

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 23, 1995
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 10:14 a.m. Mayor Golding recessed the regular meeting at 10:20 a.m. to convene the Housing Authority. Mayor Golding reconvened the regular meeting at 10:23 a.m. with all members present. Mayor Golding, Deputy Mayor Vargas, and Council Member Kehoe welcomed and acknowledged students of Franklin Elementary School and students of Southwestern Junior College. Mayor Golding adjourned the meeting at 10:27 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Mathis-present
 - (2) Council Member Harvey-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-present
- Clerk-Abdelnour (ew)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Harvey-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-present

PUBLIC COMMENT:

ITEM-PC-3:

Comments by David Bruce Thompson regarding the improvements of safety in Downtown San Diego and thanking Mayor Golding for instituting a law that makes a parent responsible for the behavior of their teenager.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A017-027.)

ITEM-PC-4:

Comments by Don Stillwell regarding an article entitled "The BATF's Frightening Work" published in The Wall Street Journal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A028-050.)

COUNCIL COMMENT:

None.

ITEM-100:

SUBJECT: Two actions related to Easement Grants to Point Loma Nazarene College at Sunset Cliffs Natural Park.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1092) ADOPTED AS RESOLUTION R-285829

Authorizing the execution of an easement deed conveying to Pasadena College, dba Point Loma Nazarene College, easements for sewer, drainage, road and utility purposes in portions of Parcel 2 of Parcel Map PM-1889, Pueblo Lot 145, in Sunset Cliffs Natural Park.

Subitem-B: (R-95-1093) NOTED AND FILED

Stating for the record that Environmental Impact Report DEP-87-0142 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City as Lead Agency; that the information contained in the report has been reviewed and considered by Council; adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

In 1973, U.S. International University (USIU) divided its lands at Point Loma into two parcels and sold one to the City of San Diego, and the other to Point Loma Nazarene College (PLNC). The City later dedicated its parcel as Sunset Cliffs Park and granted PLNC a Conditional Use Permit (CUP) for its parcel, to assure orderly development and compatibility with the adjacent properties. However, certain sewer, drainage, and utility improvements that supported the operations of PLNC were located on the City's Parcel. USIU did not make any private easement reservations on behalf of PLNC when it conveyed its property to the City. The City Council subsequently approved an amendment to the CUP which required PLNC to obtain the necessary easements for sewer, drainage and utility without reference to compensation.

The amendment also required PLNC to recognize that these easements were dedicated park lands of the City and that all necessary repairs and replacements would be completed by the College, with minimal impacts to the park. The easements are between 4 to 15 feet in width, and vary in length from approximately 150 to 2,000 feet and are located throughout the park, along the property line dividing the City and PLNC properties. In sum, there are three sewer, three drainage, and three utility easements. This action satisfies the terms of the CUP amendment. The Park and Recreation Department has reviewed and approves of this easement grant.

FILE LOCATION: DEED F-6489 DEEDFY95-1

COUNCIL ACTION: (Tape location: A051-073.)

CONSENT MOTION BY VARGAS TO ADOPT SUBITEM A OF ITEM 100, NOTE AND FILE SUBITEM B OF ITEM 100; ADOPT ITEM 330; AND RETURN ITEM 332 TO THE CITY MANAGER AT HIS REQUEST. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Two actions related to Establishing the Broadway (19th Street to 24th Street) Underground Utility District.

(Greater Golden Hill Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1407) ADOPTED AS RESOLUTION R-285830

Establishing the Broadway (19th Street to 24th Street) Underground Utility District.

Subitem-B: (R-95-1408) ADOPTED AS RESOLUTION R-285831

Authorizing the expenditure of not to exceed \$35,000 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, TransNet Fund 30300, for the purpose of administering the Broadway (19th Street to

24th Street) Underground Utility District, minor City force work, and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on Broadway between 19th Street and 24th Street. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit only up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion. Included in that resolution will be a request for authorization to fund, with budgeted CIP funds, the replacement of existing wood pole mounted street lights with new street lights having underground electrical service at an estimated cost of \$40,000. Aud. Cert. 9500959.

FILE LOCATION: STRT - K-230

COUNCIL ACTION: (Tape location: A051-073.)

Hearing began at 10:15 a.m. and halted at 10:19 a.m.

CONSENT MOTION BY VARGAS TO ADOPT SUBITEM A OF ITEM 100, NOTE AND FILE SUBITEM B OF ITEM 100; ADOPT ITEM 330; AND RETURN ITEM 332 TO THE CITY MANAGER AT HIS REQUEST. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Appeal of Lawrence Doherty, U.S. West Cellular, from the decision of the Planning Commission in approving Conditional Use Permit CUP-94-0543, subject to the conditions of the draft Permit, which proposes the construction and operation of an unmanned cellular support structure.

(CUP-94-0543. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; and adopt Subitem B to deny the appeal and approve the permit:

Subitem-A: (R-95-1789) ADOPTED AS RESOLUTION R-285832

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-94-0543 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-95-1790) GRANTED APPEAL/GRANTED PERMIT
ADOPTED AS RESOLUTION R-285833

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

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to approve the permit subject to conditions.

Ayes: Bernet, McElliott, Anderson, Neils, Skorepa.

Nays: None.

Abstaining: White, Quinn.

The Serra Mesa Community Planning Group has recommended approval of the proposed facility.

SUPPORTING INFORMATION:

The project proposes to construct, operate and maintain a cellular communications facility consisting of a 452-square-foot

prefabricated equipment shelter and a 52-foot-high monopole/antenna platform structure located near the western edge of the 23.51-acre school district operations site. The project site is located at 2351 Cardinal Lane and is zoned R1-5000. The Serra Mesa Community Plan land use designation is Institutional. The site is surrounded by residentially zoned property with additional School District facilities to the north, single-family residential to the east, Fletcher Elementary School to the south and Highway 163 to the west.

FILE LOCATION: PERM - CUP-94-0543

COUNCIL ACTION: (Tape location: A110-143.)

Hearing began at 10:24 a.m. and halted at 10:26 a.m.

MOTION BY STALLINGS TO SUPPORT THE APPEAL AND APPROVE THE CUP WITH THE ORIGINAL CONDITION FOR A 10-YEAR PERIOD OF TIME. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: RETURNED TO THE CITY MANAGER

SUBJECT: Four actions related to Carroll Canyon Road Widening - Interstate 15 to Maya Linda Road.

(See City Manager Report CMR-95-84. Mira Mesa Community Area. District-5.)

(Continued from the meeting of May 2, 1995, Item 335, at Councilmember Warden's request, to allow time to work with staff to arrive at a solution.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B and C; introduce the ordinance in Subitem D:

Subitem-A: (R-95-1475)

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, improvement, operation and maintenance of a public street or streets with right-of-way for the right of ingress and egress over, under, along, and across, that portion of Lot 1 of Silver Oaks Unit No. 1, Map-10513;

Declaring that the public interest, convenience and necessity demand the acquisition of fee title to the property for the widening of Carroll Canyon Road from I-15 to Maya Linda Road;

Declaring the intention of the City of San Diego to acquire the property under eminent domain proceedings;

Directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning the property and acquiring immediate possession.

NOTE: 6 votes required for Subitem A.

Subitem-B: (R-95-1476)

Authorizing the expenditure of an amount not to exceed \$50,350 from Fund 30244, Org. 107, Object Account 4638, Job Order 521775, CIP-52-421.0, for costs related to condemnation of fee title interests in connection with the Carroll Canyon Road Widening between Interstate 15 and Maya Linda Road Project.

Subitem-C: (R-95-1431)

Certifying that the information contained in Negative Declaration DEP-94-0666, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the declaration reflects the independent judgement of the City as Lead Agency;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, and approving the Negative Declaration.

Subitem-D: (O-95-101)

Introduction of an Ordinance establishing a 10-foot setback line along the south side of Carroll Canyon Road between Interstate 15 and Maya Linda Road.

Aud. Cert. 9501004.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A051-073.)

Hearing began at 10:15 a.m. and halted at 10:19 a.m.

CONSENT MOTION BY VARGAS TO ADOPT SUBITEM A OF ITEM 100, NOTE AND FILE SUBITEM B OF ITEM 100; ADOPT ITEM 330; AND RETURN ITEM 332 TO THE CITY MANAGER AT HIS REQUEST. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 10:27 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A144).