

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 26, 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 10:46 a.m. The meeting was recessed by Mayor O'Connor at 12:15 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:03 p.m. with no quorum present. A quorum was present at 2:13 p.m. with Council Members Hartley, Pratt and Behr not present. Mayor O'Connor recessed the meeting at 2:23 p.m. to convene as the Housing Authority. Mayor O'Connor reconvened the meeting at 2:35 p.m. with Council Members Pratt and Behr not present. The meeting was adjourned by Mayor O'Connor at 2:35 p.m. to the Special Inaugural Meeting at 10:00 a.m. on Monday, December 2, 1991 in the Civic Theatre.

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 (rb/11)

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-109: (R-92-538) ADOPTED AS RESOLUTION R-279040

Inviting bids for the construction of Point Loma Ocean Compliance Project Ocean Outfall Extension on Work Order No. 190170; authorizing the execution of a contract with the lowest responsible bidder. (BID-K2784/92)

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The Point Loma Outfall Extension project will construct a 12,500-foot, 144-inch diameter, extension to the existing 11,300-foot outfall, terminating at a depth of 312 feet. The project will also include two wye-structures and two 2,500-foot diffuser legs. In addition, an alternative 13,275-foot extension terminating at a depth of 325 feet is included in the bid schedule. Two options, steel and reinforced concrete pipe, are also included. The purpose of this project is to comply with the State Ocean plan, which requires that certain bacteriological standards are met in the offshore kelp beds. Cease and Desist Order No. 87-113 issued by the Regional Water Quality Control Board and a federal court order issued by Hon. Rudi Brewster also require the timely completion of this project.

In August 1991, the City Council accepted the findings and the recommendations contained in the Point Loma Outfall Extension Report and certified the Environmental Impact Report by Resolution R-278487.

The project is now ready to advertise for bids, since the design of the project has been completed in accordance with the Council-accepted findings and recommendations. During the course of final design, some joints of the existing outfall were found to have deteriorated. Due to the uncertainty about the existing outfall's remaining life, staff is evaluating the alternative of building a new outfall from shore by tunneling. Preliminary results indicate the cost of this alternative may be comparable to that of the planned extension. For this reason, the construction of the outfall extension may not be awarded should the decision be made to build a new tunnel outfall. This will be noted in the advertisement for bids. In order to enhance MBE/WBE participation of this project, a request for letters of interest is being advertised in national and local publications emphasizing the City's Equal Opportunity Contracting Program. The Federal court order states that the first construction progress report must be submitted by May 1, 1992. To meet this date, Council's authorization to advertise for bids is necessary. The authorization to award is not requested at this time and will come forward under a separate request when the lowest responsible bidder is identified. The construction cost is currently estimated at \$150 million. The project funding will be phased and come from a combination of existing revenues and future bond proceeds.

WU-CWP-92-056.

FILE LOCATION: W.O. 190170 CONT - Point Loma Constructors

COUNCIL ACTION: (Tape location: A167-178; B325-374.)

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

ITEM-114: (R-92-759) ADOPTED AS RESOLUTION R-279041

Approving Parcel Map W.O. 880893 located northeasterly

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

FILE LOCATION: SUBD-Dalles Hgts., Lot 1 Por., P/L 1210, Por
and Dalles Ave., vacated

COUNCIL ACTION: (Tape location: A167-178.)

MOTION BY McCARTY TO ADOPT. 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.

ITEM-201: ACCEPTED REPORT

The matter of the Annual Meeting of the member of the
Centre City Development Corporation (CCDC).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B424-425.)

MOTION BY HARTLEY TO ADJOURN THE ANNUAL MEETING TO JANUARY,
1992. Second by Roberts. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not
present, Behr-not present, Henderson-not present, McCarty-
yea, Filner-yea, Mayor O'Connor-yea.

ITEM-209: (R-92-746) TRAILED TO DECEMBER 2, 1991

(Continued from the meeting of November 12, 1991, Item
S405, at Councilmember Wolfsheimer's request, to allow
for a report from Milon Mills regarding the scientific
data supporting the Cloud Seeding efforts.)

Authorizing the expenditure of an amount not to exceed
\$200,000 from Water Fund 41500 for the purpose of
continuing the Weather Modification Project;
authorizing the City Auditor and Comptroller, upon
advice from the administering department, to transfer
excess budgeted funds, if any, to Water Fund 41500.

CITY MANAGER SUPPORTING INFORMATION: In November 1989, Council
approved a five-year agreement between the City of San Diego, the

Helix Water District and the Sweetwater Authority, to jointly fund a Weather Modification Program in San Diego. Also approved was a five-year contract with Atmospheric, Inc. to execute the program. It is recommended that the City of San Diego, the Helix Water District and the Sweetwater Authority continue to fund the Weather Modification Program. This year's program is a continuation of the five-year agreement and contract mentioned above. The results of last year's project appeared to be favorable, with an estimated rainfall increase (due to cloud seeding efforts) in the range of 12 to 15 percent over the target area. This project is still considered a pilot project to determine the feasibility and efficiency of cloud seeding in San Diego.

Aud. Cert. 9200332.

WU-U-92-058.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B438-586; C034-124.)

Motion by Wolfsheimer to deny the authorization to expend funds for cloud seeding as it has been determined that it is not effective for San Diego. Second by Roberts. Failed by the following vote: Yeas-1,2,3. Nays-7,8,M. Not present-4,5.

Motion by McCarty to adopt. Second by Henderson. No vote.

ITEM-310: PRESENTATIONS MADE

Presenting plaques and expressing appreciation to Councilmember Bruce Henderson and Councilmember Wes Pratt.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A010-143.)

ITEM-330:

Two actions relative to the El Cajon Boulevard (62nd

Street to Seminole Drive) Underground Utility District:

(College Community Area. District-7.)

Subitem-A: (R-92-580) ADOPTED AS RESOLUTION R-279042

Establishing an Underground Utility District to be known as the El Cajon Boulevard (62nd Street to Seminole Drive) Underground Utility District.

Subitem-B: (R-92-581) ADOPTED AS RESOLUTION R-279043

Authorizing the expenditure of an amount not to exceed \$82,400 from CIP-58-004, TransNet Funds, for the purpose of administering the El Cajon Boulevard (62nd Street to Seminole Drive) Underground Utility District), minor City Force work, payment to SDG&E for the purchase and installation of street lights, and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on El Cajon Boulevard between 62nd Street and Seminole Drive. This is a scheduled project in the calendar year 1991 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.
Aud. Cert. 9200241.

FILE LOCATION: STRT K-201

COUNCIL ACTION: (Tape location: A167-178.)

Hearing began at 11:01 a.m. and halted at 11:02 a.m.

MOTION BY McCARTY TO ADOPT. 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.

ITEM-331:

Three actions relative to the Carmel Valley Facilities Benefit Assessment:

(See City Manager Report CMR-91-284 and Committee Consultant Analysis TLU-90-25. District-1.)

Subitem-A: (R-92-701) ADOPTED AS RESOLUTION R-279044

Approving the document entitled "Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, May, 1991."

Subitem-B: (R-92-703) ADOPTED AS RESOLUTION R-279045

Designating an area of benefit in Carmel Valley and the boundaries thereof; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the 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 Carmel Valley Facilities Benefit Assessment Area.

Subitem-C: (R-92-704) ADOPTED AS RESOLUTION R-279046

Declaring the development impact fee schedule contained in the Carmel Valley Public Facilities Financing Plan to be an appropriate and applicable development impact fee for all properties within the Carmel Valley Community.

COMMITTEE ACTION: Reviewed by TLU on 6/24/91. Recommendation to approve the City Manager's recommendation subject to inclusion of Light Rail Transit funding of \$300,000 for engineering studies (I-5); \$14,500 for SR-56 L.R.T. alignment studies; \$500,000 for the east-west street fair-share financing; and changing the commercial and industrial fees to dollars per square foot. Districts 1, 4 and 5 voted yea. Districts 2 and 8 not present.

FILE LOCATION: STRT FB-8

COUNCIL ACTION: (Tape location: A167-178.)

Hearing began at 11:01 a.m. and halted at 11:02 a.m.

MOTION BY McCARTY TO ADOPT. 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.

ITEM-332:

Consideration of an amendment to the Marina Planned District Ordinance to permit the location of a residential care facility at 633 State Street, on the property described as Lots "C" through "L", Block 27, New San Diego Addition, Map-456, Centre City Community Plan area.

Council will also consider the elimination of Conditions 18 and 19 in Conditional Use Permit CUP-90-0907, for Teen Quest, a social service facility for homeless teenagers. Condition 18 refers to the time period for the location of this facility at this site and Condition 19 refers to the securing of a permanent location.

(CUP-90-0907. District-2.)

Subitem-A: (O-92-70) INTRODUCED, TO BE ADOPTED
DECEMBER 9, 1991

Introduction of an Ordinance amending the Marina Planned District Ordinance.

Subitem-B: (R-92-927 Cor.Copy) ADOPTED AS RESOLUTION
R-279047, GRANTED PERMIT

Adoption of a Resolution granting or denying the amendment to the Conditional Use Permit, with appropriate findings to support Council action.

FILE LOCATION: SUBITEM-A: --; SUBITEM-B: PERM - CUP-90-0907

COUNCIL ACTION: (Tape location: A198-B290.)

Hearing began at 11:03 a.m. and recessed at 11:04 a.m. to reconsider Item 333.

Hearing resumed at 11:04 a.m. and halted at 11:52 a.m.

Testimony in favor by Father Joe Carroll, Harvey Mandel, Jim Engelke, Harry Mathis, Dennis Jones.

Testimony in opposition by Robert Hays, Arn Loomis, and Robert Headland.

Motion by Filner to approve the amendment. No second.

MOTION BY McCARTY TO ADOPT THE AMENDMENT TO THE PLAN AND MODIFICATION TO THE CONDITIONAL USE PERMIT (CUP) TO ALLOW A PERMANENT STRUCTURE.

DIRECT THE CITY MANAGER TO LOOK INTO THE COMPLAINT OF ROBERT HEADLAND DURING PUBLIC TESTIMONY REGARDING MAINTENANCE OF THE PROPERTY AND THE USE OF LAW ENFORCEMENT IN THE BUILDING. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-ineligible, Roberts-nay, Hartley-yea, Pratt-yea, Behr-not present, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333:

Appeal of Otay Mesa Acquisition and Development, Limited, by Richard Alvord, of Otay Mesa Development Company, (applicant), from the decision of the Planning Commission relating to Otay Mesa Development and Conditional Use Permits OMD/CUP-90-1016.

Due to a lack of affirmative votes by the Planning Commission, the decision of the Planning Director in approving the permit, with conditions, is sustained. The applicant is appealing conditions of the permits.

This project proposes a truck park on a site of approximately two acres, located on the east side of Otay Center Drive and the north side of Customhouse Plaza, in Zone OMDD (Commercial Component), in the Otay

Mesa International Center Precise Plan. The subject property is further described as Lots 10 and 11, Otay International Center Lot 2A, Map-12299.

(OMD/CUP-90-1016. District-8.)

Subitem-A: (R-92-882) ADOPTED AS RESOLUTION R-279048

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-90-1016 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-92-883) ADOPTED AS RESOLUTION R-279049, GRANTED APPEAL, GRANTED PERMIT

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

FILE LOCATION: PERM-OMD/CUP-90-1016

COUNCIL ACTION: (Tape location: A190-192; B382-424.)

Hearing began at 11:02 a.m. and halted at 11:03 a.m.

Motion by Filner to adopt Items 333 and 334. Second by Pratt. Passed. Yeas-1,2,3,4,5,7,8,M. Not present-6.

MOTION BY FILNER TO RECONSIDER THE ITEM. Second by Roberts. 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.

Hearing began at 11:56 a.m. and halted at 11:59 a.m.

MOTION BY FILNER TO ADOPT THE FOLLOWING: 1) APPROVE THE APPEAL AND REMOVE THE LANDSCAPING AND PAVING REQUIREMENTS FROM THE CONDITIONAL USE PERMIT (CUP); 2) EXTEND THE ORIGINAL OFFICE BUILDING PERMIT NO. 89-0941 TO COINCIDE WITH THE EXPIRATION OF THE OTAY TRUCK PERMIT NO. 90-1016 TO EXPIRE ON DECEMBER 31, 1993, WHICH IS A TWO-YEAR PERMIT; 3) REQUIRE THE DEVELOPER TO MAKE IMPROVEMENTS INCLUDING TWO 25-

FOOT COMMERCIAL DRIVEWAYS, DECOMPOSED GRANITE PAVING, AND AN 8-FOOT CHAINLINK COLORED METAL FENCE; 4) ALLOW THE PERMIT TO BE EXTENDED BEYOND TWO YEARS IF THE REQUIRED LANDSCAPING THAT IS RECOMMENDED TODAY IS ACTUALLY CONSTRUCTED. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-not present, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334:

1) Proposal to amend the Otay Mesa-Nestor Community Plan and the Progress Guide and General Plan. This proposal would change the Community Plan land use designation of a 3.3-acre site from low density residential (5-10 dwelling units per net residential acre) to police station, and change the General Plan land use designation of the same site from residential to institutional/police station. The subject property is located at the southwest corner of Coronado Avenue and 27th Street, and is further described as Lots 54 and 55 of Nestor Acres, Map-1768.

The proposal would also change the Community Plan land use designation of a 9.61-acre site from low medium density residential (10-15 dwelling units per net residential acre) to open space and parks. The subject property is located on the south side of Grove Avenue between 25th and 27th Streets and is further described as Lot 14, portion of Tibbet's Track, Map-659.

Validation of the low-medium density residential land use designation of a 4.9-acre site, located on the east side of 27th Street, north of Southwest Junior High School will also be considered. This site is further described as Parcel 1, Map-12823, Section 27, Township 18 South, Range 2 West, S.B.B.M.

All of the above properties are located within the Otay Mesa-Nestor Community Plan area.

2) Proposal to approve an update of the Otay Mesa Public Facilities Financing Plan which includes the Southern Area Police Station as a project.

3) Proposal to Approve the amendment of the Otay Mesa-Nestor Development Impact Fee Project list to include the Southern Area Police Station as a project.

4) Proposal to approve the amendment of the San Ysidro Public Facilities Financing Plan to include the Southern Police Station as a project.

(Districts-2 & 8.)

Subitem-A: (R-92-683) ADOPTED AS RESOLUTION R-279050

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-90-1099 (police station) and Environmental Mitigated Negative Declaration DEP-91-0259 (park site) have been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declarations have been reviewed and considered by the Council.

Subitem-B: (R-92-684) ADOPTED AS RESOLUTION R-279051

Adoption of a Resolution amending the Otay Mesa-Nestor Community Plan. The General Plan will be amended at the next omnibus hearing.

Subitem-C: (R-92-716) ADOPTED AS RESOLUTION R-279052

Adoption of a Resolution approving the Otay Mesa Public Facilities Financing Plan including the Southern Area Police Station.

Subitem-D: (R-92-717) ADOPTED AS RESOLUTION R-279053

Adoption of a Resolution approving the Otay Mesa-Nestor Development Impact Fee Project including the Southern Area Police Station.

Subitem-E: (R-92-718) ADOPTED AS RESOLUTION R-279054

Adoption of a Resolution approving the amendment of the San Ysidro Public Facilities Financing Plan including the Southern Area Police Station.

FILE LOCATION: SUBITEMS-A,B,C,D: LAND-OTAY MESA-NESTOR
COMMUNITY PLAN; SUBITEM-E: LAND-SAN YSIDRO
COMMUNITY PLAN

COUNCIL ACTION: (Tape location: A190-192.)

Hearing began at 11:02 a.m. and halted at 11:03 a.m.

MOTION BY FILNER TO ADOPT ITEMS 333 AND 334. Second by Pratt. 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.

ITEM-335: CONTINUED TO JANUARY 7, 1992

(Continued from the meeting of October 29, 1991, Item 330, at John Dean's request, representing the Carmel Valley Community Planning Board, for further review of both sides of the issue in light of new information.)

Matter of the appeal of Stan Keiser from the decision of the Planning Commission in denying the Keiser 4A Subdivision, Tentative Map, Carmel Valley Planned District Development Plan Permit and Resource Protection Ordinance Permit No. 89-0774.

The Development Plan proposes to construct a total of seventeen single-family detached residences (including an attached two-car garage) with related site landscaping, open space and brush management on a previously graded 10-acre vacant site.

The proposed Tentative Map would subdivide the property into a total of 18 lots, including a minimum of 6,100 square-feet for each of the proposed residential lots, one open space lot, and various public improvements and facilities necessary to serve the development (including the extension of Bayliss Court and Thurston Place). The subject property is located on the north side of Landsdale Drive, between Sword Way and Winstanley Way in the SF-1 and OS (Open Space) Zone and within the Neighborhood 4A Precise Plan area of the Carmel Valley Community Plan. The legal description of the site is the easterly quarter of the easterly half of the northwest quarter of Section 17, Township 14 South, Range 3 West, SBM.

(TM/CVPDDPP/RPO-89-0774. District-1.)

Subitem-A: (R-92-)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-89-0774 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 appeal and granting or denying the map, with appropriate findings to support Council action.

Subitem-C: (R-92-)

Adoption of a Resolution granting or denying the appeal and granting or denying the Carmel Valley Planned District Development Plan Permit, with appropriate findings to support Council action.

Subitem-D: (R-92-)

Adoption of a Resolution granting or denying the appeal and granting or denying the Resource Protection Ordinance Permit, with appropriate findings to support Council action.

FILE LOCATION: SUBITEM-A: PERM CUPDDPP 89-0774; SUBITEM-B: SUBD-KEISER 4A SUBD.; SUBITEM-C: PERM CVPDDPP 89-0774; SUBITEM-D: PERM RPO 89-0774

COUNCIL ACTION: (Tape location: A146-160.)

MOTION BY WOLFSHEIMER TO CONTINUE THE ITEM TO JANUARY 7, 1992, AS REQUESTED BY THE APPLICANT. Second by Roberts. 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.

ITEM-336:

Request for a Coastal Development Permit/Conditional Use Permit for the construction of a 300 square-foot concrete building to house electronics equipment and to install a microwave receiver antenna on a 0.173 acre site. The subject property is located at 4488 Sorrento Valley Road, on the north side, west of the future alignment of Camino Santa Fe, in Zone A-1-10, in the Mira Mesa Community Plan area, and is further described as a portion of Lot 21 of Map-12029. (CDP/CUP-90-0519. District-5.)

Subitem-A: (R-92-874) ADOPTED AS RESOLUTION R-279056

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-90-0519 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-92-875) GRANT THE COASTAL DEVELOPMENT PERMIT, ADOPTED AS RESOLUTION R-279057

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

Subitem-C: (R-92-876) GRANT THE CONDITIONAL USE PERMIT, ADOPTED AS RESOLUTION R-279058

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

FILE LOCATION: PERM-CDP/CUP-90-0519

COUNCIL ACTION: (Tape location: C-019-032.)

Hearing began 2:14 p.m. and halted 2:15 p.m.

MOTION BY HENDERSON TO ADOPT SUBITEM A AND GRANT THE CDP AND CUP PERMITS FOR SUBITEMS B AND C. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Behr-not present,

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

ITEM-S500: (R-92-711) NOTED AND FILED

Authorizing the City Manager to pay the sum of \$16,800, as partial settlement in the pending litigation Cohen, et al. v. City of San Diego, et al., Superior Court Case No. 640919;

authorizing the City Auditor and Comptroller to issue one or more checks in an amount not to exceed \$16,800, made payable to Richard Cohen and Robert Kenny, his attorney of record, as a partial settlement in the above lawsuit.

CITY MANAGER SUPPORTING INFORMATION: This constitutes partial settlement of the property damage claim to 2808 Bayside Walk (Unit B) owned by Richard Cohen. This amount represents compensation for lost rents for the period of June 1 through December 31, 1991.

Aud. Cert. 9200389.

NOTE: This matter will be reviewed in Closed Session on November 26, 1991.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A167-178.)

(Note: Item S500 was adopted in Closed Session on November 26, 1991, As ITEM-CS-3, Resolution Number R-279061.)

MOTION BY McCARTY TO NOTE AND FILE AS RECOMMENDED BY THE CITY MANAGER. 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.

ITEM-S501: (R-92-814) ADOPTED AS RESOLUTION R-279055

Determining to repurchase the Morena Reservoir property from the County; authorizing the City Manager to accept a deed of the property from the County; determining the

total evaporation losses payable to the City under the 1970 agreement to be \$87,919; agreeing that the \$87,919 due to the City by the County shall be offset against the same amount of money which is due to the County pursuant to the 1970 agreement as consideration for the repurchase of the property; authorizing the execution of a lease agreement with the County of San Diego providing for the leasing of the approximately 3,250 acres of land and water area to the County of San Diego for a term of 99 years with consideration of the County's operating and maintaining a fishing, park and recreation area for the general public on the property.

CITY MANAGER SUPPORTING INFORMATION: Morena Reservoir was constructed in 1912 and purchased by the City in 1914 for water supply. The City has continually operated it to maximize its water production. In 1970, the County purchased property around the reservoir from the City to operate a recreation program. Under the terms of a 1970 agreement with the City, the County was responsible for some of the evaporation costs.

These costs were disputed by the County and extensive, prolonged negotiations were conducted with County staff over a period of several years. In 1988, as provided for in the 1970 agreement, the City Council authorized the City Manager to repurchase the property from the County, and to offer the County the option of leasing the property back to continue its recreation program.

The City has forwarded to the County a check for \$87,919 for the repurchase of the property. After the exchange of several draft agreements, concurrence has been reached at the staff level on the proposed agreement. The proposed agreement recognizes that the City has exercised its option to repurchase the property, may withdraw water at any time and provides for the 99-year lease for the County to operate a recreation program. As consideration for the lease the County will pay the City \$1.00 per year plus perform on the City's behalf certain specified services in connection with Morena Reservoir including water level, flow recordings, fire prevention and road maintenance. The City will meet with the County in December of each year to inform the County of the City's operational plans for Morena Reservoir for the next calendar year. The County will return to the City the \$87,919 as a full settlement of the disputed evaporation costs. County staff has indicated that the proposed agreement will be presented to the County Board of Supervisors for their approval at their regular meeting on November 26, 1991.

FILE LOCATION: DEED F-5731; LEAS-County of San Diego

COUNCIL ACTION: (Tape location: A160-167.)

MOTION BY ROBERTS TO ADOPT. Second by Hartley. 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.

ITEM-CS-1: (R-92-810) ADOPTED AS RESOLUTION R-279059

A Resolution adopted by the City Council in Closed Session on November 26, 1991:

Authorizing the City Manager to pay the total sum of \$33,769.09 in settlement of each and every claim against the City, its agents and employees resulting from property damage to Loral Instrumentation; authorizing the City Auditor and Comptroller to issue one check in the amount of \$33,769.09 to Loral Instrumentation in full settlement of all claims.

Aud. Cert. #9200368

ITEM-CS-2: (R-92-847) ADOPTED AS RESOLUTION R-279060

A Resolution adopted by the City Council in Closed Session on November 26, 1991:

Authorizing the City Manager to pay the total sum of \$59,387.27 in settlement of each and every claim against the City of San Diego, its agents and employees resulting from property damage to the residence of Betty Daum; authorizing the City Auditor and Comptroller to issue one check in the amount of \$59,387.27 made payable to Luth and Turley, Inc. in full settlement of all claims.

Aud. Cert. #9200392

ITEM-CS-3: (R-92-711) ADOPTED AS RESOLUTION R-279061

A Resolution adopted by the City Council in Closed Session on November 26, 1991:

Authorizing the City Manager to pay the total sum of \$16,800, as partial settlement in the pending litigation Cohen, et al. v. City of San Diego, et al., Superior Court Case No. 640919; authorizing the City Auditor and Comptroller to issue one or more checks in an amount not to exceed \$16,800, made payable to Richard Cohen and Robert Kenny, his attorney of record, as a partial settlement.

Aud. Cert. #9200389.

Note: Docket Item S500 docketed for November 26, 1991, was Noted and Filed by Council due to the adoption of the item in Closed Session.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 2:35 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C-124).