.83, made payable to Luth & Turley, Inc., in full settlement of all claims.

Aud.Cert.: 9200056.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

ITEM-CC-2:

Upon advice of the Special Attorney and the City Attorney's Office, Mayor O'Connor announced that the City Council in Closed Session unanimously voted to deny the claims filed by Spaulding and Bray.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A006-013.)

PUBLIC COMMENT:

ITEM-PC-2: REFERRED TO CITY MANAGER

Concerns expressed by Donald C. Bell of the Salvation Army regarding the continuation of ITEM-111 of July 22, 1991, referred to the City Manager to bring back to Council on September 10, 1991.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C315-392.)

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 4:40 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G394).