

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, NOVEMBER 17, 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 Mayor O'Connor at 11:11 a.m. into Closed Session in the 12th floor Conference Room to discuss meet and confer and 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 2:08 p.m. with Deputy Mayor Roberts and Council Members Hartley and Filner not present. Council Member McCarty recognized the Weblos Pack 959 Boy Scouts of the Panther Patrol from Benchley Weinberger for working on their citizenship badge. Mayor O'Connor recessed the meeting at 4:28 p.m. to convene the Redevelopment Agency and Housing Authority. Mayor O'Connor reconvened the meeting at 4:29 p.m. with Deputy Mayor Roberts not present. Deputy Mayor Roberts adjourned the meeting at 5:49 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

FILE LOCATION: Clerk-Abdelnour/Fishkin (11/mc)  
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-not 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-not present

PUBLIC COMMENT:

None .

COUNCIL COMMENT:

None .

ITEM-207: (R-93-662) ADOPTED AS RESOLUTION R-281068

(Continued from the meeting of November 2, 1992, Item 115, at Councilmember Behr's request on behalf of the City Manager.)

Authorizing the execution of an agreement with Pardee Construction Company, for the construction of a deceleration lane on westbound Poway Road, at the entrance to Sabre Springs Town Center Development; authorizing the expenditure of an amount not to exceed \$50,000 from Capital Outlay Fund 30245, Annual Allocation, New Development, CIP-58-001.0, for

providing funds for the above project.  
(Sabre Springs Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Poway Road east of Sabre Springs Parkway is classified as a 6-lane major street with a 55 mph speed limit. The portion of Poway Road, which is the subject of this Request for Council Action, has been constructed per Engineering Permit No. W-30994 in accordance with Subdivision Board Resolution No. 3862 and PCD-85-0252. In view of the large traffic volume to the Sabre Springs Shopping Center and the high speed of traffic along this portion of Sabre Springs Parkway, Traffic Engineering of E & D determined that a deceleration lane is required to separate the slow right turn movement to the shopping center from the fast through traffic. The T.M. and P.C.D. conditions for this project did not require construction of the deceleration lane. The developer agreed to dedicate the additional right-of-way at no cost to the City. The improvements are for the benefit of the City and will cost more if constructed independently by a separate contract. It is recommended that the City enter into a participation agreement with the developer to complete the above mentioned improvements for a cost not to exceed \$50,000.

Aud. Cert. 9300355.

FILE LOCATION: CONT-Pardee Construction Company CONT FY 93-  
1

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

MOTION BY BEHR TO ADOPT. Second by Stevens. 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-yea.

ITEM-330: CONTINUED TO JANUARY 5, 1993

Appeal of James Dawe, representing Warner Ranch Investment Partnership, from the decision of the Planning Commission in denying an initiation of an amendment to the Mission Valley Community Plan (River Valley Condominiums). The subject property is located on the north side of Hotel Circle Place between I-8 and the San Diego River in Mission Valley. The site is zoned MV-CV (Commercial Visitor) by the 1990 Mission

Valley Planned District Ordinance (PDO) and is located in the Floodplain Fringe (FPF) Overlay Zone. (District-6.)

Adoption of a Resolution granting or denying the initiation request.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A027-036.)

MOTION BY HARTLEY TO CONTINUE TO JANUARY 5, 1993 AT THE REQUEST OF APPELLANT JAMES DAWE TO CONTINUE DISCUSSIONS WITH MTDB. 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-yea.

ITEM-331:

(Continued from the meetings of July 28, 1992, Item 338, and September 15, 1992, Item 331; last continued at Councilmember Wolfsheimer's request, to allow the appellants time to see if they can raise \$1,000,000 to purchase the property.)

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-93-1065) ADOPTED AS RESOLUTION R-281069

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-93-1066) DENY THE APPEAL GRANT THE COASTAL DEVELOPMENT PERMIT, ADOPTED AS RESOLUTION R-281070

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-93-1067 Cor.Copy) DENY THE APPEAL GRANT THE HILLSIDE REVIEW PERMIT, ADOPTED AS RESOLUTION R-281071

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-93-1068) DENY THE APPEAL GRANT THE PLANNED INFILL RESIDENTIAL DEVELOPMENT PERMIT, ADOPTED AS RESOLUTION R-281072

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-93-1069) DENY THE APPEAL GRANT THE TENTATIVE MAP, ADOPTED AS RESOLUTION R-281073

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: Subitem-A: PERM-PIRD 91-0335; Subitem-B: PERM-CDP 91-0335; Subitem-C: PERM-HRP 91-0335; Subitem-D: PERM-PIRD 91-0335; Subitem-E: SUBD-Palomar

COUNCIL ACTION: (Tape location: A038-B093.)

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

Testimony in favor by Jennifer Sparks.

Testimony in opposition by Lynne Heidel.

MOTION BY WOLFSHEIMER TO APPROVE THE PROJECT WITH THE REDUCED DENSITY FROM SIX DWELLING UNITS TO FOUR UNITS; TO ENCOURAGE ALL PARTIES TO MEET WITH THE PLANNING DEPARTMENT TO ASCERTAIN IF AN ASSESSMENT DISTRICT CAN BE FORMED TO DETERMINE WHAT PROPERTIES CAN BE BOUGHT WITH THE MONIES; PREPARE DOCUMENTATION, IN WRITING, INDICATING PROVISIONS AND CONDITIONS SO THAT THE REMAINDER OF THE PROPERTY CAN BE DESIGNATED AND DEDICATED FOR OPEN SPACE. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

Substitute motion by Roberts to approve the plan as submitted by the Planning Department with the condition that open space easements be required over the balance of the property. Second by Stallings. Failed by the following vote: Yea-2,6,7; Nay-1,3,4,5,M; Not present-8.

ITEM-332:

Matter of a request for approval of the Black Mountain Ranch North and South project which consists of:

- 1) Planned Residential Development Permits PRD-90-0332/PRD-91-0313; (including Brush Management Alternative Compliance)
- 2) Tentative Maps TM-90-0332 (Black Mountain Ranch South)/TM-91-0313 (Black Mountain Ranch North);
- 3) Conditional Use Permits CUP-90-0332/CUP-91-0313;
- 4) Resource Protection Ordinance Permits RPO-90-0332/RPO-91-0313(including Alternative Compliance);
- 5) A Development Agreement; and
- 6) Vacation of a portion of Black Mountain Road, Old Survey 124, Road Survey 451, New Survey 3, and an unnamed 60 feet of a County Road easement.

The project proposes to provide 1217 residential units; two 18-hole golf courses with clubhouses (one public

and one private); open space; two public neighborhood park sites; a community park site; two school sites; a church site; a reclaimed water reservoir; a domestic water reservoir site; and various public facilities sites.

The approximately 4,172 acre project proposes to develop vacant land as part of two development proposals: a northern proposal (DEP- 91-0313) and a southern proposal (DEP-90-0332). The subject property is located to the east of Fairbanks Ranch and to the northwest of Rancho Penasquitos within the northeast portion of the City of San Diego and is more particularly described as portions of Sections 35 and 36, Township 13 South, Range 3 West, SBM; portions of Sections 1 and 2, Township 14 South, Range 3 West, SBM; portion of Section 31, Township 13 South, Range 2 West, SBM; portions of Section 1, Township 14 South, Range 3 West, SBM; portion of Parcel 2 of Parcel Map 12443; Section 25 and a portion of Section 36, Township 13 South, Range 3 West, SBM; southwest 1/4, west 1/2 of the northeast 1/4, the northwest 1/4 of the southeast 1/4, Lots 4, 5 and 6 and a portion of the northwest 1/4 of Section 30, Township 13 South, Range 2 West, SBM; portion of Section 31, Township 13 South, Range 2 West, SBM; south 1/2 of the southwest 1/4, southwest 1/4 of the southeast 1/4, and Lots 1, 2, 3 and 4 of Section 32, Township 13 South, Range 2 West, SBM; Lot 1, and a portion of Lot 2, and a portion of the south 1/2 of the southwest 1/4 of Section 33, Township 13 South, Range 2 West, SBM; portions of the east 1/2 of the northwest and east 1/2 of the southwest 1/4 of Section 4, Township 14 South, Range 2 West, SBM; portion of Parcel 1 of Parcel Map 12443.

The A1-10/HR, R1-5000 zoned site is within the North City Future Urbanizing Area and the Rancho Penasquitos Community Planning Area.  
(Case-90-0332/91-0313. District-1.)

Subitem-A: (R-93-748) ADOPTED AS RESOLUTION R-281074

Adoption of a Resolution certifying that the information contained in Environmental Impact Report, DEP-90-0332/DEP-91-0313 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-93-79) ORDINANCE INTRODUCED, TO BE ADOPTED DECEMBER 8, 1992

Introduction of an Ordinance approving the Development Agreement.

Subitem-C: (R-93- ) GRANTED PERMITS, ADOPTED AS RESOLUTION R-281075

Adoption of a Resolution granting or denying PRD permits 90-0332/91-0313, with appropriate findings to support Council action.

Subitem-D: (R-93- ) GRANTED PERMITS, ADOPTED AS RESOLUTION R-281076

Adoption of a Resolution granting or denying CUP permits 90-0332/91-0313, with appropriate findings to support Council action.

Subitem-E: (R-93- ) GRANTED PERMITS, ADOPTED AS RESOLUTION R-281077

Adoption of a Resolution granting or denying RPO permits 90-0332/91-0313, with appropriate findings to support Council action.

Subitem-F: (R-93- ) GRANTED MAPS, ADOPTED AS RESOLUTION R-281078

Adoption of a Resolution granting or denying tentative maps 90-0332/91-0313, with appropriate findings to support Council action.

Subitem-G: (R-93-779) ADOPTED AS RESOLUTION R-281079

Adoption of a Resolution authorizing the summary vacation of various streets as provided for under Section 8300 of the State Streets and Highways Code.

FILE LOCATION: Subitems A & B: DEVL - Black Mountain Ranch



North & South; Subitem C: PERM PRD-90-0332/91-0313; Subitem D: PERM CUP-90-0332/91-0313; Subitem E: PERM RPO-90-0332/91-0313; Subitem F: SUBD -Black Mountain Ranch North & South; Subitem G: DEED F-5922, STRT J-2782 DEEDFY93-1

COUNCIL ACTION: (Tape location: C135-F203.)

Hearing began at 2:13 p.m. and halted at 4:27 p.m.

Testimony in favor by Johnny Miller, Lance Burris, Phil Ward, Dirk Kingma, Thomas Bilhorn, Bill Potter, Kevin McNamara, Scott Allison, Lynne Heidel, John DeBevoise, Annette Hubbell, Scott Harvey, Duane Deverill, Sharryn Mounts, Jim Crosby, Tina Robinson, Ed Vassel, Jerry McCaw, Anne DeBevoise, David Freeland and Michael VonNeumann.

Testimony in opposition by Sue Diaz, Pat Sharghi, Jack Reese, Ann Dempsey, Opal Trueblood, Dick Garlock and Jack Reeves.

Motion by Wolfsheimer to have the funding that was formerly set aside for a library in the future urbanizing area be set aside for the libraries that suffer the most impact as a result of the development of Black Mountain Ranch. The owner is to donate that money to a library fund and the City will conduct a study and allocate the money on the basis of the impact. Second by Behr. No vote.

MOTION BY WOLFSHEIMER TO APPROVE STAFF'S RECOMMENDATION TO ADOPT SUBITEM A AND SUBITEMS C-G INCLUDING THE ERRATA SHEET FOR THE DEVELOPMENT AGREEMENT AND INTRODUCING SUBITEM-B WITH THE FOLLOWING AMENDMENTS:

1. TO MITIGATE THE TRAFFIC IMPACTS THAT ARE LIKELY TO OCCUR IN THE COMMUNITIES OF CARMEL VALLEY AND RANCHO PENASQUITOS BY PROVIDING THAT THE DEL MAR HEIGHTS ROAD WOULD CURVE DOWN TO STATE ROUTE 56 AS QUICKLY AS POSSIBLE TO AVOID TRAFFIC RUNNING THROUGH ALL THE RESIDENTIAL AREAS.
2. DIRECT THE CITY MANAGER AND DEVELOPER TO AGREE TO A TRAFFIC MANAGEMENT CONTROL SYSTEM THAT WILL PROTECT RANCHO PENASQUITOS FROM BEING IMPACTED BY THE CONSTRUCTION TRAFFIC.
3. CHANGE THE TITLE OF THE DRAWING ATTACHED TO THE ADDENDUM TO THE DEVELOPMENT AGREEMENT FROM "CONCEPTUAL TRAIL PLAN" TO "TRAIL PLAN". THIS DRAWING ESTABLISHES, WITH A REASONABLE DEGREE OF CERTAINTY, THE LOCATION OF THE TRAILS WITHIN THE CORRIDOR, SUBJECT TO HAVING A BIOLOGIST WALK THROUGH FOR

CONFIRMATION.

4. ADD A PROVISION STATING THAT THE DEVELOPER WILL HONOR THE RUNOFF ORDINANCE THAT IS CURRENTLY WITH THE CITY ATTORNEY.

5. DEVELOPER IS TO OBSERVE THE DESIGN STANDARDS THAT THE COUNTY CALLS THE "D" DESIGNATOR IN THE AREA OF THE EIGHTEEN HOUSES THAT ARE IN THE FOCUSED PLANNING AREA AND THE AREA THAT FACES THEM.

6. PROVIDE A PROVISION IN THE PERMIT FOR TRASH RECYCLING.

7. PROVIDE A PROVISION IN THE PERMIT FOR THE TRANSPORTATION DEMAND MANAGEMENT MASS TRANSIT ASSESSMENT.

8. DIRECT THE CITY MANAGER TO WORK WITH THE DEVELOPER TO FIND A SOLUTION TO THE PROBLEM OF TEMPORARY HOUSING.

9. DEVELOPER TO DIVIDE MITIGATION FUNDS, SHOULD THEY HAVE TO PAY ANY, BETWEEN THE PENASQUITOS CANYON AND THE SAN DIEGUITO RIVER PARK.

10. AMEND PARAGRAPH 6.11 ON THE ERRATA SHEET REGARDING THE JOB TRAINING PROGRAM TO READ: "...PROVIDE TRAINING AND EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN IN CONNECTION WITH ALL DEVELOPMENT OF CONSTRUCTION AND THE OPERATION OF THE GOLF COURSES INCLUDED WITH THE PROJECT."

11. DIRECT STAFF TO GO FORWARD WITH THEIR REVIEW OF THE CARMEL VALLEY ALIGNMENT.

12. ADD A PROVISION IN THE PRD TO ADD A TRAFFIC MANAGEMENT CONTROL SYSTEM THAT WILL PROTECT SAN DIEGUITO ROAD FROM BEING IMPACTED BY THE CONSTRUCTION TRAFFIC.

13. MR. REISS' LANGUAGE SHOULD BE CHANGED FROM "CITY AND STATE" TO THE "REGIONAL QUALITY BOARD" ON THE RESOLUTIONS ADOPTING THE PERMITS AND MAP. 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.

MOTION BY BEHR TO AMEND THE FIRST SENTENCE OF PARAGRAPH 7 IN EXHIBIT B2 OF THE ERRATA SHEET TO READ: "OWNER SHALL CONTRIBUTE FIVE HUNDRED THOUSAND DOLLARS (\$500,000) FOR THE IMPROVEMENT OF A BRANCH LIBRARY TO BE LOCATED IN THE ADJACENT COMMUNITY OF RANCHO BERNARDO." Second by McCarty. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-nay, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-333: (R-93-742) ADOPTED AS RESOLUTION R-281080

Amending the RFP on the major issues discussed at the

paramedic services procurement bidders conference.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F231-454.)

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-not present, Mayor O'Connor-not present.

ITEM-334: (R-93-718) ADOPTED AS RESOLUTION R-281081

(Continued from the meeting of October 1, 1992, Item 701 J, at Councilmember Behr's request, for staff to return with the interim impact fees.)

Adopting an interim development impact fee for the North City Future Urbanizing Area to be levied in the interim period before a Public Facilities Financing Plan is adopted by the City Council.

(North City Future Urbanizing Area. District-1.)

FILE LOCATION: LAND - Progress Guide & General Plan

COUNCIL ACTION: (Tape location: F455-G093.)

Motion by Wolfsheimer to direct staff to pursue and integrate all of the options in the City Manager's Report No. P-92-253 for the acquisition of the Del Mar Mesa area including the alternatives which refers to the outright purchase through a non-profit land trust. Second by Behr. Passed. Yeas-1,2,3,4,5,6,7. Nays-none. Not present-8,M.

MOTION BY BEHR TO ADOPT THE FEES AND AMEND THE FINANCING FOR THIS PROJECT FROM \$30 MILLION TO \$30-40 MILLION. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-335:

Two actions relative to the El Cajon Boulevard  
(Seminole Drive to Montezuma Road) Underground Utility  
District:  
(College Community Area. District-7.)

Subitem-A: (R-93-509) ADOPTED AS RESOLUTION R-281082

Establishing the El Cajon Boulevard (Seminole Drive to  
Montezuma Road) Underground Utility District.

Subitem-B: (R-93-510) ADOPTED AS RESOLUTION R-281083

Authorizing the expenditure of an amount not to exceed  
\$27,400 from Annual Allocation - Undergrounding of City  
Utilities, CIP-37-028.0, Capital Outlay Fund 30245, for  
the purpose of administering the El Cajon Boulevard  
(Seminole Drive to Montezuma 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 El Cajon Boulevard  
between Seminole Drive and Montezuma Road. 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 the removal of overhead utilities as  
the undergrounding work approaches completion.  
Aud. Cert. 9300229.

FILE LOCATION: STRT K-212

COUNCIL ACTION: (Tape location: F204-219.)

Hearing began at 4:28 p.m. and halted at 4:29 p.m.

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

ITEM-336:

Two actions relative to the Ocean View Boulevard (25th Street to 29th Street) Underground Utility District: (Mountain View Community Area. District-8.)

Subitem-A: (R-93-504) ADOPTED AS RESOLUTION R-281084

Establishing the Ocean View Boulevard (25th Street to 29th Street) Underground Utility District.

Subitem-B: (R-93-505) ADOPTED AS RESOLUTION R-281085

Authorizing the expenditure of an amount not to exceed \$27,400 from Annual Allocation - Undergrounding of City Utilities, CIP-27-028.0, Capital Outlay Fund 30245, for the purpose of administering the Ocean View Boulevard (25th Street to 29th 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 Ocean View Boulevard between 25th Street and 29th Street. 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 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. 9300226.

FILE LOCATION: STRT K-210

COUNCIL ACTION: (Tape location: F204-219.)

Hearing began at 4:28 p.m. and halted at 4:29 p.m.

MOTION BY FILNER TO ADOPT. Second by Mayor O'Connor.  
Passed by the following vote: Wolfsheimer-yea, Roberts-not

present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337:

Two actions relative to the Paradise Valley Road  
(Westerly City Limits to Gilmartin Drive) Underground  
Utility District:  
(Paradise Hills Community Area. District-4.)

Subitem-A: (R-93-528) ADOPTED AS RESOLUTION R-281086

Establishing the Paradise Valley Road (Westerly City  
Limits to Gilmartin Drive) Underground Utility  
District.

Subitem-B: (R-93-529) ADOPTED AS RESOLUTION R-281087

Authorizing the expenditure of an amount not to exceed  
\$25,000 from Annual Allocation - Undergrounding of City  
Utilities, CIP-37-028.0, Capital Outlay Fund 30245, for  
the purpose of administering the Paradise Valley Road  
(Westerly City Limits to Gilmartin Drive) 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 Paradise Valley  
Road between westerly City limits and Gilmartin Drive. 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. 9300224.

FILE LOCATION: STRT K-211

COUNCIL ACTION: (Tape location: F204-219.)

Hearing began at 4:28 p.m. and halted at 4:29 p.m.

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

ITEM-338:

Two actions relative to the Skyline Drive (Trinidad Way to 66th Street) Underground Utility District:  
(South Encanto Community Area. District-4.)

Subitem-A: (R-93-532) ADOPTED AS RESOLUTION R-281088

Establishing the Skyline Drive (Trinidad Way to 66th Street) Underground Utility District.

Subitem-B: (R-93-533) ADOPTED AS RESOLUTION R-281089

Authorizing the expenditure of not to exceed \$27,400 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, Capital Outlay Fund 30245, for the purpose of administering the Skyline Drive (Trinidad Way to 66th 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 Skyline Drive between Trinidad Way and 66th Street. 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. 9300227.

FILE LOCATION: STRT K-213

COUNCIL ACTION: (Tape location: F204-219.)

Hearing began at 4:28 p.m. and halted at 4:29 p.m.

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

ITEM-339: TRAILED TO NOVEMBER 23, 1992, DUE TO LACK OF FIVE AFFIRMATIVE VOTES

Two actions relative to a Freeway Agreement for the widening of Interstate 5, Interstate 805 and State Route 56:  
(University, Mira Mesa, Torrey Pines, Sorrento Hills, and Carmel Valley Community Areas. Districts-1 and 5.)

Subitem-A: (R-93-745)

Authorizing the execution of a Freeway Agreement with the California Department of Transportation (CalTrans) for the widening of Interstate 5 from 0.5 mile north of Genesee Avenue to 0.7 mile south of Del Mar Heights Road, Interstate 805 from 0.5 mile north of Mira Mesa Boulevard to Interstate 5, and State Route 56 from Interstate 5 to 0.3 mile east of El Camino Real.

Subitem-B: (R-93-746)

Stating for the record that the City of San Diego as responsible Agency under CEQA has reviewed and considered the EIS prepared by CalTrans.

CITY MANAGER SUPPORTING INFORMATION: CalTrans projections indicate that traffic volumes at and near the I-5/I-805 junction will increase 100 percent in the next 20 years, causing severe congestion on I-5, I-805, and local streets. Peak periods will extend several hours beyond today's commuter times. A 1.3-mile grade between Carmel Valley Road and Del Mar Heights Road causes northbound trucks to slow and become hazards to faster auto traffic and to on-ramp and off-ramp traffic at the Carmel Valley Road and Del Mar Heights Road interchanges. An undesirable weaving condition at the I-5/I-805 junction where high-speed



automobile traffic must cross slower-moving truck traffic also causes congestion. This Freeway Agreement will allow CalTrans to make improvements to I-5 and I-805 which are necessary to mitigate the anticipated future traffic congestion. I-5 will be widened from eight to ten lanes between Carmel Mountain Road and Carmel Valley Road. Six new freeway lanes (three lanes in each direction) will be built outside of and separated by a median barrier from existing I-5 between the I-5/I-805 junction and Carmel Valley Road, for a total of sixteen lanes.

These outside lanes would be for truck traffic and motorists destined to and from State Route 56 (Carmel Valley Road) and proposed Carmel Mountain Road, and will have direct connectors at the I-5/I-805 junction and at future State Route 56 (Carmel Valley Road). I-5 will be widened from eight to twelve lanes between Carmel Valley Road and Del Mar Heights Road. These lanes are for additional capacity and slow-moving trucks.

FILE LOCATION:

COUNCIL ACTION: (Tape location: G116-H021.)

Hearing began at 5:03 p.m. and recessed at 5:38.

Testimony in favor by Kevin McNamara.

Testimony in opposition by Opal Trueblood, Dick Garlock, Bob Brewster, David Hooper, Sharon Snyder, Jozann Knittel.

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

Motion by Wolfsheimer to postpone the agreement and to: 1) require that HOV lanes be built now; 2) do the HOV Study as mandated which is supposed to be done under the Federal Highway Act; and 3) to comply with that Act, and report back to Council with the results. Second by Hartley. Failed. Yeas-1,3,6. Nays-2,5,7. Not present-4,8,M.

Trailed to November 23, 1992 due to lack of five affirmative votes.

ITEM-340: TRAILED TO NOVEMBER 23, 1992, FOR FULL COUNCIL

A proposal to approve the Amended and Restated  
Development Agreement between Catellus Development

Corporation (formerly Santa Fe Land Improvement Company) and the City, and a corresponding amendment of the City's Local Coastal Program.

The proposed Amended and Restated Agreements would provide for:

- Reduced densities to a total proposed above-grade authorization of 3,334,573 square feet, a reduction of 2,952,427 square feet from the existing Development Agreement. Above-grade parking is to be treated as part of the total development entitlement, instead of an addition to it.
- Comprehensive redesign of the improvements proposed for the Site consistent with the Centre City Community Plan, with the exception of two grade-level improvements within view corridors (one for pedestrian arcades to create the "transit courtyard" space, the other for a possible Amtrak passenger facility at the end of the C Street cul-de-sac off Pacific Highway).
- Six railway tracks that will run north-south through the center of the site which accommodate Amtrak, the San Diego Trolley, and Commuter Rail, as well as Santa Fe freights, and the creation of a "transit courtyard" within the site.
- An increase of the fine arts budget to 1.0 percent of then current base building costs and land value for each increment of new development that will be used for (a) publicly accessible works of art, (b) rehabilitation and seismic upgrades of the Santa Fe Depot including its facade, and (c) rehabilitation, seismic upgrades, base building improvements for a cultural facility in the Baggage Building.
- Preservation of the Santa Fe Depot and the Baggage Building by the granting of facade easements.
- Perimeter improvements and dedications around the Site that will be completed as portions of the Site are developed including Pacific Highway Street and Median Improvements.
- The obligations which Catellus must perform, and the schedule it must meet, to keep the Amended and Restated

Development Agreement and Owner Participation Agreement in effect through December 7, 2012.

- The circumstances and procedures under which the Redevelopment Agency would initiate redevelopment of the Ash/Kettner Parcel (located adjacent to the Site) either by adding it to the Site, or by existing owners or others than Catellus.

The subject property is generally bounded by Pacific Highway, Ash, Kettner, and Broadway.  
(Centre City Community Area. District-2.)

Subitem-A: (R-93-752)

Adoption of a Resolution certifying that the City Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, and the Secondary Study pertaining to the proposed Amended and Restated Development Agreement between the City and Catellus Corporation, and the amendment to the Local Coastal Program; making findings and determinations regarding environmental impacts of the development; adopting a mitigation reporting and monitoring program.

Subitem-B: (O-93-80)

Introduction of an Ordinance approving the Amended and Restated Development Agreement with Catellus Development Corporation.

Subitem-C: (R-93-751)

Adoption of a Resolution approving the Amended and Restated Development Agreement between the City and Catellus Development Corporation, and the Amended and Restated Owner Participation Agreement between the Redevelopment Agency and Catellus Development Corporation, as an amendment to the Local Coastal Program, and authorizing transmittal to the California Coastal Commission for certification.

FILE LOCATION:

COUNCIL ACTION: (Tape location: H022-134.)

Trailed to November 23, 1992 for a full Council.

Motion by Behr for this item to be the first item taken on Monday, November 23, 1992. Second by McCarty. Passed. Yeas-2,3,5,6,7. Nays-none. Not present-1,4,8,M.

ITEM-341: (R-93-769) ADOPTED AS RESOLUTION R-281090

Approving the Resolutions adopted by the Housing Authority amending the 1985 Issue K Multifamily Housing Revenue Bonds, La Cima Apartments (\$43,640,000) and Issue L, Nobel Court Apartments (\$51,500,000). (See report dated 11/3/92. University Community Area. District-1.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F204-219.)

Hearing began at 4:28 p.m. and halted at 4:29 p.m.

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

ITEM-S500: (O-93-87) INTRODUCED, TO BE ADOPTED DECEMBER 8, 1992

Introduction of an Ordinance amending the Salary Ordinance for Fiscal year 1992-93 (O-17781, adopted on May 26, 1992) to reflect an employer pickup of a portion of certain employee's retirement contributions pursuant to Internal Revenue Code Section 414(h)(2).

FILE LOCATION:

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

MOTION BY BEHR TO INTRODUCE. Second by Stevens. 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-yea.

ITEM-S501: CONTINUED TO NOVEMBER 24, 1992

(Continued from the meeting of November 10, 1992, Item 332, at Councilmember Behr's request, for a report from staff regarding the legality and equity of the issues raised by Fenton and their attorneys.)

Matter of a request to approve Tentative Map TM-91-0602 (Carroll Mesa Business Park) and Resource Protection Ordinance Permit RPO-91-0602 and Rezone No. 91-0602. The project proposes to subdivide a lot into three lots, rezone Lot 1 from A1-10 to M1-B and grade a 7.3-acre pad for future development. The subject property is located between Mesa Ridge Road and the planned extension of Camino Santa Fe, on the north side of Rattlesnake Canyon and is further described as Parcel 2 of Map-7131 in the A1-10 Zone within the boundaries of the Mira Mesa Community Plan area. (TM/RPO/Rezone 91-0602. District-5.)

Subitem-A: (R-93-740)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-91-0602 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: (O-93-77)

Introduction of an Ordinance to rezone Lot 1 from A1-10 to M1-B.

Subitem-C: (R-93- )

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

Subitem-D: (R-93- )

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

FILE LOCATION:

COUNCIL ACTION: (Tape location: A014-022.)

MOTION BY BEHR TO CONTINUE TO NOVEMBER 24, 1992 ON BEHALF OF OF THE CITY MANAGER. Second by Roberts. 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-yea.

ITEM-S502: CONTINUED TO NOVEMBER 23, 1992, AT 2:00 P.M.

(Continued from the meetings of September 15, 1992, Item 336, October 20, 1992, Item 341, and November 10, 1992, Item 335; last continued at Councilmember Filner's request, for full Council.)

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: G094-113.)

MOTION BY STEVENS TO CONTINUE TO NOVEMBER 23, 1992 AT 2:00 P.M. AT THE REQUEST OF THE APPLICANT FOR A FULL COUNCIL. 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-S503: (O-93-81) CONTINUED TO NOVEMBER 24, 1992

Introduction of an Ordinance amending Chapter II, Article 4, Division 5-C, of the San Diego Municipal Code, by amending Section 24.0545, relating to the Legislative Officers Retirement Plan.

CITY MANAGER SUPPORTING INFORMATION: A special municipal election was held in the City of San Diego on June 2, 1992, pursuant to the provisions of Ordinance No. O-1774 (New Series). A proposition to amend Section 12 of the Charter of the City of

San Diego (Proposition A) was passed by a majority of the qualified voters which prohibits any person from serving more than two consecutive four-year terms as Councilmember from any particular district. A proposition to amend Section 24 of the Charter of the City of San Diego (Proposition A) was passed by a majority of the qualified voters which prohibits any person from serving more than two consecutive four-year terms as Mayor. In order to advance the theory of the Legislative Officers Retirement Plan and its successful operation by promoting the public purpose of inducing qualified persons to enter and continue in public service, it is necessary to amend the plan in light of the changes to Charter Sections 12 and 24.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A014-022.)

MOTION BY BEHR TO CONTINUE TO NOVEMBER 24, 1992 ON BEHALF OF THE CITY MANAGER FOR THE RETIREMENT BOARD TO ACT ON THIS ITEM. Second by Roberts. 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-yea.

ITEM-CS-1: (R-93-831) ADOPTED AS RESOLUTION R-281092

A Resolution adopted by the City Council in Closed Session on Tuesday, November 17, 1992:

Authorizing the City Manager to pay the total sum of \$20,913.77 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage claims in the 1600 block of Logan Avenue, of Irene Polanco et al;

authorizing the City Auditor and Comptroller to issue one check in the amount of \$20,913.77 made payable to Luce and Turley, Inc., in full settlement of all claims.

A.C. 9300468.

FILE LOCATION: MEET



ITEM-CS-2: (R-93-832) ADOPTED AS RESOLUTION R-281093

A Resolution adopted by the City Council in Closed Session on Tuesday, November 17, 1992:

Authorizing the City Manager to pay the total sum of \$72,074.50 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage to Chariot Software Group; authorizing the City Auditor and Comptroller to issue two checks, one in the amount of \$40,373 made payable to Luce and Turley, Inc., the second check in the amount of \$31,701.50 made payable to Chariot Software Grup in full settlement of all claims.

A.C. 9300467.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

ITEM-ND-1: (R-93-883) ADOPTED AS RESOLUTION R-281091

Confirming the excellent evaluation given by the Council to City Manager Jack McGrory.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C087-135.)

MOTION BY STEVENS TO ACCEPT THE ITEM FOR CONSIDERATION. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

MOTION BY STEVENS TO ADOPT. DIRECT THE CITY MANAGER TO DRAFT A CLARIFYING MEMORANDUM EXPLAINING THE PROCEDURE, UNDER THE CHARTER, OF WHOM IN FACT APPOINTS THE CHIEF OF POLICE. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Roberts at  
5:49 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H137.)