

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 6, 1992
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 10:19 a.m. The meeting was recessed by Deputy Mayor Roberts at 12:21 p.m. to reconvene at 2:00 p.m. The meeting was reconvened by Mayor O'Connor at 2:00 p.m. without a quorum. A quorum was present at 2:10 p.m. with Council Members Hartley and Stevens not present. The meeting was recessed by Deputy Mayor Roberts at 3:15 p.m. to convene the Housing Authority and the Redevelopment Agency Meeting. The regular meeting was reconvened by Deputy Mayor Roberts at 3:17 p.m. with Mayor O'Connor not present. The meeting was recessed by Deputy Mayor Roberts at 3:21 p.m. to convene the Special Joint Council Meeting with the Redevelopment Agency. The regular meeting was reconvened by Deputy Mayor Roberts at 3:23 p.m. with Mayor O'Connor not present. Mayor O'Connor recessed the meeting at 4:15 p.m. to meet in Closed Session in the 12th floor conference room to discuss meet and confer issues and negotiations regarding the sale of property. Deputy Mayor Roberts reconvened the regular meeting at 4:55 p.m. with Council Members Behr, McCarty and Mayor O'Connor not present. Deputy Mayor Roberts adjourned the meeting at 6:05 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member 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 (so/rb)

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 Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell invited everyone to see David Barton at the Assembly of God Church or Faith Chapel.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-037.)

COUNCIL COMMENT:

None.

ITEM-330: ACCEPTED REPORT

(Continued from the meetings of March 16, 1992, Item S408, March 23, 1992, Item S411, March 31, 1992, Item S500, April 28, 1992, Item 335, May 26, 1992, Item 334 and June 23, 1992, Item 334; trailed from of 9/8/92; continued from the meetings of September 14, 1992, Item 200 and September 21, 1992, Item S403; last continued at Mayor O'Connor's request, to allow her to be present.)

In the matter of proposed wholesale water rate increases by Metropolitan Water District of Southern California (MWD) and San Diego County Water Authority (CWA).

(See memorandums from the City Manager dated 9/9/92, 3/20/92, 3/16/92, and 3/10/92.)

FILE LOCATION: WATER - Wholesale Water Rate Increases

COUNCIL ACTION: (Tape location: A066-A111.)

MOTION BY McCARTY TO ACCEPT THE REPORT. 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-yea.

ITEM-331: (R-92-1473) CONTINUED TO FEBRUARY 2, 1993

(Continued from the meetings of March 31, 1992, Item S502, April 28, 1992, Item 336, May 26, 1992, Item 335, June 23, 1992, Item 335; trailed from 9/8/92; continued from the meeting of September 14, 1992, Item 201 and September 21, 1992, Item S404, at Mayor O'Connor's request, to allow her to be present.)

Reducing the City's water conservation goal by 10 percent.

CITY MANAGER SUPPORTING INFORMATION: The City Council responded to a fifth year of statewide drought conditions by establishing a citywide water conservation goal of 20 percent on April 12, 1991. City residents demonstrated their commitment to water conservation by conserving an average of 26 percent between April and December 1991. Increased statewide precipitation and runoff levels have resulted in an improved water supply situation.

Officials from the State Water Project recently announced that water deliveries to urban areas were increased to 35 percent of normal, up from the 20 percent level estimated in January 1992. These events prompted the Metropolitan Water District of Southern California (MWD) and the San Diego County Water Authority (CWA) to announce earlier this month a reduction in required water conservation levels. The CWA has requested that their member agencies attain a 10 percent conservation savings between March and September 1992. In light of the CWA's actions, it is recommended that the City reduce its citywide conservation goal from the current 20 percent to 10 percent.

NOTE: See Item 330 for a companion item.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A111-290.)

MOTION BY STEVENS TO CONTINUE TO FEBRUARY 2, 1993 WHEN THE AMOUNT OF RAINFALL IN SAN DIEGO AND THE AMOUNT OF SNOWFALL IN THE SIERRAS WILL BE KNOWN TO SEE IF CWA GOALS NEED TO BE REASSESSED. 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-yea.

ITEM-332: (R-93-629) ADOPTED AS RESOLUTION R-280815

(Continued from the meetings of June 23, 1992, Item 333b, July 8, 1992, Item 601, July 28, 1992, Item 204, August 4, 1992, Item S502, September 15, 1992, Item 334 and September 21, 1992, Item S402; last continued at Mayor O'Connor's request, to allow her to be present.)

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

NOTE: Hearing closed. No testimony taken on 9/21/92.
Hearing closed. No testimony taken on 9/15/92.
Hearing closed. No testimony taken on 8/4/92.
Hearing Closed. Testimony taken on 7/28/92. District 3 not present.

FILE LOCATION: WATER - Citizens' Water and Sewer Review
Committee

COUNCIL ACTION: (Tape location: A290-B461.)

Water:

Motion by Behr to adopt in policy or conceptual form a water rate structure that is single tiered, charging all users the same rate per unit. Increase the base fee over and above what is presently charged to more appropriately address the capital improvement projects and maintenance needs of the water system. Incorporate an economic lifeline provision for residential users into the rate. Seconded by McCarty. No vote.

Motion by Roberts to consider an adjustment so there is some increase in the base rate resulting in a commensurate lowering of the water rates. Keep the lifeline rates which would be revenue neutral and would give a break to those people who conserve. No second.

MOTION BY FILNER TO KEEP THE WATER RATE STRUCTURE THE SAME AS THE PRESENT STRUCTURE. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

Sewer:

Motion by Behr to retain the flat rate for sewer charges. Second by Roberts. No vote.

SUBSTITUTE MOTION BY STALLINGS TO BASE THE SEWER RATE ON THE AMOUNT OF WATER USED DURING THE WINTER MONTHS. SET THE BASE RATE AT \$6 WITH A CAP OF 10 HCF. REFER TO THE CITY MANAGER'S REPORT 92-241, ATTACHMENT III A. DIRECT THE CITY MANAGER TO PRODUCE A POLICY FOR COUNCIL'S REVIEW TO PLACE IRRIGATION METERS ON NEW HOMES THAT ARE ON 1/2 ACRE LOTS OR LARGER. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-nay.

MOTION BY FILNER TO SET JULY 1, 1993 AS THE IMPLEMENTATION DATE FOR THE NEW SEWER RATE. DIRECT THE CITY MANAGER TO SEND INFORMATION ON WHICH MONTHS WILL BE ASSESSED TO THE RATE PAYERS. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-not present, Filner-

yea, Mayor O'Connor-not present.

ITEM-333:

Two actions relative to the Penasquitos East -
Facilities Benefit Assessment:
(District-1.)

Subitem-A: (R-92-1739) ADOPTED AS RESOLUTION R-280816

Designating an area of benefit in Penasquitos East;
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
Penasquitos East Facilities Benefit Assessment Area.

Subitem-B: (R-92-1740) ADOPTED AS RESOLUTION R-280817

Declaring the assessment fee schedule contained in the
Penasquitos East Public Facilities Financing Plan, to be an
appropriate and applicable development impact fee for all
properties within the Penasquitos East Community that have
either never been assessed under the Penasquitos East Public
Facilities Financing Plan or have not otherwise agreed to
the payment of Facilities Benefit Assessment fees as
prescribed by the City Council.

FILE LOCATION: STRT - FB-5

COUNCIL ACTION: (Tape location: A042-052.)

Hearing began at 10:23 a.m. and halted at 10:24 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Behr. Passed by
the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-
yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-334: (R-93-588) ADOPTED AS RESOLUTION R-280818

Adoption of a Resolution approving the Coastal Commission's modifications to the Transportation Demand Management Program for the La Jolla Pines Technology Center. On March 31, 1992, the City Council approved a TDM Program for the La Jolla Pines Technology Center. The purpose of this TDM Program is to reduce the peak-hour traffic generated by the project (20,000 square feet per acre) to a level equivalent to a development project of 18,000 square feet per acre. This reduction in peak-hour traffic is to be accomplished through a program of incentives and penalties to discourage employees from using a single-occupancy vehicle mode of transportation.

On July 22, 1992, the California Coastal Commission certified the Transportation Demand Management Program and suggested minor modifications to the Transportation Demand Management Program for the La Jolla Pines Technology Center. These modifications include adding the "Coastal Commission" as a recipient for all operating TDM programs in effect within the La Jolla Pines Technology Center project. The suggested modifications are primarily editorial in nature, and are fully acceptable to all parties.
(District-1.)

NOTE: This project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061 (b) (3).

FILE LOCATION: Land - University Community Plan

COUNCIL ACTION: (Tape location: A042-052.)

Hearing began at 10:23 a.m. and halted at 10:24 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335:

Matters of:

1. Establishment of the Kearny Mesa community planning area as an area separate from the Serra Mesa community planning area.
2. Adoption of the proposed Kearny Mesa Community Plan (see Map 1, on file in the Planning Department).
3. Adoption of amendments to the Serra Mesa Community Plan to reflect the proposed separation of Kearny Mesa from Serra Mesa (see Map 2, on file in the Planning Department).
4. Adoption of amendments to the Progress Guide and General Plan to reflect the proposals contained in the Kearny Mesa Community Plan.
5. Adoption of the proposed Kearny Mesa Public Facilities Financing Plan.
6. Rezoning various designated properties (see Maps 3 and 4, on file in the Planning Department).
7. Amending various zones within the Kearny Mesa planning area to allow a 0.35 floor area ratio for retail developments and a 0.50 floor area ratio for non-retail developments. Change the definition of floor area ratio as it pertains to parking structures in Kearny Mesa.
8. Certification of Environmental Impact Report EIR-87-0626 and Supplemental EIR-91-0844. (Kearny Mesa and Serra Mesa Community Plans. Districts-5 and 6.)

Subitem-A: (R-93-536) ADOPTED AS RESOLUTION R-280820

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-87-0626 and Supplemental EIR-91-0844 have 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 pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-93-42) INTRODUCED AS AMENDED, TO BE
ADOPTED OCTOBER 19, 1992

Introduction of an Ordinance for rezoning various
designated properties.

Subitem-C: (R-93-535 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-280821

Adoption of a Resolution adopting the proposed Kearny
Mesa Community Plan, planning area, plan amendments.

Subitem-D: (O-93-43) INTRODUCED, TO BE ADOPTED OCTOBER
19, 1992

Introduction of an Ordinance amending San Diego
Municipal Code Section 101.0423 - CO Zone (Commercial
Office).

Subitem-E: (O-93-44) INTRODUCED, TO BE ADOPTED OCTOBER
19, 1992

Introduction of an Ordinance amending San Diego
Municipal Code Section 101.0426 - CN Zone (Neighborhood
Commercial).

Subitem-F: (O-93-45) INTRODUCED, TO BE ADOPTED OCTOBER
19, 1992

Introduction of an Ordinance amending San Diego
Municipal Code Section 101.0426.1 - CV Zone (Commercial
Visitor-Service).

Subitem-G: (O-93-46) INTRODUCED, TO BE ADOPTED OCTOBER
19, 1992

Introduction of an Ordinance amending San Diego
Municipal Code Section 101.0428 - CA Zone (Area
Shopping Center).

Subitem-H: (O-93-47) INTRODUCED, TO BE ADOPTED OCTOBER
19, 1992

Introduction of an Ordinance amending San Diego
Municipal Code Section 101.0430 - C-1 Zone.

Subitem-I: (O-93-48) INTRODUCED, TO BE ADOPTED OCTOBER
19, 1992

Introduction of an Ordinance amending San Diego
Municipal Code Section 101.0432 - C Zone (General
Commercial).

Subitem-J: (O-93-49) INTRODUCED, TO BE ADOPTED OCTOBER
19, 1992

Introduction of an Ordinance amending San Diego
Municipal Code Section 101.0435.1 - M-IP Zone
(Manufacturing-Industrial Park).

Subitem-K: (O-93-50) INTRODUCED, TO BE ADOPTED OCTOBER
19, 1992

Introduction of an Ordinance amending San Diego
Municipal Code Section 101.0435.2 - M-1B Zone.

Subitem-L: (O-93-51) INTRODUCED, TO BE ADOPTED OCTOBER
19, 1992

Introduction of an Ordinance amending San Diego
Municipal Code Section 101.0436 - M-1A Zone.

Subitem-M: (O-93-52) INTRODUCED, TO BE ADOPTED OCTOBER
19, 1992

Introduction of an Ordinance amending San Diego
Municipal Code Section 101.0437 - M-1 Zone.

Subitem-N: (R-93-568 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-280822

Adoption of a Resolution approving the Kearny Mesa
Public Facilities Financing Plan.

Subitem-O: (R-93-570) ADOPTED AS RESOLUTION R-280823

Adoption of a Resolution rescinding existing
Development Impact Fees for the Serra Mesa and Kearny
Mesa Communities and establishing new Development

Impact Fees within the Communities.

Subitem-P: (R-93-569) ADOPTED AS RESOLUTION R-280824

Adoption of a Resolution authorizing the Auditor and Comptroller to establish the Kearny Mesa Development Impact Fee Fund.

FILE LOCATION: SUBITEMS-A,C,N, & P: LAND - Kearny Mesa CP; SUBITEMS-B,D,E,F thru M: --; SUBITEM-O: LAND - Kearny Mesa CP and Serra Mesa CP

COUNCIL ACTION: (Tape location: B477-C508; D172-E147.)

Hearing began at 11:38 a.m. and recessed at 12:20 p.m.

Testimony in favor by Joseph Hall, Jose Luis Andreu, Gary Kakul, Matt Peterson and Kathy Gaulstad.

Testimony in opposition by Rebecca Michael.

Motion by Behr to adopt the Plan with the following amendments: 1) do not change the underlying zoning for the Kearny Mesa Mobilehome Park to M-1B but rather retain the zoning as Residential and Agriculture; 2) do not accept the recommendation to downzone on property that is already built out as commercial/retail on the Hawthorne property; 3) remove from the Plan the Tank Farm Road with a \$7 million price tag; 4) Include a change to the zoning on the Solar site with the followup noticing along with the Planning Commission memo that has modifications; 5) square off the entire BMW dealership property and the adjoining Toyota dealership, located at 5050 and 5010 Kearny Mesa Road, so they line up with the parcel on the other side of the street in the commercial zone. This property should not be cut in half with two different zones; 6) accept a recommendation to delete a traffic signal at Ruffner and Balboa Avenue due to concerns with the Royal Highlands; and 6) the potential Children's Hospital use is deferred to District 6. Second by Hartley. Motion trailed to 2:00 p.m. due to lack of a quorum.

Hearing reconvened at 2:25 and halted at 3:02 p.m.

Testimony in opposition by Rebecca Michael, Jim Zimsky, Lynne Heidel, Benno Mio and Berry Farhood.

Motion by Behr to adopt the Kearny Mesa Plan subject to the following changes: 1) that the suggested staff change of the mobilehome underlying zone designation be rejected. 2) Staff request to downzone the Hawthorne property to M-1B not be approved. That it be retained as it is and that is General Commercial designation. That the two pieces of property on 5010 and 5050, which under single ownership have split use on their lots, be consolidated to remove the M-1B designations on both those locations. 3) In regards to the Solar property, the intent of the motion is to make it consistent with the agreement reached with Solar planning group and staff as to the change to M-1B and further outline the Planning Commission's memo related to this subject. 4) That road called the Dailey Center Drive Extension remains in the plan but the identified funding be deleted. 5) That also, Item 36, a traffic signal, be deleted. 6) the property related to Children's Hospital, be zoned as M-1B. Second by Hartley. Vote not taken.

Motion by Behr to not follow staff's recommendation in downzoning Hawthorne. It is to remain as it is, M-1A. Second by Roberts. Passed. Yea: 1,2,4,5,7,8,M. Nay: 6. Not present: 3.

Motion by Behr to retain the Dailey Center Drive on the map and delete the road as a basis for calculating impact fees. Second by Hartley. Failed. Yea: 1,3,5,8. Nay: 2,4,6,7,M. Not present: None.

MOTION BY BEHR TO ADOPT THE KEARNY MESA COMMUNITY PLAN WITH THE AMENDMENT ON THE HAWTHORNE PROPERTY AND THE AMENDMENT TO NOT CHANGE THE NOW EXISTING ZONING ON THE MOBILE HOME PARK; CLEANING UP THE PROPERTIES AT 5010 AND 5050 KEARNY MESA; INCLUSION OF THE SOLAR CHANGE TO M-LI (AS CORRECTED BY STAFF); DELETING A TRAFFIC LIGHT, ITEM NO. 36; AND ZONE CHILDREN'S HOSPITAL SITE M-1B; APPROVE ALL OF THE ZONE AMENDMENTS. 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-yea.

ITEM-336:

Two actions relative to the Governor Drive (Stresemann Street to Regents Road) Underground Utility District: (University City Community Area. District-1.)

Subitem-A: (R-93-342) ADOPTED AS RESOLUTION R-280825

Establishing the Governor Drive (Stresemann Street to Regents Road) Underground Utility District.

Subitem-B: (R-93-343) ADOPTED AS RESOLUTION R-280826

Authorizing the expenditure of an amount not to exceed \$26,200 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, Capital Outlay/Other Fund 302453, for the purpose of administering the Governor Drive (Stresemann Street to Regents Road) Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Governor Drive between Stresemann Street and Regents Road. This was a scheduled project in the Fiscal 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. 9300151.

FILE LOCATION: STRT K-205

COUNCIL ACTION: (Tape location: E275-281.)

Hearing began at 3:13 p.m. and halted at 3:15 p.m.

MOTION BY McCARTY TO ADOPT ITEMS 336, S502, AND S504.

Second by Stevens. Passed by the following vote:

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

ITEM-337:

Two actions relative to the Morena Boulevard (W. Morena Boulevard to Napier Street) Underground Utility District:
(Clairemont Mesa Community Area. District-6.)

Subitem-A: (R-93-351) ADOPTED AS RESOLUTION R-280827

Establishing the Morena Boulevard (W. Morena Boulevard to Napier Street) Underground Utility District.

Subitem-B: (R-93-352) ADOPTED AS RESOLUTION R-280828

Authorizing the expenditure of an amount not to exceed \$36,200 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, Capital Outlay/Other Fund 302453, for the purpose of administering the Morena Boulevard (W. Morena Boulevard to Napier Street) Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Morena Boulevard between W. Morena Boulevard and Napier Street. This is a scheduled project in the Fiscal Year 1992 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. 9300150.

FILE LOCATION: STRT K-206

COUNCIL ACTION: (Tape location: E329-380.)

Hearing began at 3:18 p.m. and halted at 3:20 p.m.

Testimony by Don Metzler.

MOTION BY STALLINGS TO ADOPT, APPROVING THE CREATION OF THE MORENA BOULEVARD UNDERGROUND UTILITY DISTRICT AND AUTHORIZING THE EXPENDITURE OF \$36,200 FROM CAPITAL IMPROVEMENT NO. 37-028 FOR THE PURPOSE OF ADMINISTRATING THE DISTRICT MINOR CITY FORCE WORK AND OTHER RELATED WORK.

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-338:

Matter of the Mira Mesa Community Plan Update as follows:

1. Proposal to update the Mira Mesa Community Plan (see map on file in the City Planning Department) and repeal the 1981 Mira Mesa Community Plan. The Mira Mesa Community Plan is a policy document which guides future land use and public facility decisions in the community and is updated periodically to reflect current needs.
2. Certification of Environmental Impact Report DEP-89-1221.
3. Statement of Overriding Considerations with required findings which acknowledge public benefits as a result of the adoption of the community plan that override the significant environmental impacts identified in the EIR.
4. Amendments to the City of San Diego Progress Guide and General Plan, including the deletion of the unbuilt portion of Camino Ruiz through Los Penasquitos Canyon Preserve from the transportation system. This action is necessary to maintain general plan conformity with the community plan.
5. Amendment to the Local Coastal Program (LCP) for

the portion of Mira Mesa within the boundary of the Coastal Zone (see map on file in the City Planning Department). 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 until after approval by the California Coastal Commission.

6. The following rezones (see map on file in the City Planning Department):

a) Park sites owned by the City of San Diego: Mira Mesa, Winterwood, Lopez Ridge, Maddox, Sandburg, Mesa Verde, Mesa Viking and Hage from the agricultural A-1-10 and the residential R1-5000 zones to Open Space Park (OS-P);

b) Fire Stations owned by the City of San Diego: Number 41 and Number 38 from the industrial M1-B Zone to apply the Institutional Overlay Zone (IOZ);

c) Twenty four parcels under different ownerships with frontage on both sides of Mira Mesa Boulevard between Westonhill and Greenford Drives from multi-family residential R-400 (1 unit/400 square feet of lot area) to the multi-family residential R-1000 zone (1 unit/1000 square feet of lot area). The density allowed by the R-1000 zone is consistent with the density allowed by both the adopted and proposed community plans and conforms with existing multi-family development.

(Mira Mesa Community Plan. District-5.)

Subitem-A: (R-93-354) ADOPTED AS RESOLUTION R-280829

Adoption of a Resolution certifying that the information contained in DEP-89-1221 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-93-37) INTRODUCED, TO BE ADOPTED OCTOBER 19, 1992

Introduction of an Ordinance to incorporate various properties in the Mira Mesa Community Plan Area into the R-1000 and OS-P zones and to apply the IOZ to two fire stations in Mira Mesa.

Subitem-C: (R-93-355) ADOPTED AS RESOLUTION R-280830

Adoption of a Resolution to rescind the 1981 Mira Mesa Community Plan and to adopt the 1992 Community Plan, amendments to the General Plan and Local Coastal Program.

FILE LOCATION: SUBITEM-A&C: LAND - Mira Mesa Community Plan;
SUBITEM-C: --

COUNCIL ACTION: (Tape location: E408-F006.)

Hearing began at 3:24 p.m. and halted at 3:34 p.m.

Testimony by Paul Van Wheelden and Emanuel Chavez.

MOTION BY BEHR TO ADOPT THE PLAN, CHANGING THE PLAN DRAFT AS PROPOSED BY THE PLANNING DEPARTMENT ON PAGE 28 OF THE SEPTEMBER DRAFT AS READ IN RECORD, "MIRA MESA'S SENSITIVE BIOLOGICAL RESOURCES CONSIST OF THE FOLLOWING NATIVE PLANT COMMUNITIES AND HABITAT TYPES. GENERAL LOCATIONS OF THESE RESOURCES IN MIRA MESA ARE SHOWN ON FIGURE 5. AN ANALYSIS OF SITE-SPECIFIC SENSITIVE RESOURCES IS REQUIRED BY THE RESOURCE PROTECTION ORDINANCE PRIOR TO DEVELOPMENT." APPROVE THE MIRA MESA PLAN AMENDMENT WITH THE MANAGER'S RECOMMENDATION WITH THE UNDERSTANDING THAT THE CLARIFYING LANGUAGE ON THE SPECIALIZED COMMERCIAL DESIGNATION ON PAGE 92 OF THE DRAFT PLAN IS TO BE INCLUDED AS SUBMITTED TO COUNCIL. 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-339: TRAILED TO OCTOBER 19, 1992, DUE TO LACK OF FIVE AFFIRMATIVE VOTES

(Continued from the meetings of June 16, 1992, Item 332 and July 21, 1992, Item 340; trailed from the canceled meeting of 9/8/92; continued from the meeting of September 14, 1992, Item 209, at the City Manager's

request, to resolve differences with the property owners involved.)

Three actions relative Centerville II, Camino Del Rio North Cost Reimbursement District:
(Mission Valley Community Area. District-6.)

Subitem-A: (R-92-1899)

Establishing Centerville II, Camino Del Rio North Cost Reimbursement District; declaring the limiting period for when assessed costs are due and payable is set at 20 years; approving the map of the proposed Centerville II, Camino Del Rio North Cost Reimbursement District; approving a description of the public improvements, the actual cost of the improvements, and the apportionment of the costs.

Subitem-B: (R-92-1900)

Authorizing a Cost Reimbursement Agreement with Homart Development Company, for the Centerville II, Camino Del Rio North Cost Reimbursement District; declaring the term of the Reimbursement Agreement is set at a period of 20 years; authorizing the expenditure of an amount not to exceed \$429,408 from DIF Fund 79529, for the reimbursement of CIP-52-447, Camino Del Rio North, from I-805 to Milly Way (Mission City Parkway).

Subitem-C: (R-92-1901)

Authorizing a first amendment to an agreement for Cost Reimbursement Engineering with Dudek & Associates, for engineering services; authorizing the expenditure of an amount not to exceed \$2,000 from Cost Reimbursement District Fund No. 63020, Department No. 6320, Job Order 139012, for the purpose of providing funds to pay for additional consultant services.

CITY MANAGER SUPPORTING INFORMATION: On March 19, 1990, the City Council authorized execution of a Formation Cost Agreement with Homart Development Company, developer of Centerville II. The public improvements construction cost for which the developer is seeking partial reimbursement include road widening, road realignment, traffic signals, storm drain facilities and other

related work along Camino Del Rio North between Stadium Way and Mission City Parkway, previously known as Milly Way. These public improvements, shown on Drawing No. 23248-D, benefit adjacent properties. It is proposed that other benefitting property owners pay \$4,179,061 in reimbursements representing their fair share of the total project costs of \$4,803,411. Individual parcels would be liened with amounts to be paid if development occurs within a twenty-year period. Development Impact Fee (DIF) contribution towards the public improvements within this district is identified in the Capital Improvement Program and the 1988 Mission Valley Interim Public Facilities Financing Plan. The contribution is scheduled to begin in Fiscal 1994 with payments through Fiscal 1998.

Total reimbursement from DIF and benefitting property owners is \$4,608,469 and the remaining \$194,942 is the developer's cost. It is also proposed that Dudek & Associates, the consultant retained by the City, be paid an additional \$2,000. A notice of today's public hearing was set to all affected property owners a minimum of additional days prior to today's hearing.

Aud. Cert. 9200911.

NOTE: Hearing open. On 9/14/92, testimony taken only on the continuance. Mayor not present.

Hearing open. No testimony taken on 7/21/92.

Hearing open. No testimony taken on 6/16/92.

FILE LOCATION:

COUNCIL ACTION: (Tape location: D110-146; F418-G499.)

Testimony by Tom Meade regarding a continuance.

Hearing began at 4:06 p.m. and recessed at 4:15 p.m.

Hearing reconvened at 4:55 p.m. and halted at 5:44 p.m.

Testimony in favor by Paul Robinson.

Testimony in opposition by Charles v. Berwanger, Bill Darnell, Frank Asaro, Tom Meade, and Russell Grant.

Motion by Stallings to approve the Camino Del Rio North Cost Reimbursement District as recommended by staff. Second by Filner. Failed. Yea: 4,5,6,8. Nay: 2,3. Not present: 1,7,M.

ITEM-340: (O-92-138 Rev.1) ADOPTED AS AMENDED AS ORDINANCE O-17839 (New Series), APPROVING ATTACHEMENT B

(Continued from the meeting of September 22, 1992, Item 331, at Councilmember Hartley's request, to allow the SBA to review the new proposal from the City Manager's office at their 9/23/92 meeting.)

Amending Chapter X, Article 1, Divisions 4 and 5, of the San Diego Municipal Code by amending Sections 101.0406 and 101.0502, relating to Home Occupations in Residential Zones.

(Introduced as amended on 8/4/92. Council voted 5-1. District 4 voted nay. Districts 7, 8 and Mayor not present.)

On 8/4/92 Council voted to introduce the Ordinance as amended and directed that the Ordinance be brought back on 9/22/92 for reintroduction. See Planning Department Report P-92-208, which contains two proposed Ordinance amendments: Attachment A, amending the Home Occupations regulations for clarification purposes and to strengthen code efforts; and Attachment B, amending the Home Occupations regulations for clarification purposes and relaxing the regulations to allow employee/customer via Administrative Hearing.

NOTE: Hearing open. Testimony taken on 9/22/92. District 1 and Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F007-370.)

MOTION BY HARTLEY TO ADOPT THE ORDINANCE APPROVING OPTION B (ATTACHMENT B). Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-nay, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (R-93-477) CONTINUED TO OCTOBER 20, 1992, AT
2:00 P.M.

(Continued from the meeting of September 29, 1992, Item 205, at Councilmember Stevens' request, for full Council and for staff to come back with an alternative plan for the current fee structure.)

Authorizing the City Manager to increase the biennial Alarm Permit Fee from \$25 per permit to \$55 for a residential permit, and from \$50 to \$95 for a commercial permit.

(See City Manager Report CMR-92-289.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: H023-234.)

Hearing began at 5:45 p.m. and halted at 6:01 p.m.

Motion by Stevens to assess the 97 percent of those who have false alarms recorded by the San Diego Police Department, which amounts to \$1,512,000 a year in officer's response time. Recommend that the fees be increased on the cost of false alarms, the 97 percent of the people creating those false alarms. Second by Hartley. Vote not taken.

MOTION BY STALLINGS TO CONTINUE TO OCTOBER 20, 1992 AT 2:00 P.M. FOR FULL COUNCIL. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-S501:

(Continued from the meetings of September 15, 1992, Item 332, and September 29, 1992, Item 331; last continued at Councilmember Stalling's request, for further review.)

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-93-538 Cor.Copy) ADOPTED AS RESOLUTION R-280831

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-93-53) INTRODUCED, TO BE ADOPTED OCTOBER 19, 1992

Introduction of an Ordinance amending the Development Agreement.

Subitem-C: (R-93-798) ADOPTED AS AMENDED AS RESOLUTION R-280832

Adoption of a Resolution amending the Specific Plan.

Subitem-D: (R-93-799) ADOPTED AS RESOLUTION R-280833, GRANTING MAP

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

Subitem-E: (R-93-800) ADOPTED AS RESOLUTION R-280834, GRANTING PERMIT

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

action.

FILE LOCATION: SUBITEMS-A&C: LAND - FSDRIP Specific
Plan; SUBITEM-B: DEVL - FSDRIP
Development Agreement; SUBITEM-D: SUBD -
MBM West III; SUBITEM-E: PERM - MVDP 90-
0900

COUNCIL ACTION: (Tape location: E155-274.)

Hearing began at 3:04 p.m. and halted at 3:13 p.m.

Testimony in favor by Matt Peterson and Dennis Martini.

MOTION BY STALLINGS TO ADOPT AS AMENDED, ADDING LANGUAGE TO THE FSDRIP SPECIFIC PLAN UNDER "GUIDELINES" IN THE SECOND PARAGRAPH TO READ AS FOLLOWS: "CONSISTING OF APPROXIMATELY 371 UNITS WITH AN OPTIONAL COMMERCIAL COMPONENT TO INCREASE PUBLIC ACCESS ON ACTIVITY IN THE RIVER AREA. THE RESIDENTIAL COMPONENT OF THE PROJECT WOULD INCLUDE ..." AN ADDITIONAL PARAGRAPH THAT WOULD READ, "THE COMMERCIAL COMPONENT OF THE PREDOMINATELY RESIDENTIAL ALTERNATIVE COULD INCLUDE A RESTAURANT AND OTHER NEIGHBORHOOD COMMERCIAL USES IN CONFORMANCE WITH THE TRIP ALLOCATION FOR THE SITE. THE COMMERCIAL COMPONENT COULD BE LOCATED AT THE SOUTHEAST CORNER OF THE SITE POSSIBLY EXTENDING ALONG MISSION CENTER ROAD." CERTIFY THE E.I.R., SUBITEM-A; INTRODUCE AN ORDINANCE AMENDING THE DEVELOPMENT AGREEMENT, SUBITEM-B; ADOPT THE AMENDMENT TO THE SPECIFIC PLAN AS AMENDED, SUBITEM-C; ADOPT THE TENTATIVE MAP, SUBITEM-D; AND, ADOPT MISSION VALLEY DEVELOPMENT PERMIT 90-0900, SUBITEM-E.
Second by McCarty. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S502:

(Continued from the meetings of September 15, 1992, Item 337, and September 29, 1992, Item 335; last continued at Councilmember Behr's request on behalf of the City Manager.)

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 Rev.1) ADOPTED AS RESOLUTION R-280835

Certifying that the information contained in EIR-86-0969 is recertified 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) ADOPTED AS RESOLUTION R-280836

Approving contracts for ownership of improvements.

Subitem-C: (R-93-428 Cor. Copy) ADOPTED AS RESOLUTION R-280837

Accepting a waiver of the cash collection period by Pardee Construction Company.

Subitem-D: (R-93-429 Cor. Copy) ADOPTED AS RESOLUTION R-280838

Ordering changes and modifications in the Engineer's Report.

Subitem-E: (R-93-430 Cor. Copy) ADOPTED AS RESOLUTION R-280839

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

Subitem-F: (R-93-431) ADOPTED AS RESOLUTION R-280840

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: STRT D2290

COUNCIL ACTION: (Tape location: E275-281; F371-415.)

MOTION BY McCARTY TO ADOPT ITEM 336, S502, AND S504. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

Note: The attorney directed that it be stated for the record that the hearing for this item be opened and closed in order to clarify the record due to the item being adopted as a consent item. Hearing was opened at 4:04 p.m.

Mayor O'Connor closed the hearing at 4:06 p.m.

Motion by Behr to clarify the record, as directed by the attorney, to open and close the hearing and adopt the item. Second by Hartley. Passed. Yea: 1,2,3,4,5,6,8,M. Nay: None. Not present: 7.

ITEM-S503: (R-93-353 Cor.Copy 10/01/93) ADOPTED AS
RESOLUTION R-280841

(Continued from the meetings of September 15, 1992, Item 339, September 22, 1992, Item S501 and September 29, 1992, Item S501; last continued at the City Manager's request on behalf of the Centre City Development Corporation.)

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 memorandum from CCDC dated 8/26/92. Centre City Community Area. District-2)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H248-291.)

Hearing began at 6:00 p.m. and halted at 6:04 p.m.

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

ITEM-S504: (R-93-513) ADOPTED AS RESOLUTION R-280842

Authorizing the City Manager to accept a loan repayment of \$310,000 from the Redevelopment Agency, Gateway Center East Project Area;
appropriating \$310,000 to be loaned back to the Redevelopment Agency, Central Imperial Study Area to augment the study area;
authorizing the transfer of \$310,000 from the Contribution to the Redevelopment Agency Fund (10227) to the Redevelopment Agency for the purpose described above;
directing the Auditor and Comptroller to record the

above disbursements to the Central Imperial Study Area as interest bearing loans, to the Agency, upon adoption of the study area, to be repaid as soon as practicable, from tax increment or other revenues.

(See Memorandum from SEDC. Mt. Hope Community Area. District-4.)

Aud. Cert. 9300282.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E275-281.)

MOTION BY McCARTY TO ADOPT ITEMS 336, S502, AND S504.

Second by Stevens. Passed by the following vote:

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

ITEM-S505: (R-93-597) ADOPTED AS RESOLUTION R-280843

Proclaiming October 1992 to be "Domestic Violence Awareness Month" in San Diego; supporting the purpose and goals of the Mayor's Domestic Violence Council toward the reduction and prevention of domestic violence.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D038-109.)

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

ITEM-S506: (R-93-296) CONTINUED TO OCTOBER 20, 1992 AT 10:00 A.M.

Rejecting all bids received on July 17, 1992 and inviting bids for Point Loma Wastewater Treatment Plant South Effluent Outfall Connection on Work Order No. 170864; authorizing the City Manager to execute a

contract with the lowest responsible bidder;
authorizing the transfer of \$2,590,000 from Sewer Revenue Fund 41506, CIP-44-001, Annual Allocation - Sewer Main Replacement Program, to CIP-46-134.0, Point Loma Sedimentation Basins 11 and 12; authorizing the additional expenditure of \$2,590,000 from Sewer Revenue Fund 41506, CIP-46-134.0, Point Loma Sedimentation Basins 11 and 12 and Effluent Channel Modifications, to supplement the funding authorized by Resolution R-280005, adopted on May 26, 1992, for the purpose of executing these contracts.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Bids for the construction of the Point Loma South Effluent Outfall Connection project were opened on July 17, 1992. Of the 178 bid packages issued, 6 prime contractors responded to the bid call with the bids ranging from \$11,499,000 to \$14,999,000. The apparent low bid of \$11,499,000, submitted by Nielsen Construction Company, did not satisfy the Equal Opportunity Contract Program Requirement. Therefore, the City Manager recommends rejecting all bids and readvertising. Prior to readvertising, an addendum will be issued to reflect modifications to the plans and specifications.

Aud. Cert. 9300340

WU-P-93-012.

FILE LOCATION:

COUNCIL ACTION: (Tape location: G523-618.)

MOTION BY FILNER TO CONTINUE THE ITEM TO OCTOBER 20, 1992 AT 10:00 A.M. FOR FULL COUNCIL. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-CS-1: (R-93-587) ADOPTED AS RESOLUTION R-280819

A Resolution adopted by the City Council in Closed Session on October 6, 1992:

Authorizing the City Manager to pay the sum of \$86,758.47 in the settlement of each and every claim

against the City of San Diego, its agents and employees resulting from the property damage claim of Daniel Dreilinger, et al; authorizing the City Auditor and Comptroller to issue one check in the amount of \$64,266.13 made payable to Luth and Turley, Inc. and one check in the amount of \$22,492.34 made payable to Residence Inn in full settlement of all claims.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Roberts at 6:05 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H292).