

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 15, 1992
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Roberts at 10:39 a.m. The meeting was recessed by Deputy Mayor Roberts at 12:13 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Roberts at 2:12 p.m. with Mayor O'Connor and Council Member Filner not present. The meeting was recessed at 2:29 p.m. to convene the Housing Authority. Deputy Mayor Roberts reconvened the meeting at 2:35 p.m. with Mayor O'Connor not present. The meeting was recessed at 4:18 p.m. to convene the Redevelopment Agency by Deputy Mayor Roberts. The meeting was reconvened at 4:45 p.m. by Deputy Mayor Roberts with Mayor O'Connor not present. Deputy Mayor Roberts adjourned the meeting at 4:46 p.m. into Closed Session in the twelfth floor conference room to discuss meet and confer items.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-280746
(personal)
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present

(8) Council Member Filner-present
Clerk-Abdelnour/Fishkin (mc/11)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

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

PUBLIC COMMENT:

None .

COUNCIL COMMENT:

None .

ITEM-110: (R-93-44) ADOPTED AS RESOLUTION R-280668

Modifying the contract with Frankson's Inc., for the purchase of 13 parking control scooters at a cost of \$14,000 each, to reduce the trade-in allowance by \$1,200, for a combined total cost of \$188,615; authorizing the expenditure of \$1,200 from Fund No. 70209, Department No. 70212, Object Account No. 6013, and Job Order No. 950291/95026, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted

funds, if any, to the appropriate reserves.
(BID-C2863/92)

Aud. Cert. 9300177.

FILE LOCATION: CONT-Purchase-Frankson's Inc. CONT FY93-1

COUNCIL ACTION: (Tape location: D268-282.)

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

ITEM-159: (R-93-169) ADOPTED AS RESOLUTION R-280661

Authorizing the City Manager to participate in a Drug Elimination Grant prepared by the San Diego Housing Commission, and selected for funding by the Department of Housing and Urban Development.
(Districts-3 and 8.)

CITY MANAGER SUPPORTING INFORMATION: The federal Department of Housing and Urban Development (HUD) has selected the San Diego Housing Commission to receive a grant in the amount of \$250,000 to implement drug prevention activities in public housing sites. One component of the grant includes one San Diego Police Officer to provide walking patrol and community policing in the City Heights target developments. HUD has provided \$52,827 for a one-year period for this purpose. The grant is competitively renewable for subsequent years. In addition to the community policing component, the proposal includes Youth Activities Coordinators to coordinate youth drug diversion programs; staffing for youth Educational Centers; drug awareness programs; and physical security upgrades including intercoms, security gates, and sensory lighting. The proposal includes target sites in San Ysidro, for which the San Diego Police Department is not requested to provide additional patrol activity.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-159.)

MOTION BY HARTLEY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,

Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present,
Filner-yea, Mayor O'Connor-not present.

ITEM-169: (R-93-307) ADOPTED AS RESOLUTION R-280669

Authorizing the execution of an amendment to the agreement of June 8, 1992, with Basmaciyar-Darnell, Inc. (Darnell and Associates, Inc.) for as-needed engineering consultant services for the Water Utilities Department.

CITY MANAGER SUPPORTING INFORMATION: Council authorized an agreement for engineering services with Basmaciyar-Darnell, Inc. (BDI) on June 8, 1992, Document No. RR-280084, to provide traffic engineering services on an as-needed hourly fee basis, for a two-year period, at a cost not to exceed \$200,000. On June 19, 1992, the City was notified by letter that BDI has been divided into two companies. Mr. Bill Darnell has taken over the San Diego operations and has formed Darnell & Associates, Inc. Darnell & Associates, Inc. has been assigned the agreement as part of the company division with the City's concurrence.

The same personnel proposed in the BDI contract will be working for Darnell & Associates, Inc. and would continue to be assigned to this project. This amendment transfers the agreement to Darnell & Associates, Inc. WU-U-93-011.

FILE LOCATION: MEET CCONT FY 93-1

COUNCIL ACTION: (Tape location: D284-305.)

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

ITEM-182: (R-93-344) ADOPTED AS RESOLUTION R-280670

Approving Change Order No. 2, dated July 8, 1992, issued in connection with the contract with Ahrens Corporation, amounting to a net increase in the contract price of \$46,754.80; authorizing the transfer of \$47,160.77 within Sewer Revenue Fund 41506, from

CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, to CIP-46-152, Sewer Pump Station 77; authorizing the expenditure of an amount not to exceed \$66,754.80, from Sewer Revenue Fund 41506, CIP-46-152, Sewer Pump Station 77, to fund the change order and related costs.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Sewer Pump Station No. 77 is located south of Lake Hodges, off West Bernardo Drive. The pump station was originally used as a regional waste water treatment plant before being converted to a pump station; at the same time, the existing oxidation ponds were converted to emergency holding ponds. Ahrens Corporation, the low bidder for the rehabilitation of the three emergency holding ponds at Sewer Pump Station No. 77, has nearly completed work on this project. During construction, it was determined that additional imported fill is needed to properly drain the ponds. Change Order No. 2 includes extra costs incurred for both the imported soils and the discharge piping changes. The extra costs incurred for Change Order No. 2 total \$66,754.80. This includes \$40,606.80 for extra imported fill material and \$6,148 for the discharge piping and \$20,000 for related engineering costs.

Aud. Cert. 9300237.

WU-U-93-013.

FILE LOCATION: CONT-Ahrens Corporation CONT FY93-1

COUNCIL ACTION: (Tape location: D306-322.)

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

ITEM-183: (R-93-184) ADOPTED AS RESOLUTION R-280671

Approving Change Orders Nos. 2,3,4,6 and 7, dated 5/27/92, 5/26/92, 6/10/92, 5/27/92 and 6/10/92, issued in connection with the contract between the City of San Diego and Kim Construction Co., Inc., for the construction of Sewer Group 97, amounting to a net increase in the contract price of \$66,638; authorizing

the City Auditor and Comptroller, contingent upon the Council's approval of the FY 1993 CIP budget, to expend an amount not to exceed \$66,638 from CIP-44-001.0, Annual Allocation - Sewer Main Replacements, to fund the above change orders.

(Pacific Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Kim Construction Company, contractor for Sewer Group 97, began installation of 8-inch and 10-inch sewer mains on January 6, 1992. Nearly 50 percent of the approximately 5,464 feet of sewer main is installed. Although most of the installation proceeded according to plan, there were some final bid quantity adjustments and several unforeseen problems typically associated with this type of work. Kim Construction Company is asking for additional compensation through Change Orders Nos. 2,3,4,6, and 7 for this extra work. Change Order No. 2 for \$10,000 is for the removal of concrete thicker than typically found in streets, and removal of concrete encasement on an existing 30-inch sewer main. Change Order No. 3 for \$21,000 is for 1,000 cubic yards of additional backfill, 100 tons of temporary resurfacing and for televising of sewer mains after replacement. Change Order No. 4 for \$10,988 is for the construction of two man holes with PVC lining and 17 feet of 10-inch sewer main.

Change Order No. 6 for \$20,000 is for removal and disposal of an existing buried concrete road section. It appears the roadway was raised many years ago. Change Order No. 7 for \$4,650 is for upgrading a manhole with PVC lining and polyurethane bases.

Aud. Cert. 9300056.

WU-U-92-151.

FILE LOCATION: CONT-Kim Construction Co., Inc. CONT FY93-1

COUNCIL ACTION: (Tape location: D324-509.)

MOTION BY STALLINGS TO ADOPT AND TO ACCEPT DEPUTY MAYOR ROBERTS' DIRECTIVE TO THE CITY MANAGER TO OBTAIN A COMPLETION SCHEDULE ON CONSTRUCTION OF SEWER GROUP 97, AND TO ASK KIM CONSTRUCTION TO BE MORE SENSITIVE TO THE NEIGHBORS IN THIS AREA REGARDING PROPERTY DAMAGE TO HOMEOWNERS AND CLEAN-UP. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-310: (R-93-328) ADOPTED AS RESOLUTION R-280662

Designating the month of September 1992 as "Constitutional Observance Month"; encouraging all residents of San Diego to attend the special festivities in Old Town State Park on September 19, 1992; recognizing and commending the outstanding commitment and accomplishments of the San Diego U.S. Constitution Observance Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A014-071.)

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

ITEM-330:

(Continued from the meeting of July 28, 1992, Item 337, at Councilmember Wolfsheimer's request, due to lack of time.)

A position 'In Favor' of this appeal is a position in favor of the project.

A position 'Opposed' to this appeal is a position against the project.

An appeal of Philip Chodur from the decision of the Planning Commission in denying Coastal Development Permit CDP-90-1092 (Ladybird Lane). The project proposes to construct a single-family detached residence consisting of a total of 5,125 square feet of gross floor area (including an attached three car garage) with related site landscaping, decorative paving and a swimming pool on a portion of the 0.65-acre site. The subject property is located at the southwest terminus of Ladybird Lane, between La Jolla Mesa Drive and Warbler Way and is more particularly

described as Lot 15 of La Jolla Mesa Vista Map-3650,
Zone R1-8000 (portions in the Hillside Review Zone)
within the La Jolla Community Plan area.
(CDP-90-1092. District-1.)

Subitem-A: (R-93-592) ADOPTED AS RESOLUTION R-280663

Adoption of a Resolution certifying that the
information contained in Environmental Negative
Declaration END-90-1092 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-93-593) GRANT THE APPEAL, GRANT THE
PERMIT, ADOPTED AS RESOLUTION
R-280664

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

FILE LOCATION: PERM - CDP-90-1092

COUNCIL ACTION: (Tape location: A160-B023.)

Hearing began at 10:50 a.m. and halted at 11:22 a.m.

Testimony in favor by Rebecca Michael and Pat Park.

Testimony in opposition by Tom Pirtle, Daniel Rigoli and
Bernys Borun.

MOTION BY WOLFSHEIMER TO GRANT THE APPEAL AND THE PERMIT AND
MAKE THE APPROPRIATE FINDINGS INCLUDING THOSE OF ANY
POTENTIAL GEOLOGICAL RISK AND THOSE OF ANY VISUAL
INCOMPATIBILITY. DIRECT THE PLANNING DEPARTMENT TO WORK
WITH THE APPLICANT ON THE FINAL LOCATION OF THE REAR WALL
AND BUFFER IT WITH THE APPROPRIATE LANDSCAPING. Second by
Stevens. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-
yea, McCarty-not present, Filner-yea, Mayor O'Connor-not
present.

ITEM-331: CONTINUED TO NOVEMBER 17, 1992 AT 10:00 A.M.

(Continued from the meeting of July 28, 1992, Item 338, at Councilmember Wolfsheimer's request, due to lack of time.)

A position 'In Favor' of this appeal is a position against the project.

A position 'Opposed' to this appeal is a position in favor of the project.

Appeal of Jennifer Sparks, et al, from the decision of the Planning Commission. Due to a lack of affirmative votes, the decision of the Planning Director to approve Coastal Development Permit/Hillside Review Permit/Planned Infill Residential Development Permit and Tentative Map 91-0335 (Palomar) stands. The project proposes the subdivision of a seven acre site for the construction of six detached, single-family units. The subject property is located at the eastern extent of Palomar Avenue, east of the Fay Avenue Bike Path and is more particularly described as Lot 1 of SANDS P.R.D. Map-9842 in the R-1-8000 Zone in the La Jolla Community Plan area.
(CDP/HRP/PIRD/TM-91-0335. District-1.)

Subitem-A: (R-93-)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-91-0335 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-93-)

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

Subitem-C: (R-93-)

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

Subitem-D: (R-93-)

Adoption of a Resolution granting or denying the appeal and granting or denying the Planned Infill Residential Development Permit, with appropriate findings to support Council action.

Subitem-E: (R-93-)

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

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B024-C097; D219-255.)

Hearing began at 11:24 a.m. and recessed 12:12 p.m.

Testimony in favor by Nick Flores, Louis Beachem, Jennifer Sparks, Eric Courchesne and David Gautereaux.

Testimony in opposition by Lynne Heidel, Jim Kelley-Markham and Dick Smith.

Motion by Wolfsheimer to continue to November 17, 1992 to allow the Community to raise one million dollars to purchase the property. Second by Stallings. No vote. Trailed to afternoon session.

Hearing resumed 2:31 p.m. and halted 2:34 p.m.

MOTION BY WOLFSHEIMER TO CONTINUE TO NOVEMBER 17, 1992 AT 10:00 A.M. TO ALLOW THOSE WHO ARE APPEALING TO SEE IF THEY CAN RAISE ONE MILLION DOLLARS TO PURCHASE THIS PROPERTY. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-nay, Mayor

O'Connor-not present.

ITEM-332: CONTINUED TO SEPTEMBER 29, 1992 AT 10:00 A.M.

Matter of a request for amendments to the FSDRIP Specific Plan and the Development Agreement, Tentative Map and Mission Valley Development Permit 90-0900 (MBM West III) to construct a 371-unit residential development on a 12.9 acre site located along the south side of the San Diego River on the north side of Camino de la Reina and the west side of Mission Center Road in the Mission Valley Planned District. The subject property is located within the First San Diego River Improvement Project Specific Plan area and is zoned MV-M/SP. The site is described as Lot 3 of MBM West, Map-12358.

(SPA/MVDP/TM-90-0900. Mission Valley Community Area. District-6.)

Subitem-A: (R-93-)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-90-0900 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations, pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-93-)

Introduction of an Ordinance amending the Development Agreement.

Subitem-C: (R-93-)

Adoption of a Resolution amending the Specific Plan.

Subitem-D: (R-93-)

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

Subitem-E: (R-93-)

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

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A090-139.)

MOTION BY STALLINGS TO CONTINUE TO SEPTEMBER 29, 1992 AT 10:00 A.M. AT THE REQUEST OF MATT PETERSON. DIRECT STAFF TO COME BACK AT THAT TIME, WITH A REPORT ON THE AFFECT THE CHANGE OF USE FROM HOTEL/RECREATION TO RESIDENTIAL WOULD HAVE ON THE FOLLOWING ISSUES: 1) DEVELOPMENT FEES; 2) THE POSSIBILITY OF ALSO ALLOWING COMMERCIAL USE; 3) TROLLEY; AND 4) STEPPING BACK THE PROJECT FROM THE RIVER. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-333: CONTINUED TO OCTOBER 20, 1992 AT 10:00 A.M.

(Continued from the meeting of August 11, 1992, Item 333, at the City Manager's request, to allow the Planning Commission to review the EIR.)

Matter of a Precise Plan for the Central Mesa of Balboa Park. The Central Mesa contains 193 acres and is bounded by I-5 on the south; Park Boulevard on the east; Upas Street on the north and State Route 163 on the west. Excluded from the planning area are the San Diego Zoo and Roosevelt Jr. High School. The purpose of the Plan is to guide development within the Central Mesa for the next twenty years.

(Balboa Park Community Area. District-3.)

Subitem-A: (R-93-107)

Adoption of a Resolution certifying that the

information contained in the Supplemental Environmental Impact Report DEP-91-0686 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-93-106)

Adoption of a Resolution adopting a Precise Plan to guide development within the Central Mesa Area of Balboa Park.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A072-089.)

MOTION BY STALLINGS TO CONTINUE TO OCTOBER 20, 1992 AT 10:00 A.M. AT THE REQUEST OF THE CITY MANAGER DUE TO ADDITIONAL HEARINGS THAT HAVE TO BE HEARD BY THE PLANNING COMMISSION IN OCTOBER ON ENVIRONMENTAL ISSUES. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-334: (R-93-) CONTINUED TO SEPTEMBER 21, 1992

(Continued from the meetings of June 23, 1992, Item 333b, July 8, 1992, Item 601, July 28, 1992, Item 204 and August 4, 1992, Item S502; last continued at Mayor O'Connor's request, for additional time to review material.)

Consider amending certain currently effective water and/or sewer rate structures in response to recommendations of the Citizens' Water and Sewer Review Committee.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D014-076.)

MOTION BY BEHR TO CONTINUE TO SEPTEMBER 21, 1992 TO ALLOW TIME TO HAVE QUESTIONS FROM MR. DARRELL EISHHOFF ANSWERED, IN PARTICULAR THE INEQUITY ON THE COST OF WATER AMONG VARIOUS CLASSES OF USERS. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-335:

(Continued from the meetings of February 25, 1992, Item 335, May 12, 1992, Item 336 and June 16, 1992, Item 333; last continued at the request of John Martin Lomac, Jr., representing the Inclusionary Housing Task Force, for a report from the task force with recommendations.)

The review and amendment of the Multifamily Parking Requirements (Ordinance No. O-17343), in response to City Council directives to review the effectiveness of the Multifamily Parking Requirements the La Jolla Shores Planned District, the Mission Beach Planned District, the Marina Planned District, the Gaslamp Planned District, and Centre City.

Subitem-A: (O-92-90) INTRODUCED AS AMENDED, TO BE ADOPTED SEPTEMBER 29, 1992

Introduction of an Ordinance amending Chapter X, Article 1, Division 1, of the San Diego Municipal Code by amending Section 101.0101.55 relating to transit corridors.

Subitem-B: (O-92-91) INTRODUCED, TO BE ADOPTED SEPTEMBER 29, 1992

Introduction of an Ordinance amending Chapter X, Article 1, Division 8, of the San Diego Municipal Code by amending Section 101.0821 relating to tandem parking.

Subitem-C: (O-92-92) INTRODUCED AS AMENDED, TO BE ADOPTED SEPTEMBER 29, 1992

Introduction of an Ordinance amending Chapter X,

Article 1, Division 8, of the San Diego Municipal Code by amending Section 101.0835 relating to Multi-Family Residential Parking regulations.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D515-E-535.)

Hearing began 2:50 p.m. and halted 3:36 p.m.

Testimony in favor by Matt Peterson and Mary Manaster.

Testimony in opposition by Mark Spitzer.

Motion by McCarty to approve the City Manager's recommendations and introduce the ordinances. Motion withdrawn.

MOTION BY STALLINGS TO INTRODUCE AS AMENDED SUBITEMS A AND C TO INCLUDE THAT TANDEM PARKING BE ALLOWED IN THE TRANSIT CORRIDORS, NODES AND HUBS AS IDENTIFIED AS MAP C 794.1, AND THAT THE CITY ESTABLISH A PIPELINE PROCEDURE WHICH WOULD EXEMPT PROJECTS WHICH HAVE DISCRETIONARY AND COMPLETE (COMPLETE MEANING WHEN THE PERMIT IS FILED, STAMPED AND MONEY IS ON ACCOUNT) PERMIT APPLICATIONS ON FILE PRIOR TO ANY PROPOSED AMENDMENTS TO THE MULTI-FAMILY PARKING REQUIREMENTS AND TO INTRODUCE SUBITEM-B. THE ISSUE OF TANDEM PARKING WILL BE BROUGHT BACK WHEN THE INCLUSIONARY HOUSING TASK FORCE COMES FORTH WITH THEIR REPORT. STAFF TO WORK WITH EACH COUNCIL OFFICE TO ASCERTAIN IF COUNCIL HAS ANY SUGGESTIONS AS TO WHERE TANDEM PARKING IS FEASIBLE IN THEIR DISTRICTS. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-336: CONTINUED TO OCTOBER 20, 1992

A position 'In Favor' of this appeal is a position in favor of the project.

A position 'Opposed' to this appeal is a position against the project.

Appeal of Luis E. Garcia, from the decision of the

Planning Commission in denying a Tentative Map, Hillside Review and Resource Protection Ordinance Permit (TM/HRP/RPO-90-0834), proposing a two-lot subdivision and the construction of a 2,270-square-foot single-family home, on a site with an existing single-family home. The subject property, a 1.22-acre site, is located at 3230 Welmer Place in the R1-5000 (Single-Family Residential - minimum lot size of 5,000 square feet) Zone and within the boundaries of the University Community Plan Area.

The legal description of the site is The Bluffs, Lot 27 of Unit 1, Map-6208.
(TM/HRP/RPO-90-0834. District-1.)

Subitem-A: (R-93-)

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration DEP-90-0834 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-93-)

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

Subitem-C: (R-93-)

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

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D105-107.)

MOTION BY WOLFSHEIMER TO CONTINUE TO OCTOBER 20, 1992 AT THE REQUEST OF MR. MATT PETERSON OF PETERSON AND PRICE. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-337: CONTINUED TO SEPTEMBER 29, 1992 AT 2:00 P.M.

Six actions relative to Black Mountain Road Assessment District No. 4070 (1913 Improvement Act):
(Mira Mesa Community Area. District-5.)

Subitem-A: (R-93-426)

Certifying that the information contained in EIR-86-0969 is re-certified for Assessment District proceedings in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the information has been reviewed and considered by the Council.

Subitem-B: (R-93-427)

Approving contracts for ownership of improvements.

Subitem-C: (R-93-428)

Directing call for construction bids.

Subitem-D: (R-93-429)

Ordering changes and modifications in the Engineer's Report.

Subitem-E: (R-93-430)

Authorizing certain assessment district bonds to be sold at a public sale and directing a call for sealed bids.

Subitem-F: (R-93-431)

Providing for the issuance of improvement bonds in an amount not to exceed \$6,200,000 principal amount of the City of San Diego Assessment District No. 4070 (Black Mountain Road) Limited Obligation Improvement Bonds, Series 1992; prescribing the denominations, date, form, and maximum rate of interest;

authorizing the execution of the bonds; appointing the City Treasurer as Registrar and Paying Agent for the bonds; providing for the collection of assessments to pay the principal of and interest on the bonds; and authorizing the sale of the bonds.

CITY MANAGER SUPPORTING INFORMATION: On September 23, 1991, the City Council accepted the property owner petition for the improvement of Black Mountain Road through assessment district proceedings. Their petition was signed by the developer, Pardee Construction Company, representing 100 percent of the landowners within the proposed assessment district. The district to be established would be an acquisition-type district in which the developer would construct the public improvements and the City would acquire the completed improvements from the developer. The Municipal Improvement Act of 1913 requires the City Council to adopt a resolution indicating their intention to form a special assessment district. Subsequent to Council adoption of the Resolution of Intention, a preliminary Engineer's Report describing the work of improvement, proposed boundaries of the assessment district and estimated assessments would be submitted for consideration. The improvements to be installed and financed under assessment district proceedings consist of grading, paving, curb and gutter, sidewalk, sewer, water and storm drain facilities, traffic signalization and landscaping.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D014-076.)

MOTION BY BEHR TO CONTINUE TO SEPTEMBER 29, 1992 AT 2:00 P.M. AT THE REQUEST OF THE CITY MANAGER. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-338:

Matter of consideration of the adoption of an amendment to the Planned Residential Development (PRD) Ordinance (Municipal Code Section 101.0901) to permit golf courses open to the public and their customary incidental facilities (exclusive of lodging) to be developed as accessory uses within a planned

residential development without the restriction that these facilities be limited to the use of the residents and their guests only. The amendment applies only to the Future Urbanizing Area and would permit the golf course acreage to be used in the calculation of residential density, usable open space, total open space and other requirements of the PRD Ordinance.

The amendment to the Municipal Code also constitutes an amendment to the City of San Diego's Local Coastal Program (LCP). If adopted by the City, the proposed LCP amendment must be submitted to the California Coastal Commission for review and certification. The LCP amendment will not become effective in the Coastal Zone until after approval by the California Coastal Commission.

Subitem-A: (R-93-340) TO BE HEARD ON SEPTEMBER 29,
1992

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-92-0425 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-93-36) INTRODUCED AS AMENDED, TO BE
ADOPTED SEPTEMBER 29, 1992

Introduction of an Ordinance amending the Municipal Code.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: E582-F529.)

Hearing began 3:37 p.m. and halted 4:17 p.m.

Testimony in favor by Louis Wolfsheimer and Matt Peterson.

MOTION BY WOLFSHEIMER TO INTRODUCE THE ORDINANCE WITH THE AMENDMENT TO DELETE THE WORDS "ON A DAILY FEE BASIS" IN

SECTION 101.0901, PRD, SUBPARAGRAPHS B.3. AND L.2. AND ADD THE FOLLOWING DEFINITION OF TERMS TO THE MUNICIPAL CODE: A PUBLIC GOLF COURSE REFERS TO A FACILITY THAT LIES ON PUBLIC LAND AND/OR IS OWNED AND/OR OPERATED BY A GOVERNMENT AGENCY, AND WHICH IS OPEN TO ALL MEMBERS OF THE PUBLIC. A PRIVATE GOLF COURSE REFERS TO A FACILITY THAT LIES ON PRIVATE LAND AND IS OPEN TO MEMBERS AND THEIR GUEST, AND WHICH MAY ALSO BE OPEN TO MEMBERS OF THE PUBLIC. GOLF COURSES OPEN TO THE PUBLIC REFERS TO A FACILITY ON PUBLIC OR PRIVATE LAND THAT IS OPEN TO THE PUBLIC ON A DAILY FEE BASIS OR OFFERS MEMBERSHIPS TO THE PUBLIC. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

NOTE: Council did not vote on Subitem-A at the time of the hearing, therefore both Subitem-A&B will be heard at the time the ordinance is brought back to Council for adoption.

ITEM-339: (R-93-353) CONTINUED TO SEPTEMBER 22, 1992 AT 2:00 P.M.

Approving the issuance by the Redevelopment Agency of the City of San Diego of approximately \$38,000,000 aggregate principal amount of tax allocation refunding bonds to refinance a portion of the cost of the Centre City Redevelopment Project.

(See CCDC memo dated 8/26/92. Centre City Community Area. District-2)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D014-076.)

MOTION BY BEHR TO CONTINUE TO SEPTEMBER 22, 1992 AT 2:00 P.M. AT THE REQUEST OF THE CITY MANAGER. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-340: (R-93-218) CONTINUED TO SEPTEMBER 22, 1992 AT 10:00 A.M.

(Continued from the meetings of August 4, 1992, Item S503, and August 11, 1992, Item S503; last continued at Mayor O'Connor's request, for further information.)

Determining that the use of funds from the Marina Redevelopment Project Low and Moderate Income Housing Fund toward the construction of a development, Horton Fourth Avenue, within the Horton Plaza Redevelopment Project, will be of benefit to the Marina Redevelopment Project.

(See memorandum from CCDC Executive Vice President dated 7/28/92. District-2.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D014-076.)

MOTION BY BEHR TO CONTINUE TO SEPTEMBER 22, 1992 AT 10:00 A.M. AT THE REQUEST OF MAYOR O'CONNOR FOR HER TO BE PRESENT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-341: (R-93-253) ADOPTED AS RESOLUTION R-280673

Authorizing the acceptance of property for Front Street and First Avenue located in the Marina Redevelopment Project area from the Redevelopment Agency of the City of San Diego.

(See memorandum from CCDC Executive Vice President dated 7/31/92. Centre City Community Area. District-2.)

FILE LOCATION: DEED F-5898 DEED FY93-1

COUNCIL ACTION: (Tape location: E544-579.)

MOTION BY HARTLEY TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-ineligible, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-342: (R-93-268) CONTINUED TO SEPTEMBER 22, 1992

Calling for the formation of a Project Area Committee for the proposed College Community Redevelopment Project and adopting a procedure for the formation of the Project Area Committee.

(See City Manager Report CMR-92-274. District-7.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D081-097.)

MOTION BY McCARTY TO OPEN AND CLOSE THE HEARING FOR PUBLIC TESTIMONY AND TO SIGNIFY THE CITY COUNCIL'S INTENTION TO REOPEN THE HEARING ON SEPTEMBER 22, 1992 AT 2:00 P.M. FOR ANYONE INTERESTED IN SPEAKING AFTER THE WORKSHOP, WHICH IS SCHEDULED FOR THURSDAY, SEPTEMBER 17, 1992. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S500: (0-93-31) INTRODUCED, TO BE ADOPTED SEPTEMBER 29, 1992

Introduction of an Ordinance amending Chapter IX, Article 5, Division 1, of the San Diego Municipal Code, by amending Sections 95.0101 and 95.0126, relating to Signs and House Numbers, by adding provisions which authorize the City of San Diego to recover the costs associated with the removal of signs illegally placed on public property from the person who placed the signs; and including provisions that the persons or organizations that will benefit from the placement of the signs are liable for the costs of removal.

(See Legislative Specialist Analysis TPE-92-13 and City Manager Report P-92-187.)

COMMITTEE ACTION: Reviewed by TPE on 8/12/92. Recommendation to approve the City Manager's Report P-92-187 with the addition of higher administrative citations to match the maximum permitted by the Code for large numbers of signs and situations which make it especially difficult to remove them. Districts 1,4,6,7 voted yea. District 5 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D107-187; F561-601.)

Motion by Stallings to continue for two weeks at the request of Rebecca Michaels for the Board of Realtors. Second by Hartley. Motion withdrawn.

MOTION BY McCARTY TO INTRODUCE THE ORDINANCE. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S501: (R-93-457) ADOPTED AS RESOLUTION R-280665

Authorizing the City Auditor and Comptroller to transfer \$91,700 from Account No. 18524, Dept. No. 5263, Org. 6302 (1986) for public improvements in CT 25.01; and \$18,300 from Account No. 18525, Dept. 5883, Org. 8303, for 29th and Adams Park acquisition to San Diego Youth at Risk (\$100,000) and C.J. Enterprises (\$10,000).

SUPPORTING INFORMATION: This action will transfer CDBG project funds in District 3 to two service providers in District 3. The CDBG funds being transferred were originally allocated in 1986 and 1987 respectively.
Aud. Cert. 9300281.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A140-159.)

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

ITEM-CS-1: (R-93-262) ADOPTED AS RESOLUTION R-280666

A Resolution adopted by the City Council in Closed Session on September 15, 1992:

Authorizing the City Manager to pay the total sum of \$12,478.00 in settlement of each and every claim against the City, its agents and employees, resulting from personal injuries and property damage claim of Luis Cortez; authorizing the City Auditor and Comptroller to issue one check in the amount of \$12,478.00 made payable to Luis Cortez and his attorney Alec Beyer in full settlement of all claims.
Aud. Cert. 9300143

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None .

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Roberts at 4:46 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G306.)