

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, NOVEMBER 24, 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 10:30 a.m. The meeting was recessed by Mayor O'Connor at 10:55 a.m. to reconvene in Closed Session at 2:00 p.m, in the 12th floor conference room, to discuss pending litigation.

The meeting was reconvened by Mayor O'Connor at 2:45 p.m. with Council Member Filner not present. Mayor O'Connor adjourned the meeting at 5:24 p.m. into Closed Session on Tuesday, December 8, 1992 at 9:30 a.m. in the 12th floor conference room to discuss pending litigation and meet and confer.

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-Fishkin/Abdelnour (rb/ll)

FILE LOCATION: MINUTES

ITEM-300:                   ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not 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:

ITEM-CC-2:

Comments by the City Manager regarding the opening of a new City Store and inviting everyone to participate in the ribbon cutting ceremony on Friday, November 27, 1992, at 9:00 a.m. Comments by Council Members regarding the Christmas Catalog pertaining to the City Store.

FILE LOCATION:               MINUTES

COUNCIL ACTION:               (Tape location: A292-320.)

ITEM-330:       (O-93-       )       CONTINUED TO MARCH 16, 1993

(Continued from the meeting of October 27, 1992, Item 330, at the City Manager's request, due to the Planning Commission hearing on this matter and pending litigation.)

Introduction of an Ordinance re-zoning various designated properties located south of Chollas Parkway, east of 54th Street, north of Dwight Street and west of 58th Street, as shown on the map on file with the Planning Department, from MR-1500 and/or R1-5000 to R1-40000. These properties are all designated as Open Space in the Mid-City Community Plan and are proposed to be re-zoned from MR-1500 (a multi-family zone) and R1-5000 (a single-family zone) to R1-40000 (a zone consistent with the Open Space designation in the community plan) in order to preserve open space in the Mid-City Community.  
(Rezone RZ-92-0581. District-7.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A014-032.)

MOTION BY McCARTY TO CONTINUE THE ITEM TO MARCH 16, 1993, AS REQUESTED BY THE PLANNING DEPARTMENT AND THE CITY ATTORNEY'S OFFICE DUE TO THE PLANNING COMMISSION CONTINUANCE OF THE ITEM. Second by Behr. 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-yea.

ITEM-331:

Two actions relative to the Coronado Avenue (Saturn Boulevard to Hollister Street) Underground Utility District:  
(Otay Mesa/Nestor Community Area. District-8.)

Subitem-A: (R-93-615) ADOPTED AS RESOLUTION R-281158

Establishing the Coronado Avenue (Saturn Boulevard to Hollister Street) Underground Utility District.

Subitem-B: (R-93-616) ADOPTED AS RESOLUTION R-281159

Authorizing the expenditure of an amount not to exceed \$26,200 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, Capital Outlay Fund 30245, for the purpose of administering the Coronado Avenue

(Saturn Boulevard to Hollister 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 Coronado Avenue between Saturn Boulevard and Hollister Street. This is a scheduled project in the Fiscal Year 1992 Capital Improvement 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. 9300322.

FILE LOCATION: STRT K-214

COUNCIL ACTION: (Tape location: A033-056.)

Mayor O'Connor opened the hearing.

Hearing began at 10:31 a.m. and halted at 10:34 a.m.

Mayor O'Connor closed the hearing.

MOTION BY BEHR 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-not present, Mayor O'Connor-yea.

ITEM-332:

(Continued from the meeting of October 27, 1992, Item 335, at Councilmember McCarty's request on behalf of the City Manager, for proper noticing.)

Two actions relative to the Sunset Cliffs Boulevard (Brighton Avenue to Newport Avenue) Underground Utility District:  
(Ocean Beach Community Area. District-2.)

Subitem-A: (R-93-460) ADOPTED AS RESOLUTION R-281160

Establishing the Sunset Cliffs Boulevard (Brighton Avenue to Newport Avenue) Underground Utility District.

Subitem-B: (R-93-461) ADOPTED AS RESOLUTION R-281161

Authorizing the expenditure of an amount not to exceed \$28,400 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, Capital Outlay Fund 30245, for the purpose of administering the Sunset Cliffs Boulevard (Brighton Avenue to Mayor O'Connor-yea.

ITEM-333: CONTINUED TO NOVEMBER, 1993

(Continued from the meetings of December 10, 1991, Item 340, and May 26, 1992, Item 339; last continued at the request of the appellants' attorneys, to allow the completion of the Harborview study for historic properties and revisions to the Historic Site Ordinance.)

Matter of the following appeals from the decision of the Historical Site Board in designating the following properties in the El Cortez Hill area, in the Centre City Community Plan area as historical sites:

- a) Appeal of Grosvenor Industries, by Peterson & Price, Attorneys for the George Kroenert Residence located at 1471 Eighth Avenue.
- b) Appeal of Marie Burke Lia, Attorney for the Mills Residence located at 1604 Seventh Avenue.
- c) Appeal of Bruce Nordahl, by Peterson & Price, Attorneys for the Peper Residence located at 1502 6th Avenue.
- d) Appeal of Minami California Inc. by Roger S. Moliere for the Ginty Residence located at 1543 Seventh Avenue. (District-3.)

Subitem-A: (R-93- )

Adoption of a Resolution granting or denying the historical site designation of the George Kroenert Residence.

Subitem-B: (R-93- )

Adoption of a Resolution granting or denying the historical site designation of the Mills Residence.

Subitem-C: (R-93- )

Adoption of a Resolution granting or denying the historical site designation of the Peper Residence.

Subitem-D: (R-93- )

Adoption of a Resolution granting or denying the historical site designation of the Ginty Residence.

FILE LOCATION:

COUNCIL ACTION: (Tape location: B031-179.)

MOTION BY ROBERTS TO CONTINUE TO NOVEMBER, 1993 AT THE REQUEST OF MARIE BURKE LIA, LYNNE HEIDEL AND MATT PETERSON AS THE PRESERVATION ORDINANCE REVIEW COMMITTEE IS WORKING ON THE REVISED HISTORIC PRESERVATION ORDINANCE AND THE HARBOR VIEW TASK FORCE IS ALSO NEARING THEIR CONCLUSION SESSION AS TO THE DISPOSITION OF THESE PROPERTIES BOTH OF WHICH WILL IMPACT THE EL CORTEZ PROPERTIES IN THE CENTRE CITY COMMUNITY PLAN. Second by McCarty. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-nay, Stevens-yea, Behr-yea, Stallings-nay, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

Note: Item to be re-noticed to determine hearing date.

ITEM-334: (O-93-83) INTRODUCED, TO BE ADOPTED DECEMBER 8, 1992

Introduction of an Ordinance amending the Southeast San Diego Planned District Ordinance, Chapter X, Article 3, Division 17, of the San Diego Municipal Code Section 103.1705.D.6 (Single-Family Residential Development Criteria) in order to exclude its application to existing single-family homes. The maximum diagonal dimension regulation limits the size of residential structures in proportion to their street frontage. The regulation would still apply to new single-family and multi-family residential projects.

(Districts-4 & 8.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: B183-200.)

Hearing began 3:00 p.m. and halted 3:01 p.m.

MOTION BY STEVENS TO INTRODUCE. 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-335: (R-93-994) ADOPTED AS RESOLUTION R-281169

Authorizing the execution of an agreement with the Southeast Economic Development Corporation and the Twenty-First Century Harlem, to carry out economic development activities from July 1, 1992 through June 30, 1993; authorizing the expenditure of an amount not to exceed \$100,000 from CDBG Fund 18528, Dept. 4030, Org. 3007, Job Order 000001, for providing funds for the project.

(District-4. See memorandum from SEDC.)

FILE LOCATION: MEET CONT FY 93-1

COUNCIL ACTION: (Tape location: B201-524.)

Motion by Stevens to continue to January 5, 1993 until it is determined how the money will be used. Second by Hartley. Withdrawn.

MOTION BY STEVENS TO ADOPT. 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-yea.

ITEM-S402:

(Trailed as Unfinished Business from the meeting of November 17, 1992, Item 339, due to lack of five 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) ADOPTED AS RESOLUTION R-281162

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) ADOPTED AS RESOLUTION R-281163

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: MEET CONT FY93-1

COUNCIL ACTION: (Tape location: A066-262.)

Hearing began at 10:35 a.m. and halted at 10:50 a.m.

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

ITEM-S500: (O-93-81) INTRODUCED, TO BE ADOPTED DECEMBER 8, 1992

(Continued from the meeting of November 17, 1992, Item S503, at the request of Councilmember Behr, on behalf of the City Manager, to allow the City Retirement Board to act.)

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-17774 (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: A033-056.)

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

ITEM-S501:

(Continued from the meetings of November 10, 1992, Item 332, and November 17, 1992, Item S501; last continued at Councilmember Behr's request, on behalf of the City Manager, for further review.)

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) ADOPTED AS RESOLUTION R-281164

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) INTRODUCED, TO BE ADOPTED ON  
DECEMBER 8, 1992

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

Subitem-C: (R-93-1070) ADOPTED AS RESOLUTION R-  
281165, GRANTED MAP

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

Subitem-D: (R-93-1071) ADOPTED AS RESOLUTION R-281166, GRANTED PERMIT

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

FILE LOCATION: SUBITEMS-A&D: PERM - RPO 91-0602; SUBITEM-B: --; SUBITEM-C: SUBD- Carroll Mesa Business Park

COUNCIL ACTION: (Tape location: A057-065.)

Hearing began at 10:34 a.m. and halted at 10:35 a.m.

MOTION BY BEHR TO APPROVE THE ITEM BASED ON STAFF'S RECOMMENDATION. THAT APPROVAL IS WITHOUT THE PRIOR CONDITION THAT HAD BEEN DISCUSSED BEFORE. (ACCORDING TO THE CITY MANAGER, THE CONDITION WITH RESPECT TO THE CONTRIBUTION OF THE \$113,000 FROM THE PROPERTY OWNER IS BEING DELETED BASED ON FURTHER REVIEW OF THE ISSUE.) Second by Stallings. 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-yea.

ITEM-S502: CONTINUED TO DECEMBER 2, 1992

In the matter of Economic Development activities in the City of San Diego.  
(See City of San Diego Economic Development Task Force Report.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: B528-E399.)

BY COMMON CONSENT IT WAS AGREED TO CONTINUE THIS MATTER TO WEDNESDAY, DECEMBER 2, 1992 FOR A WORKSHOP WITH THE CHAMBER

OF COMMERCE TO WORK TOGETHER AS A TEAM IN AN EFFORT TO ALLEVIATE THE NEGATIVE FEELINGS CURRENTLY FELT IN THE BUSINESS COMMUNITY AND TO REQUEST THE CITY MANAGER TO TAKE A LOOK AT THE EFFECTIVENESS OF THE CURRENT ZONING CODE UPDATE AND THE POSSIBILITY OF THE CITY HAVING ITS OWN MARKETING PROGRAM AND BRING BACK A REPORT TO COUNCIL AT THIS WORKSHOP.

ITEM-S503: (R-93-891) ADOPTED AS RESOLUTION R-281167

Extending the Temporary Rules of the Council, adopted on February 25, 1992 by Resolution R-279476, through January 8, 1993.

(See Committee Consultant Analysis COMM-92-3.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A261-289.)

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

ITEM-CS-1: (R-93-680) ADOPTED AS RESOLUTION R-281168

A Resolution adopted by the City Council in Closed Session on November 24, 1992:

Authorizing the City Manager to pay the total sum of \$55,000 in settlement of each and every claim against the City, its agents and employees, resulting from the injuries sustained by Alpha Johnson in an automobile accident on July 9, 1990; authorizing the City Auditor and Comptroller to issue one check in the amount of \$55,000 to Alpha Johnson and her attorney of record Andrew H. Wilensky in full settlement of all claims.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None .

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 5:24 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E399.)