

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 11, 1994
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 10:06 a.m. Mayor Golding recognized and welcomed students from St. Vincent School in Mission Hills. The meeting was recessed by Mayor Golding at 10:34 a.m. to convene the Redevelopment Agency. The meeting was reconvened by Mayor Golding at 10:35 a.m. with Council Member Vargas not present. Mayor Golding adjourned the meeting at 11:03 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Mathis-present
 - (2) Council Member Roberts-present
 - (3) Council Member Kehoe-present
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-not present
- Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-not present

PUBLIC COMMENT:

ITEM-PC-3:

Comment by Congressman Bob Filner regarding the waiver to the lean Water Act that was passed by Congress.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A016-154.)

ITEM-PC-4:

Comments by Gary Hill regarding his interest in doing volunteer work for the City and his loss of \$300.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A156-187.)

ITEM-PC-5: REFERRED TO CITY MANAGER

Comment by Frances McCrary regarding the need for U.S. Mail Carriers to notify residences when they cannot deliver mail.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A188-244.)

COUNCIL COMMENT:

None.

ITEM-110:

SUBJECT: Outside Counsel Expenses for the Property Damage Claim of Wimpey Commercial, Inc., v. The United States of America, et al.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-471) ADOPTED AS RESOLUTION R-284761

A Resolution approved by the City Council in Closed Session on Tuesday, September 13, 1994 by the following vote: Mathis-yea; Roberts-yea; Kehoe-not present; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-ineligible.

Authorizing the retention of the law firm of Gray, Cary, Ware & Freidenrich, as counsel, to represent The City of San Diego in the defense of litigation in the case, Wimpey Commercial, Inc. v. The United States of America, et al., United States District Court Case No. 941068R (AJB);

Authorizing the City Auditor and Comptroller to set aside and expend an amount not to exceed \$150,000 for the purpose of paying legal fees and costs incurred by counsel in representing The City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The plaintiff in this suit alleges that its property (Lots 5 and 6 of the La Jolla Pines Technology Center) east of John Hopkins Drive, San Diego, has been contaminated by hazardous substances due to refuse burned and a sewage treatment plant operated on it. The City allegedly owned the site from about 1929 through 1972 and leased it or operated it at various times in that period. Plaintiff seeks recovery of clean up costs.

Aud. Cert. 9500383.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A270-302.)

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

ITEM-111:

SUBJECT: Outside Counsel Expenses for the Property Damage Claim of Solar Turbines Inc. v. Navistar International Transportation Corp. et al. v. City of San Diego, et al.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-472) ADOPTED AS RESOLUTION R-284762

A Resolution approved by the City Council in Closed Session on Tuesday, September 13, 1994, by the following vote: Mathis-yea; Roberts-yea; Kehoe-not present; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-ineligible.

Authorizing the City Manager to retain the law firm of Higgs, Fletcher & Mack as counsel representing the City in the case of Solar Turbines Incorporated v. Navistar International Transportation Corp., et al. v. City of San Diego, et al, United States District Court Case No. 921612 GT (BTM);

Authorizing the Auditor and Comptroller to set aside and expend not to exceed \$150,000 for the purpose of paying legal fees and costs incurred by counsel in representing the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The defendant Navistar in this suit, a former owner of property

located at 2200 Harbor Drive, San Diego, has cross-complained against the City for costs of clean up which it may have to pay in the action against it by Solar Turbines for cost recovery due to hazardous substances released in the soil and groundwater due to aircraft manufacture. The City allegedly owned the site from 1927 to 1963.

Aud. Cert. 9500346.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A303-315.)

MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-330: CONTINUED TO NOVEMBER 15, 1994

SUBJECT: Matter of a development proposal Vesting Tentative Map (VTM)/Rezone (RZ)/Planned Residential Development (PRD)/Hillside Review Permit (HRP)/Resource Protection Overlay Zone Permit (RPOZP) No. 87-0925 to implement a residential subdivision, Montana Mirador, consisting of a total of 410 detached, single-family and 165 attached, multifamily residences and related site improvements, dedications and facilities on portions of a vacant 635-acre site. Additionally, the development application also incorporates a Community Benefit Agreement (CBA), Consideration of Interim Habitat Loss and request for Brush Management (Alternative Compliance) BMAC per the City of San Diego Landscape Ordinance.
(VTM/RZ/PRD/HRP/RPOZ/BMAC/CBA-87-0925. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and C; introduce the ordinance in Subitem B; and adopt the resolutions in Subitems D and E approving the map and the permits:

Subitem-A: (R-95-407)

Adoption of a Resolution certifying that the

information contained in Environmental Impact Report DEP-87-0925 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 the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-95-21)

Introduction of an Ordinance to rezone the subject property to R1-5000, A-1-10 (portions in the Hillside Review Overlay).

Subitem-C: (R-95-408)

Adoption of a Resolution approving the Community Benefits Agreement and associated exemption from the Penasquitos East Transportation Phasing Plan No. 87-0925.

Subitem-D: (R-95-)

Adoption of a Resolution granting or denying the Vesting Tentative Subdivision Map No. 87-0925, with appropriate findings to support Council action.

Subitem-E: (R-95-)

Adoption of a Resolution granting or denying the RPO/HR/PRD permits, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

The project design includes site grading, interior streets, various open space and associated landscape areas, a water reserve tank, a ten-acre elementary school site, and two neighborhood park sites. The project site is located on the west side of I-15, between Carmel Mountain Road and Penasquitos Drive in the A-1-10 (portions in the Hillside Review Overlay) Zone of the Rancho Penasquitos Community Planning Area. A change of zone to R1-5000 over a portion of the site is required to implement the proposed residential element of the project. Additionally, the development application also incorporates a Community Benefit Agreement, Consideration of Interim Habitat Loss and request for Brush Management (Alternative Compliance) per the City of San

Diego Landscape Ordinance.

LEGAL DESCRIPTION:

The project site is located on the southern slopes of Black Mountain, west of I-15 and north of Carmel Mountain Road in the Penasquitos East Community Planning Area. It is more particularly described as a subdivision of a portion of Rancho de Los Pegasquitos; a portion of the northeast quarter of fractional Section 7, Township 14 South, Range 2 West, SBM.

FILE LOCATION: Subitems A & C: PERM - PRD-87-0925;
 Subitem B: NONE; Subitem D: SUBD -
 Montana Mirador; Subitem E:
 PRD/RPO/HRP-87-0925

COUNCIL ACTION: (Tape location: A245-269.)

MOTION BY MATHIS TO CONTINUE TO NOVEMBER 15, 1994, AT THE REQUEST OF THE APPLICANT FOR FURTHER EVALUATION. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-331:

SUBJECT: Request to Bid - Sidewalk Improvements on Island Avenue at Fifth Avenue - Gaslamp Quarter Sub Area.
(See Centre City Development Corporation memorandum dated 9/19/94. Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-95-528) ADOPTED AS RESOLUTION R-284763

Making certain findings that the proposed improvements are of benefit to the Centre City Redevelopment Project area or the immediate neighborhood in which the Project is located; that no other reasonable means of financing the improvements are available to the community; that the payment of funds for such improvements will assist in the elimination of blighting conditions inside the Project area; and that the proposed improvements are

consistent with the Implementation Plan adopted for the Project pursuant to Health and Safety Code 33490.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A316-326.)

MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-332:

SUBJECT: Expansion of the San Diego Convention Center.

(See City Manager Reports CMR-94-298 and CMR-94-263. District-2.)

(Continued from the meeting of September 19, 1994, a portion of Item 200, at Councilmember Roberts' request, for a report from the City Manager.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-659) ADOPTED AS RESOLUTION R-284764

Authorizing the City Manager to utilize the design/building construction management process for the expansion to ensure that the expansion project has a guaranteed maximum price and is completed on schedule.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A338-B138.)

MOTION BY WARDEN TO ADOPT THE CITY MANAGER'S RECOMMENDATION. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 11:03 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B139.)