

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, NOVEMBER 16, 1993  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:08 a.m. Mayor Golding welcomed and recognized staff members of San Diego's Sister City Yokohama, Japan, and welcomed and recognized Ken Swaisland representing the Company Can Fiber of Canada. Mayor Golding convened the Special Joint Council Meeting with the Redevelopment Agency at 10:25 a.m. to meet simultaneously with the City Council. The meeting was recessed by Mayor Golding at 12:16 p.m. to reconvene in Closed Session at 1:45 p.m. in the 12th Floor Conference Room to discuss pending litigation and to reconvene the regular meeting at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:09 p.m. with Council Members Roberts and Behr not present. Mayor Golding recessed the meeting at 2:10 p.m. to convene the Redevelopment Agency. The meeting was reconvened by Mayor Golding at 3:08 p.m. with Council Member Roberts and Behr not present. Mayor Golding adjourned the meeting at 3:09 p.m. to meet immediately in Closed Session in the twelfth floor conference room to discuss meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-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-excused by R-283133  
(vacation)
  - (6) Council Member Stallings-present
  - (7) Council Member McCarty-present
  - (8) Council Member Vargas-present
- Clerk-Fishkin (rb/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-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-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-207:

SUBJECT: Three actions related to the Valencia Park Trunk Sewer.  
(See City Manager Report CMR-93-314. Southcrest

Community Area. Districts-4 & 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-732) ADOPTED AS RESOLUTION R-283027

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION  
Determining and declaring that the public interest,  
convenience and necessity of the City of San Diego  
require the construction, operation and maintenance of  
the Valencia Park Trunk Sewer, to provide additional  
sewer capacity and relief for the existing lines, and  
to enable the City to provide for ultimate sewage  
conveyance needs for the Barrio Logan and Southcrest  
Communities;

Declaring that the public sewer will require the  
acquisition of permanent sewer easements over, under,  
along and across portions of real property located in  
Pueblo Lot 1168 and Lot 69 of Ex-Mission Lands of San  
Diego;

Directing the City Attorney to commence an action in  
Superior Court for the purpose of condemning and  
acquiring the easements.

NOTE: Six votes required for Subitem A.

Subitem-B: (R-94-739) ADOPTED AS RESOLUTION R-283028

Authorizing the transfer of not to exceed \$21,000  
within Sewer Revenue Fund 41506 from Annual Allocation  
- Sewer Main Replacement, CIP-44-001, to Valencia Park  
Trunk Sewer, CIP-46-166;

Authorizing the expenditure of not to exceed \$75,000  
from Sewer Revenue Fund 41506, Org. 386, Object Account  
4638, Job Order 172079 (CIP-46-166, Valencia Park Trunk  
Sewer).

Subitem-C: (R-94-740) ADOPTED AS RESOLUTION R-283029

Certifying that Mitigated Negative Declaration DEP-90-  
0792, and Addendum DEP-92-0223, in connection with the  
approval of the condemnation proceedings for Valencia  
Park Trunk Sewer, has been completed in compliance with  
the California Environmental Quality Act of 1970, and  
State Guidelines, and that the information contained in

the report, together with any comments received during the public review process, has been reviewed and considered by Council; Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration; Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required in order to mitigate or avoid significant effects on the environment.

Aud. Cert. 9301175.

FILE LOCATION: WATER - Valencia Park Trunk Sewer

COUNCIL ACTION: (Tape location: F192-199.)

Hearing began at 3:08 p.m. and halted at 3:09 p.m.

MOTION BY STEVENS TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Acquisition of 20 acres of Los Penasquitos Canyon Preserve - North #4, for open space park purposes. (North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-560) ADOPTED AS RESOLUTION R-283016

Considering the protests and determining that it would be in the public interest to acquire 20 acres of Los Penasquitos Canyon Preserve - North #4, for the San Diego Open Space Park Facilities District No. 1; Authorizing the City Manager to offer to purchase the property;  
Authorizing the expenditure of not to exceed \$800,000 as payment for the property and related costs from Open Space Park District Bond Fund 79103;

Authorizing the City Manager to accept the deed to the property without further Council action.

CITY MANAGER SUPPORTING INFORMATION:

Los Penasquitos Canyon Preserve is priority Number 1, Category A, on the Council's adopted open space retention list. This 20-acre parcel is a portion of the large finger canyon north of and adjacent to the Newland tradeland property. On September 15, 1986, Council approved an acquisition plan for this land, along with funds to have it appraised for purposes of acquisition for open space. Further, on June 1, 1987, Council established priorities for the acquisition plan which identified this land as the number eight priority. Since available funds were not adequate to proceed with all of the parcels included in this priority, we have returned to Council for approval of funds on a parcel by parcel basis. When acquisition of this parcel was originally recommended to Council in 1989, Jerry McCaw and Richard L. Fletcher, who identified themselves as the owners, stated to Council that they would grant the City an open space easement over the slopes and canyon bottom, approximately eleven acres, if the City would drop acquisition of the total parcel. Council Resolution R-272741 subsequently authorized the City Manager to accept a negative open space easement in lieu of acquisition. After continued unfulfilled promises to deliver the easement, Mr. McCaw has now stated he is unable to get agreement of all of the owners to provide such an easement. Therefore, this request is for \$800,000 to purchase this parcel at fair market value plus funds to cover title, escrow and other miscellaneous costs.

Aud. Cert. 9400371.

FILE LOCATION:                   STRT-OS-23

COUNCIL ACTION:               (Tape location: A171-215.)

Hearing began at 10:20 a.m. and halted at 10:25 a.m.

CONSENT MOTION BY McCARTY TO ADOPT ITEMS 330, 332, 333, AND 334. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea(nay on 332), Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Matters of a Coastal Development, Conditional Use and Carmel Valley Planned District Development Permits; a Rezone; a Tentative Map, and amendments to Neighborhood Six Precise Plan, Carmel Valley Community Plan and Plan District, The Progress Guide and General Plan and the Local Coastal Program for the Neighborhood Six Retail Center.  
(Case-93-0451. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions and introduce the ordinances granting the map and the permits, and approving the rezoning and the plan amendments:

Subitem-A: (R-94-764 Cor. Copy) ADOPTED AS RESOLUTION R-283017

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-93-0295/93-0451 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; finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study; adopting the Mitigation Monitoring and Reporting Program.

Subitem-B: (R-94-899) ADOPTED AS RESOLUTION R-283018, GRANTED MAP

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

Subitem-C: (R-94-900 Cor. Copy) ADOPTED AS RESOLUTION R-283019, GRANTED PERMITS

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

Subitem-D: (O-94-47) INTRODUCED, TO BE ADOPTED NOVEMBER 29, 1993

Introduction of an Ordinance rezoning 16.1 acres from the Employment Center (EC) Zone into the Specialized Commercial (SC) Zone.

Subitem-E: (O-94-48) INTRODUCED, TO BE ADOPTED NOVEMBER 29, 1993

Introduction of an Ordinance amending the Municipal Code relating to the Carmel Valley Planned District.

Subitem-F: (R-94-763 Cor. Copy) ADOPTED AS RESOLUTION R-283020

Adoption of a Resolution amending the Carmel Valley Community Plan, the Progress Guide and General Plan and Neighborhood 6 Precise Plan.

SUPPORTING INFORMATION:

This project proposes to construct, operate and maintain a community commercial center (consisting of a total of 222,858 square feet of gross retail floor area), including three major anchor tenants, various smaller retail development pads, related site landscaping, off-street parking facilities, and other public and private improvements necessary to implement the proposed development of this site. In addition to required multiple discretionary permits (Tentative Map, Coastal Development Permit, Conditional Use Permit and Carmel Valley Planned District Development Plan Permit), implementation of the proposed development will require City Council approval of a Rezone from VC (Visitor Commercial) and EC (Employment Center) to VC and SC (Specialized Commercial) and associated amendments to the City of San Diego Progress Guide and General Plan, the Local Coastal Program, the Carmel Valley Planned District Ordinance, Carmel Valley Community Plan and Neighborhood Six Precise Plan to redesignate the site for the proposed commercial retail land uses. The project site is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this project will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

LEGAL DESCRIPTION:

The project area is located on portions of a vacant 20-acre site located at the southwest corner of Valley Centre Drive and Carmel

Creek Road in the VC and EC zones of the Neighborhood Six Precise Plan area of the Carmel Valley Planned District.

FILE LOCATION:                   SUBITEMS-A&F: LAND-Carmel Valley;  
                                  SUBITEM-B: SUBD-Carmel Valley  
                                  Neighborhood Six; SUBITEM-C:  
                                  PERM-CDP/CUP/CVPDD 93-0451;  
                                  SUBITEMS-D&E: NONE

COUNCIL ACTION:                 (Tape location: A291-D030.)

Hearing began at 10:29 a.m. and halted at 12:15 p.m.

Testimony in opposition by Jerry Dawson, Lisa Aman, Rich Christianson, Bob Roucutt, Robert Lewis, Sy Forman, Diana Clark, Jeane Flanigan Johnson, and James Atkins.

Testimony in favor by Gregg Smith, Socorro Varela, Priscilla Sutherland, John Hickman, Paul Link, Ian Scott, Diane Cruz, Gertie Tayler, and Charlene Cooper.

MOTION BY ROBERTS TO ACCEPT THE CITY MANAGER'S RECOMMENDATION TO CERTIFY THE ENVIRONMENTAL MITIGATED NEGATIVE DECLARATION, APPROVE THE PROPOSED REZONING, AND APPROVE THE PROPOSED COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT AND ASSOCIATED TENTATIVE MAP SUBJECT TO CONDITIONS 9 AND 10. Second by Vargas. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

ITEM-332:

SUBJECT: Adopting Written Findings regarding the College Community Redevelopment Project.  
(College Community Area. District-7.)  
(Continued from the meeting of October 26, 1993, Item 337, at the City Manager's request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:



(R-94-599) ADOPTED AS RESOLUTION R-283021

Adopting written findings in response to each written objection of an affected property owner or taxing entity to the proposed Redevelopment Plan for the College Community Redevelopment Project.

CITY MANAGER SUPPORTING INFORMATION:

On October 12, 1993, the City Council and Redevelopment Agency conducted a joint public hearing regarding the proposed College Community Redevelopment Project. During the hearing, members of the public spoke in "opposition" to and in "support" of the Project. As required by the California Redevelopment Law, Section 33363, the City Council is required to prepare and adopt written findings as its response to the written objections (or oral testimony) delivered or presented by affected property owners and taxing entities regarding the proposed Project. These "written findings" must be adopted by City Council resolution at the first meeting following the joint public hearing on the proposed Project, and before the first reading of the City Council Ordinance to adopt the Project. The City Council written findings are contained in Attachment A to the above Resolution.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A152-215.)

CONSENT MOTION BY McCARTY TO ADOPT ITEMS 330, 332, 333, AND 334. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea (nay on 332), Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Developer Fees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-658) ADOPTED AS RESOLUTION R-283022

Approving City Manager Report P-93-201, entitled "Developer Fees."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-215.)

CONSENT MOTION BY McCARTY TO ADOPT ITEMS 330, 332, 333, AND 334. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea(nay on 332), Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

Matters related to the Municipal Employees Association (MEA):

Subitem-A: APPROVED

In the matter of a request from the Municipal Employees Association for a hearing before the City Council.

Subitem-B: (R-94-804) ADOPTED AS RESOLUTION R-283023

Proposed modification to the Memorandum of Understanding between the Municipal Employees Association and the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-215.)

CONSENT MOTION BY McCARTY TO ADOPT ITEMS 330, 332, 333, AND 334. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea(nay on 332), Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500: CONTINUED TO DECEMBER 6, 1993

SUBJECT: Evan V. Jones Day.

COUNCILMEMBER ROBERTS' RECOMMENDATION:

Adopt the following resolution:

(R-94-779)

Thanking and commending Evan V. Jones, founder of Ace Parking Incorporated, for his many contributions to the City of San Diego;  
Proclaiming November 16, 1993 to be "Evan V. Jones Day" in San Diego.

FILE LOCATION: NONE.

COUNCIL ACTION: (Tape location: A142-151.)

MOTION BY ROBERTS TO CONTINUE THE ITEM TO DECEMBER 6, 1993, IN ORDER TO HAVE BOTH PARTS OF THE ITEM BEFORE COUNCIL THAT WAS APPROVED BY PF&R. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-94-798) ADOPTED AS RESOLUTION R-283025

A Resolution adopted by the City Council in Closed Session on November 16, 1993:

Authorizing the City Manager to pay the sum of \$275,000.00 in settlement of each and every claim against the City, its agents and employees resulting from an automobile accident of September 24, 1992; authorizing the City Auditor and Comptroller to issue three checks in the amount of \$5,000.00, made payable to Pradip Mistry and his attorney of record Monaghan & Strauss, in full settlement of all claims of Pradip Mistry; \$70,000.00, made payable to Prabha Mistry and her attorney of record Monaghan & Strauss, in full settlement of all claims of Prabha Mistry; and \$200,000.00 made payable to the Clerk of the Court, in full settlement of all claims of Khilesh Mistry, a minor, by and through his guardian ad litim.

Aud. Cert. 9400527

FILE LOCATION: MEET

ITEM-CS-2: (R-94-0817) ADOPTED AS RESOLUTION R-283026

A Resolution adopted by the City Council in Closed Session on November 16, 1993:

Authorizing the City Manager to pay the sum of \$135,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the death of Edgar Paris on May 27, 1991; authorizing the City Auditor and Comptroller to issue one check in the amount of \$135,000.00 made payable to Oscar and Elvira Paris and Attorney Kevin Quinn, in full settlement of all claims.

Aud. Cert. 9400530

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:09 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F199.)