

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF TUESDAY, SEPTEMBER 10, 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 10:05 a.m. Mayor O'Connor recessed the meeting at at 10:35 a.m. to meet in Closed Session in the 12th floor conference room to discuss pending litigation. Mayor O'Connor reconvened the meeting at 11:30 a.m. with all Council Members present. The meeting was recessed by Mayor O'Connor at 12:10 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:10 p.m. with Council Members Roberts, Hartley, and Pratt not present. Mayor O'Connor adjourned the meeting at 3:52 p.m. to convene the Redevelopment Agency Meeting.

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-Fishkin (so/rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

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

* ITEM-103: (R-92-76) CONTINUED TO SEPTEMBER 16, 1991

Awarding contracts to Quintex Mobile Communications, Pac Tel Cellular, and U.S. West Cellular for the purchase of Cellular Radio Telephone Equipment and Service, as may be required for a period of one year beginning September 1, 1991 through August 31, 1992 for a total estimated cost of \$71,400.69, including tax and terms, with options to renew the contracts with Pac Tel Cellular and U.S. West Cellular for four additional one year periods, with no price escalations.

(BID-B2420/91)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A245-255.)

MOTION BY HENDERSON TO CONTINUE TO SEPTEMBER 16, 1991 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-205: (O-92-5) ADOPTED AS ORDINANCE O-17682 (New Series)

Adoption of an Ordinance authorizing the execution of an amendment to the agreement of July 23, 1990, on file in the office of the City Clerk as Document No. OO-17503-2, with the San Diego Unified School District, for construction, maintenance and lease of turfed field and recreation facilities at Adams Elementary School; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$81,000 from Mid-City Park Development Fund No. 39094 to CIP-29-710.0, Adams Avenue Park - Development; authorizing the expenditure of an amount not to exceed \$81,000 from CIP-29-710.0, Adams Avenue Park - Development, for the purpose of providing funds for this project.

(Introduced on 7/29/91. Council voted 9-0. Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: On July 23, 1990, the City Council approved an agreement with the San Diego Unified School District for the construction, operation, maintenance and lease of turfed fields and recreation facilities at the Adams Elementary School site. On February 19, 1991 and March 4, 1991 the City Council discussed the matter of additional funding which would be needed for the design and construction of the Adams Joint Use Park. City Manager memorandum to the Honorable Mayor and City Council dated March 1, 1991 described the funding sources needed to complete the entire project, which included undergrounding of overhead electrical utilities by SDG&E at significantly reduced costs, and the identification of surplus CDBG funds from the Wilson Middle School turfing project. The City Auditor and the Community Services Department, however, do not recommend utilizing these funds for the Adams project due to complexities involved with Federal guidelines for the use of CDBG funds. Mid-City Park Development funds have been identified and are recommended for use in supplementing this project. This proposed amendment to the agreement increases the funding for the project to \$580,000 for design and construction of the school/park.

Aud. Cert. 9100976.

FILE LOCATION: LEAS - San Diego Unified School District
LEAS FY92-1

COUNCIL ACTION: (Tape location: A255-266.)

Hearing began at 10:25 a.m. and halted at 10:28 a.m.

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

ITEM-330: (R-91-2239) ADOPTED AS RESOLUTION R-278616

(Continued from the meeting of July 22, 1991, Item 111,
at Councilmember Henderson's request, to discuss with
the community.)

Vacating an alley adjacent to Lots 1208-1210 of
Clairemont Unit 8, Map-2889, in connection with
Conditional Use Permit CUP-88-0098, under the procedure
for the summary vacation of streets; reserving and
excepting from the foregoing vacation the right,
easement and privilege of placing, constructing,
repairing, replacing, maintaining, using and operating
public utilities of any kind or nature; declaring that
the City reserves and excepts from vacation and
abandonment, easements, and rights of any public
utility pursuant to any existing franchise or renewal
thereof; declaring that the easement reserved is in,
under, over, upon, along and across that portion of the
alley adjacent to Lots 1208-1210 of Clairemont Unit 8,
Map-2889; declaring that this resolution shall not
become effective unless and until the following
conditions have been met: a) The alley dedication and
related construction of public improvements as proposed
under Conditional Use Permit CUP-88-0098 must be
provided; b) Curb, gutter, and sidewalk must be
constructed across the area of vacation; in the event
the above conditions are not completed within 18 months
following the adoption of this resolution, then this
resolution shall become void and of no further force or
effect; directing the City Engineer to advise the City
Clerk of the approval of the above conditions.

(See City Manager Report CMR-91-329. Clairemont Mesa Community Area. District-6.)

FILE LOCATION: DEED F-5633; STRT J-2763 DEED FY92-1

COUNCIL ACTION: (Tape location: A088-236; A298-330.)

MOTION BY HENDERSON TO ADOPT AS AMENDED TO REQUIRE A "NO LEFT TURN" SIGN AND A SMALL BERM IN THE DRIVEWAY FOR THE LEFT TURN MOVEMENT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-331:

Two actions relative to Parcel Map W.O. 900808:

(Located northwest of Balboa Avenue and Clairemont Drive. Clairemont Mesa Community Area. District-6.)

Subitem-A: (R-92-279) ADOPTED AS RESOLUTION R-278617

Approving Parcel Map W.O. No. 900808 (The Salvation Army North City Corps).

Subitem-B: (R-92-280) ADOPTED AS RESOLUTION R-278618

Authorizing the City Manager to transfer the right of way for that portion of Balboa Avenue dedicated to public use on Parcel Map W.O. No. 900808 to the California Department of Transportation, at such time when the work called for on Drawing Nos. 25945-1-D through 25945-10-D has been completed and accepted by the City.

NOTE: See Item 330 for a companion item.

FILE LOCATION: SUBD-P/L 1209, Lot 2, Por, & Clairemont Unit 8, Lot 1210

COUNCIL ACTION: (Tape location: A088-236; A298-330.)

MOTION BY HENDERSON TO ADOPT AS AMENDED TO REQUIRE A "NO

LEFT TURN" SIGN AND A SMALL BERM IN THE DRIVEWAY FOR THE LEFT TURN MOVEMENT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-332: CONTINUED TO SEPTEMBER 24, 1991

Two actions relative to the vacation of Capella Street: (Southeast San Diego Community Area. District-4.)

Subitem-A: (R-92-261)

Vacating Capella Street southeasterly of Mariposa Street, adjacent to Lot 58 and Parcel "A" within Rancho Cerro, Unit No. 1, Map-4948, under the procedure for the summary vacation of streets; declaring that this Resolution shall not become effective unless and until the engineering permits for the required public improvements, which include construction of curb and sidewalk across the vacated area, have been issued; declaring that the City Engineer shall advise the City Clerk when the street improvements have been completed, accepted, and opened to public use.

Subitem-B: (R-92-262)

Certifying that the information contained in the Addendum END-86-1056 to the Mitigated Negative Declaration END-86-0113, in connection with Philhomes Plaza II and street action, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines and that said Report has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: The abutting property owners have requested the proposed vacation in order to utilize and consolidate it with their properties to accommodate future garage and building additions for the northerly property and to provide additional acreage for the southerly property in order to create a buildable lot. The vacation also borders the City of National City, which has no objections to the vacation. The area-of-vacation and abutting properties are located in the Southeast San Diego Community Plan area and are situated within

an R1-5,000 Zone. The 7,000-square-foot area-of-vacation is proposed to be divided and consolidated with the two adjacent properties (Parcel "A" and Lot 58), creating two lots of 6,853 square feet and 10,696 square feet, respectively. Although the residential entitlement for Lot 58 will increase to provide adequate square footage for an additional lot, no subdivision would be allowed without discretionary approval of a tentative map. The Southeast San Diego Development Committee has no objection to the vacation, and the Planning Commissioner recommended approval of the vacation on April 20, 1989, by a 7-0 vote. The subject right-of-way is improved with the curb, gutters, and some sidewalk, and dead-ends approximately 130 feet east of Mariposa Street. The street was constructed in 1963 as part of the public improvements for the Rancho Cerro Subdivision. A temporary AC berm has been constructed across the right-of-way at Mariposa Street to prevent access to the dead-end street and to divert surface drainage. Subsequent subdivision and the present development of the property to the south and east has eliminated the necessity of retaining Capella for access, since those developments are obtaining access via other right-of-way. As a condition to the vacation, standard curbs, gutters and sidewalks are to be constructed across the vacation area. The right-of-way to be vacated contains public utilities and franchise facilities which require easement reservations, unless the in-place facilities are removed or relocated. Findings: Staff review has indicated that the vacation is consistent with the General Plan, the community plan, and Council Policy 600-15 and may be summarily vacated. The right-of-way is no longer required for present or prospective public use and will not detrimentally affect the existing public facility, since the vacation area is not required for access or circulation. The public will benefit through improved utilization of the property and an increased tax base.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A007-018.)

MOTION BY FILNER TO CONTINUE TO SEPTEMBER 24, 1991 AT THE REQUEST OF THE SOUTHEAST DEVELOPMENT COMMITTEE FOR FURTHER REVIEW. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (R-91-2254) ADOPTED AS RESOLUTION R-278619

Detaching the area designated as "The Mast Boulevard Reorganization", initiated by the City of Santee and approved the City of San Diego for apportionment of property taxes by Resolution R-276262, adopted on July 31, 1990, from the San Diego Open Space Park Facilities District No. 1.

(East Elliott Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: The Mast Reorganization, initiated by the City of Santee, detaches 91.47 acres from the City of San Diego. By Resolution R-276262, adopted July 31, 1990, the San Diego City Council agreed with the City of Santee on the apportionment of property tax revenues related to this reorganization. Subsequently on March 26, 1991, the reorganization was recorded by the County of San Diego as Document 91-0133708.

It is appropriate to detach this territory from the San Diego Open Space Park Facilities District #1, as the district's boundaries are coterminous with those of the City of San Diego.

FILE LOCATION: ANNX - "The Mast Boulevard Reorganization"

COUNCIL ACTION: (Tape location: A266-274.)

Hearing began at 10:29 a.m. and halted at 10:30 a.m.

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

ITEM-334: (O-92-103 Rev.) INTRODUCED, TO BE ADOPTED
SEPTEMBER 23, 1991

Proposal to amend Chapter X, Article 1, Division 4 of the San Diego Municipal Code to require a Planned Commercial Development Permit in commercial zones where residential use is permitted (CR, CO, CN, CV, CC, CA, C-1 and C) when the residential portion of the project is in excess of seventy (70) percent of the total gross floor area of the entire project.

LOCAL COASTAL PROGRAM: The proposed amendments to the Municipal Code also constitute amendments to the City of San Diego Local Coastal Program (LCP). If approved by the City Council, the proposed LCP amendments must be submitted to the California Coastal Commission for review and certification. (Citywide.)

Introduction of an Ordinance amending the San Diego Municipal Code.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A275-279.)

Hearing began at 10:30 and halted at 10:31 a.m.

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

ITEM-335: CONTINUED TO OCTOBER 1, 1991

The Request for a Conditional Use Permit and a Resource Protection Ordinance Permit CUP/RPP-91-0491 to allow the "Toussant Teen Center" a transitional housing facility, to locate in a designated historic site in the Mixed-Use-Residential District in Centre City. Social Service facilities are not permitted by right in this district in the downtown area. The subject property, "Eagles Hall," is located at 733 Eighth Avenue, between "F" and "G" Streets and is described as Lots C and D, Block 73 of Horton's Addition. The site is located in the Centre City San Diego Community Plan area.

(CUP/RPP-91-0491. District-2.)

Subitem-A: (R-92-)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-91-0491 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-92-)

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

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A018-078.)

Hearing began at 10:10 a.m. and halted at 10:17 a.m.

Testimony in opposition to the continuance by Father Joe Carroll.

MOTION BY ROBERTS TO DIRECT THAT THIS ITEM BE CONSIDERED AT A SPECIAL MEETING OF THE PLANNING COMMISSION ON SEPTEMBER 26, 1991 FOR NECESSARY CONDITIONS TO BE INCLUDED IN THE CONDITIONAL USE PERMIT AND TO ALLOW FOR COMMUNITY INPUT. THE ITEM IS TO BE BROUGHT BACK FOR ACTION BY THE COUNCIL ON OCTOBER 1, 1991. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336: CONTINUED TO OCTOBER 1, 1991

(Continued from the meeting of June 25, 1991, Item 338, Subitems A, B, C, G, H and K, at Councilmember Roberts' request, to separate commercial and residential sites and for further review.)

Matters of the following appeals from the decision of the Historical Site Board in designating the following properties located in the Harborview/Little Italy area, in the Centre City Community Plan area as historical sites:

Commercial Buildings

- 1) Appeal of Marie Burke Lia for 1702 Kettner Boulevard (Electrical Products Building).
- 2) Appeal of Marie Burke Lia for 1917 to 1921 India Street (Milton E. Fintzelberg Commercial Building).

Residential Buildings

- 1) Appeal of Brenda Mason Carter for 1557 Columbia (Ballatore residence).
- 2) Appeal of Michael Sideman for 1762 and 1764 Columbia (Sideman/Littell Office/residence). (District-2.)

Subitem-A: (R-92-)

Adoption of a Resolution approving or denying the designation for the property located at 1702 Kettner Blvd. with appropriate findings to support Council action.

Subitem-B: (R-92-)

Adoption of a Resolution approving or denying the designation for the property located at 1917 to 1921 India Street with appropriate findings to support Council action.

Subitem-C: (R-92-)

Adoption of a Resolution approving or denying the designation for the property located at 1557 Columbia Street with appropriate findings to support Council action.

Subitem-D: (R-92-)

Adoption of a Resolution approving or denying the designation for the property located at 1762 and 1764 Columbia Street with appropriate findings to support Council action.

FILE LOCATION: GEN'L-Historical Site Board, Appeals & Decisions, etc.-Little Italy

COUNCIL ACTION: (Tape location: B013-088.)

Hearing began at 2:10 p.m. and halted at 2:17 p.m.

Testimony by Robert Berton in regards to the continuance and requested re-docketing the matter. The City Attorney's Office will meet with Mr. Berton during the interim period to discuss his concerns.

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 1, 1991, AS REQUESTED BY THE PROPERTY OWNER. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337: (R-92-493) ADOPTED AS RESOLUTION R-278622,
DENYING APPEAL

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: MEET

COUNCIL ACTION: (Tape location: B095-560.)

Hearing began at 2:17 p.m. and halted at 2:48 p.m.

Testimony in favor by Glen D. Larsen and Jeff Smith.

MOTION BY WOLFSHEIMER TO DENY THE APPEAL AND UPHOLD THE HOUSING COMMISSION'S DECISION. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-nay, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

ITEM-338:

Matters relating to the Institutional Overlay Zone:

1) Matter of a proposed rezoning to remove the Institutional Overlay Zone (SD Municipal Code Section 101.0460) from public school sites in the Uptown and College areas as follows, and as identified on Map C-844:

UPTOWN

GRANT ELEMENTARY SCHOOL, 1425 Washington Street
FLORENCE ELEMENTARY SCHOOL, 3914 First Avenue
BIRNEY ELEMENTARY SCHOOL, 4345 Campus Avenue
DISTRICT ADMINISTRATIVE COMPLEX, 4100 Normal Street

COLLEGE AREA

HARDY ELEMENTARY SCHOOL, 5420 Montezuma Road
MONTEZUMA ELEMENTARY SCHOOL, 4961 64th Street
MUIR ELEMENTARY SCHOOL, 6880 Mohawk Street

The City of San Diego is pursuing this rezoning based on the outcome of a lawsuit by the San Diego Unified School District against the City of San Diego. As a part of the Superior Court decision, it declared invalid only that portion of the City's ordinance which applied the Institutional Overlay Zone to public school sites in the College area and Uptown communities. Pursuant to the court ruling, the City is now proposing a rezoning to remove the Institutional Overlay Zone, but will leave the underlying one as is.

(Districts 2, 3 and 7.)

2) Matter of a proposal to amend San Diego Municipal Code Section 101.0460 - Institutional Overlay Zone - to remove all references to public schools being subject to the provisions of this ordinance.

It is the purpose of the Institutional Overlay Zone to preserve and enhance areas for Institutional use until it is determined through a general plan or community plan amendment and rezoning that the appropriate long term use of the site is not institutional in nature. This is a City-wide zone that has been applied in a number of communities to publicly owned lands. The amendment proposal is the result of the outcome of a

lawsuit by the San Diego Unified School District against the City of San Diego. The lawsuit declared invalid only that portion of the City's ordinance which applied the Institutional Overlay Zone to public school sites. In the future, the City will be pursuing removal of the Overlay Zone from all school sites in the city. (City-wide)

Subitem-A: (O-92-30) INTRODUCED, TO BE ADOPTED SEPTEMBER 23, 1991

Introduction of an Ordinance removing the Institutional Overlay Zone from the above school sites in the College area.

Subitem-B: (O-92-31) INTRODUCED, TO BE ADOPTED SEPTEMBER 23, 1991

Introduction of an Ordinance removing the Institutional Overlay Zone from the above school sites in the Uptown area.

Subitem-C: (O-92-29) INTRODUCED, TO BE ADOPTED SEPTEMBER 23, 1991

Introduction of an Ordinance amending the San Diego Municipal Code Section 101.0460, "Institutional Overlay Zone," to remove all references to public Schools being subject to the provisions of this ordinance.

Subitem-D: (R-92-) DENIED

Adoption of a Resolution relating to community plans and the Institutional Overlay Zone.

FILE LOCATION: MEET --

COUNCIL ACTION: (Tape location: B561-D124.)

Hearing began at 2:49 p.m. and halted at 3:45 p.m.

Testimony in opposition by Brian Bennett and Sone Oxley.

MOTION BY McCARTY TO INTRODUCE SUBITEMS A, B AND C. DENY SUBITEM D AND REFER THE POLICY ISSUES OF USE AND PRESERVATION OF SCHOOL SITES TO THE PF&R COMMITTEE. REQUEST THAT THE PLANNING COMMISSION CONSIDER R-1-40,000 FOR THE

HARDY AND MONTEZUMA ELEMENTARY SCHOOL SITES AND R-1-5,000 AT THE MUIR ELEMENTARY SCHOOL SITE. ACCEPT COUNCIL MEMBER ROBERT'S REQUEST THAT AT THE SAME TIME THE "I" ZONES ARE LIFTED, THAT THE AFFECTED COMMUNITY PLANNING GROUPS SPECIFICALLY REVIEW THE UNDERLYING ZONES ON THOSE PROPERTIES AT THEIR NEXT MEETING AND MAKE RECOMMENDATIONS TO THE COUNCIL. THE COUNCIL WILL CONSIDER THOSE RECOMMENDATIONS, AND IF WARRANTED, INITIATE REZONINGS TO THOSE PROPERTIES THAT WOULD MAKE THEM FULLY COMPATIBLE WITH THE SURROUNDING AREAS. 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-339: (R-92-) NOTED AND FILED

(Continued from the meeting of July 30, 1991, Item 339, at Councilmember Wolfsheimer's request, for further review and to meet with the City Manager's office and the business community to resolve this issue.)

Disestablishment of the La Jolla Business Improvement District, under Resolution of Intention R-278299, adopted July 9, 1991. (La Jolla Community Area. District-1.)

FILE LOCATION: STRT L-2

COUNCIL ACTION: (Tape location: D129-189.)

Hearing began at 3:46 p.m. and halted at 3:51 p.m.

MOTION BY WOLFSHEIMER TO APPROVE ITEM 340, WHICH IS LEVYING THE ASSESSMENT AND DENY ITEM 339 BASED ON THE FOLLOWING REASONS: 1) THAT MEMBERSHIP OF THE BID (BUSINESS IMPROVEMENT DISTRICT) DID NOT, BY BALLOT, PRODUCE ENOUGH VOTES TO REQUIRE DISESTABLISHMENT. ONLY 32.1 PERCENT OF THE VOTES FAVORED THE DISESTABLISHMENT, NOT 50.1 PERCENT, AND THUS, NOT A LEGALLY OR EQUITABLY ADEQUATE MAJORITY. 2) IT IS FELT THAT THE SOLE ISSUE OF THE DISPUTE CAN BE RESOLVED TO THE BENEFIT TO EVERYONE. AN INABILITY TO MEDIATE SUCCESSFULLY DOES NOT JUSTIFY THE DESTRUCTION OF A BID. 3) THE BID IS A VERY YOUNG ORGANIZATION AND DESERVES A FAIR

CHANCE TO

ITEM-340: (R-92-521) ADOPTED AS RESOLUTION R-278623

(Continued from the meeting of June 24, 1991, Item 208; Trailed as Unfinished Business from July 2, 1991, Item S409; Continued from the meetings of July 9, 1991, Item S404 and July 30, 1991, Item 340; last continued at Councilmember Wolfsheimer's request, for further review and to meet with the City Manager's office and the business community to resolve this issue.)

Levying an annual assessment within the La Jolla Business Improvement District for July 1, 1991 through June 30, 1992.

(La Jolla Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Business Improvement Districts (BIDs) are authorized by State law to assess benefitted businesses for the cost of certain improvement activities. These activities are generally promotional in nature. Once a BID is established, the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently 11 active districts in the City of San Diego: Adams Avenue, City Heights, Downtown, El Cajon Blvd.-Gateway, El Cajon Blvd., Central, Gaslamp, Hillcrest, La Jolla, Mission Hills, North Park and Ocean Beach. State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. Today's action is the public hearing to levy the proposed assessment for the La Jolla Business Improvement District for FY 1992.

NOTE: See Item 339 for a companion item.

FILE LOCATION: STRT L-2

COUNCIL ACTION: (Tape location: D129-189.)

Hearing began at 3:46 p.m. and halted at 3:51 p.m.

MOTION BY WOLFSHEIMER TO APPROVE ITEM 340, WHICH IS LEVYING THE ASSESSMENT AND DENY ITEM 339 BASED ON THE FOLLOWING REASONS: 1) THAT MEMBERSHIP OF THE BID (BUSINESS IMPROVEMENT DISTRICT) DID NOT, BY BALLOT, PRODUCE ENOUGH VOTES TO REQUIRE DISESTABLISHMENT. ONLY 32.1 PERCENT OF THE VOTES FAVORED THE DISESTABLISHMENT, NOT 50.1 PERCENT, AND THUS, NOT A LEGALLY OR EQUITABLY ADEQUATE MAJORITY. 2) IT IS FELT THAT THE SOLE ISSUE OF THE DISPUTE CAN BE RESOLVED

TO THE BENEFIT TO EVERYONE. AN ENABILITY TO MEDIATE SUCCESSFULLY DOES NOT JUSTIFY THE DESTRUCTION OF A BID. 3) THE BID IS A VERY YOUNG ORGANIZATION AND DESERVES A FAIR CHANCE TO PROVE ITSELF IN SERVING THE COMMUNITY. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-nay, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-S500: RECOGNIZED AND WELCOMED

Recognizing and welcoming Mayor Blinov and his delegation from Vladivostok, Russia, Soviet Union and participating in the San Diego-Vladivostok Sister City Signing Ceremony.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: Special Ceremony, not taped.)

ITEM-S501: (R-92-379) ADOPTED AS RESOLUTION R-278624

Designating September 10, 1991 as "Rear Admiral Philip Anselmo Day" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A236-245.)

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

ITEM-CS-1: (R-92-372) ADOPTED AS RESOLUTION R-278620

A Resolution adopted by the City Council in Closed Session on September 10, 1991:

Authorizing the City Manager to pay the sum of \$594,641.30 in the settlement of each and every claim

against the City of San Diego, its agents and employees, resulting from property damage to various residences entitled claim of Julie McKellar, et.al.; authorizing the City Auditor and comptroller to issue one check in the amount of \$494,641.30, made payable to Luth & Turley, Inc., in partial settlement of the claims; and authorizing the City Auditor and Comptroller to pay up to the sum of \$100,000.00 for future cost and settlement of the property damage claims and repair costs for the Julie McKellar, et al. claims.

Aud. Cert. 9200186

FILE LOCATION: MEET

ITEM-CS-2: (R-92-368) ADOPTED AS RESOLUTION R-278621

A Resolution adopted by the City Council in Closed Session on September 10, 1991: Authorizing the City Manager to pay the total sum of \$25,601.58 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 Philllip T. and Shiona Birch; authorizing the City Auditor and Comptroller to issue one check in the amount of \$25,601.58, made payable to Luth & Turley, Inc., in full settlement of all claims.

Aud. Cert. 9200183

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 3:52
p.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D190-197).

MOTION BY McCARTY TO ADJOURN IN HONOR OF THE MEMORY OF HARRY
H. NINASHI. Second by Behr. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-
yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.