

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, AUGUST 1, 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 10:12 a.m. Mayor Golding recessed the regular meeting at 10:23 a.m. and convened the Special Joint Council Meeting with the Redevelopment Agency and the Redevelopment Agency simultaneously. Mayor Golding reconvened the regular meeting at 10:26 a.m. with Council Member McCarty not present. The meeting was recessed by Mayor Golding at 12:04 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:11 p.m. with Council Member McCarty not present. Mayor Golding simultaneously reconvened the Redevelopment Agency Meeting with the regular meeting at 4:05 p.m. Deputy Mayor Vargas adjourned the meeting at 4:30 p.m. to meet in Closed Session in the 12th Floor Conference Room to discuss pending litigation matters.

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-excused by R-286290  
(out-of-town travel)

- (8) Council Member Vargas-present  
Clerk-Abdelnour/Fishkin (mc/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-not present  
(8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-4:

Comment by William Bradshaw urging the City to repair the potholes on the streets of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A021-043.)

ITEM-PC-5:

Comments by Al Strohlein and Pat Gallagher regarding the appointment of Council Member Harvey. They praised Council Member Harvey and his staff for responding to their numerous letters and calls and wished him well for the remaining portion of his term.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A044-069.)

COUNCIL COMMENT:

None.

ITEM-202:

SUBJECT: Suspension of Disability Income Offset Requirements  
Prior to March 31, 1995.

(See City Employees' Retirement System Administrator's  
Report dated 6/16/95.)

BOARD OF ADMINISTRATION'S RECOMMENDATION:

Adopt the following resolution:

(R-96-46 REV.1) ADOPTED AS AMENDED AS RESOLUTION R-286193

Authorizing the Board of Administration of the City  
Employees' Retirement System to retroactively suspend  
the compensation reporting requirements, and the  
resulting income offset that might result from such  
reporting requirements for those members who were  
subject to the requirements of the disability income  
offset program from October 1, 1987, through and  
including March 31, 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B096-C149.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION TO RETROACTIVELY  
SUSPEND THE COMPENSATION REPORTING REQUIREMENT AND THE  
RESULTING INCOME OFFSET THAT MIGHT RESULT FROM SUCH  
REPORTING REQUIREMENTS, FOR THOSE MEMBERS WHO WERE SUBJECT  
TO THE REQUIREMENTS OF THE DISABILITY INCOME OFFSET PROGRAM  
FROM OCTOBER 1, 1987, THROUGH AND INCLUDING MARCH 31, 1995.  
ACCEPT MAYOR GOLDING'S RECOMMENDATION TO REQUEST THE  
RETIREMENT BOARD TO DIRECT THEIR STAFF TO REVIEW THE CODE  
FOR ANY OTHER SECTIONS THAT ARE NOT BEING ENFORCED  
APPROPRIATELY. THE RETIREMENT BOARD IS TO RESPOND, IN  
WRITING TO THE CITY, THAT THEY HAVE REVIEWED THE CODE AND

THAT IT IS THEIR OPINION THAT THERE ARE NO SECTIONS OF THE CODE THAT ARE NOT PRESENTLY BEING ENFORCED AS THEY ARE IN LAW. Second by Harvey. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

AMENDMENT TO THE MOTION BY STEVENS TO DIRECT THE CITY MANAGER TO MEET AND CONFER WITH THE EMPLOYEE ORGANIZATIONS ON THIS ITEM AND RETURN TO CLOSED SESSION WITH A REPORT ON HOW TO PROCEED. ACCEPT COUNCIL MEMBER VARGAS' RECOMMENDATION THAT A GRACE PERIOD BE ALLOWED FOR THOSE AFFECTED UNTIL THIS ISSUE HAS BEEN RESOLVED. Second by Vargas. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-330: NOTED AND FILED

SUBJECT: Matter of the appeal of John Potts, from the decision of the Planning Commission to approve a Planned Residential Development (PRD) Permit, Resource Protection Overlay Zone (RPOZ) Permit, and Vesting Tentative Map (VTM) Vista Alegre.

(VTM/PRD/RPOZ-87-0927. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A and adopt Subitems B & C to deny the appeal and to approve the map and permits:

Subitem-A: (R-96- )

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-87-0927 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: (R-96- )

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

Subitem-C: (R-96- )

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

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0-1 to approve.

Ayes: Bernet, McElliott, Anderson, Quinn, Skorepa, White

Nays: None

Abstention: Neils

The Rancho Penasquitos Community Planning Group has recommended approval of the project.

SUPPORTING INFORMATION:

The project proposes to subdivide a 14.3-acre site into 37 lots for the construction of 36 two-story single-family homes and one open space/brush management lot. The landscape plan includes an alternative compliance design for brush management. The project is located in the southwestern portion of the Rancho Penasquitos Community, north of Park View Estates Unit 14, immediately north of the northern terminus of both Dormouse Court and Eclipse Drive.

FILE LOCATION: Subitems A and C: PERM - PRD/RPOZ 87-0927; Subitem B: SUBD - Vista Alegre

COUNCIL ACTION: (Tape location: A074-132.)

CONSENT MOTION BY KEHOE TO NOTE AND FILE THIS ITEM AT CITY ATTORNEY WITT'S RECOMMENDATION DUE TO THE APPLICANT WITHDRAWING HIS APPEAL. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-331: HEARING HELD

SUBJECT: This is the first of two public hearings regarding the formation of the Old Town Business Improvement District. Council will take action at the subsequent hearing which is scheduled for August 15, 1995 at 10:00 a.m. Public Testimony will also be taken at that meeting.

(Old Town Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled for August 15, 1995 at 10:00 a.m.

CITY MANAGER SUPPORTING INFORMATION:

The City Council recognizes the usefulness of Business Improvement Districts (BID's) in the revitalization of older commercial neighborhoods.

The City of San Diego currently has eleven such BID's where merchants assess themselves to provide for business development and marketing activities as well as street-scaping and other physical improvements in their respective areas. Pursuant to Council Policy 900-7, the Old Town Business Improvement District Formation Committee has garnered approximately 45 percent support for establishment of the district from the affected businesses. Not having met the 50 percent requirement of Council Policy, the committee requests a waiver and Council action to establish the district. The Small Business Advisory Board has heard the issue and recommends establishment.

Stapleton/Chilcott/MRTT

FILE LOCATION: STRT L-13

COUNCIL ACTION: (Tape location: A392-B095.)

Hearing began at 10:41 a.m. and halted at 11:01 a.m.

Testimony in opposition by Elaine Zembycki.

Testimony in favor by Mike Nevares and Mark Brimmer.

ITEM-332: CONTINUED TO AUGUST 15, 1995

SUBJECT: Matter of amendments to the La Jolla Community Plan and  
Local Coastal Program Land Use Plan.

(District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1917)

Adoption of a Resolution declaring that Environmental  
Impact Report DEP-92-0199 and Addendum DEP-94-0625 have  
been previously reviewed and certified by Council in  
connection with the La Jolla Community Plan.

Subitem-B: (R-95-1916)

Adoption of a Resolution approving the amendments to  
the La Jolla Community Plan and Local Coastal Program  
Land Use Plan.

SUPPORTING INFORMATION:

The La Jolla Community Plan and Local Coastal Program Land Use  
Plan (LCP), a consolidation and comprehensive revision of the  
1972 La Jolla Precise Plan, 1975 La Jolla Community Plan, and  
1983 La Jolla-La Jolla Shores Local Coastal Program, was adopted  
by the San Diego City Council in January 1995. Portions of the  
community are within the coastal zone. The plan does not become  
effective in the coastal zone until certified by the California  
Coastal Commission. On May 11, the California Coastal Commission  
denied the plan as submitted, but adopted the plan with  
modifications. If the City Council accepts these modifications,  
the Coastal Commission will then certify the plan, rendering the  
plan effective within the coastal zone. The modifications add  
detail to the plan to guide the future application of development  
regulations. The following amendments are proposed to meet the  
Coastal Commission's requirements for certification:

1. Addition of references to coastal access points.
2. Addition of references to the Sensitive Coastal Resources

- Overlay Zone.
3. Restrictions on the use of coastal bluff protective devices.
  4. Addition of language encouraging the retention of on-street parking which provides for beach access.
  5. Addition of language promoting pedestrian-oriented uses in the La Jolla village area.
  6. Restrictions on construction on and adjacent to coastal bluffs.
  7. Other changes providing more specificity or clarity.

FILE LOCATION: LAND - La Jolla Community Plan and Local Coastal Program Land Use Plan

COUNCIL ACTION: (Tape location: A074-132.)

CONSENT MOTION BY KEHOE TO CONTINUE THIS ITEM FOR TWO WEEKS, AT THE REQUEST OF COUNCIL MEMBER MATHIS, FOR FURTHER REVIEW OF ONE OF THE CHANGES REQUESTED BY THE COASTAL COMMISSION AND THE LA JOLLA COMMUNITY PLAN UPDATE WHICH HAS CREATED A SIGNIFICANT CHANGE IN ACCESS REQUIREMENTS FOR BOTH VISUAL AND VERTICAL ACCESS. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Approval of an amendment to the previously approved Mission Bay Park Master Plan/Local Coastal Program as recommended and adopted by the California Coastal Commission on May 11, 1995.

(District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1944) ADOPTED AS RESOLUTION R-286199

Adoption of a Resolution amending a previously approved Mission Bay Park Master Plan/Local Coastal Program, as recommended and adopted by the California Coastal Commission on May 11, 1995.



FILE LOCATION: LAND - Mission Bay Park Master Plan

COUNCIL ACTION: (Tape location: A175-391; C150-397;  
D007-E053 .)

Hearing began at 11:46 a.m. and recessed at 12:03 p.m.

Testimony in favor by Carmelita Swarts and Jim Dawe.

Motion by Harvey to continue this item to insure that the Council has all the new information from the Coastal Commission. No second.

Hearing resumed at 2:12 p.m. and halted at 2:51 p.m.  
Testimony in opposition by Al Strohlein, Dave O'Dell, Pat Gallagher, William Bradshaw, Stephen Brunetto, Scott Andrews, Billy Paul, and William Merril.

MOTION BY HARVEY TO ADOPT THE AMENDMENTS OFFERED BY THE COASTAL COMMISSION WITH DIRECTION TO THE CITY MANAGER TO HAVE STAFF GET AN ACCURATE COUNT OF THE PARKING SPACES IN BAHIA POINT, AND IF THE COUNT OF THE PARKING SPACES IS INACCURATE, THEN ASK THE COASTAL COMMISSION TO CHANGE THE COUNT TO REFLECT THE ACCURATE PARKING SPACES. Second by Vargas. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-334: RETURNED TO CITY MANAGER

SUBJECT: Consumer's Alternative Sewer Enterprise Fund Revenue Plan.

(See City Manager Report CMR-95-171.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-77)

Declaring that the City's sewer service charges are all increased by six percent in Fiscal Year 1996, effective August 1, 1995, and by six percent in Fiscal Year 1997, effective July 1, 1996.

CITY MANAGER'S RECOMMENDATION:

1. Consistent with the Council adopted Consumers' Alternative Financing Plan for the first issuance of bonds in September, 1993, direct the City Manager to increase all sewer service charges by 6 percent on August 1, 1995 (FY 1996), and by an additional 6 percent on July 1, 1996 (FY 1997), to fund the City's sewerage system construction, operations and maintenance needs;
2. Direct the City Manager, in consultation with the City's Financial Advisor (Public Resources Advisory Group, Inc.), and in consideration of market conditions and other relevant factors, to make the appropriate preparations for FY 1996 Sewer Fund debt issuance(s), not to exceed \$350 million;
3. Direct the City Manager to continue to aggressively pursue a waiver from the secondary sewage treatment requirements of the Clean Water Act, thereby retaining the existing advanced primary treatment at the Point Loma Treatment Plant;
4. Direct the City Manager to continue improvements to enterprise fund cash management, including specifically the further refinements of phase-funding and the establishment of pooled contingencies for capital projects.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E054-F516.)

Hearing began at 2:52 p.m. and halted at 4:05 p.m.

Testimony in opposition by Deyan Petakovich, John Schleif, and Steve Zapoticzny.

MOTION BY STEVENS TO APPROVE MAYOR GOLDING'S RECOMMENDATION TO DEFER THE RAISING OF THESE RATES AT THIS TIME AND THE ISSUANCE UNTIL THE LAWSUIT BETWEEN THE CITY AND THE NUMBER OF AGENCIES IS RESOLVED WITH DIRECTIONS TO THE CITY MANAGER TO DO THE FOLLOWING: 1) COME BACK TO COUNCIL OR THE APPROPRIATE COMMITTEE WITH AN ANALYSIS OF THE POOLED CONTINGENCIES FOR MUNICIPAL PROJECTS; 2) RETURN TO COUNCIL WITH AN ANALYSIS OF THE COSTS ASSOCIATED WITH THE CONTINGENCY BUDGETS; 3) RETURN TO COUNCIL WITH A LIST OF PROJECT CHANGES FOR THE MUNICIPAL PROJECT COMPONENT OF THE CONSUMER ALTERNATIVE THAT EQUALS ABOUT \$8 MILLION IN

SAVINGS; 4) RETURN TO COUNCIL WITH A PLAN SHOWING THE CASH BALANCES IN THE SEWER REVENUE FUND BEING DRAWN DOWN TO PAY FOR PROJECT COST; 5) LOOK AT SOME OTHER WAY TO GET OTHER REVENUES; AND 6) BEGIN PLANNING FOR FUTURE BOND ISSUANCE. Second by Harvey. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Procedure for Breaking Ties at Project Area Committee Elections.

(See memorandum from CCDC dated 6/26/95. Centre City Redevelopment Project Area. Districts-2, 3 and 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-96-72) ADOPTED AS RESOLUTION R-286194

Amending Section 707 (Results; Runoffs) of the Procedures for Formation of a Project Area Committee for the Centre City Redevelopment Project to provide for immediate resolution of a tie vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A074-132.)

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

ITEM-336: CONTINUED TO AUGUST 15, 1995

SUBJECT: Civic Pond and Park Improvements (Children's Park) in the Marina Sub Area of the Centre City Redevelopment Project.

(See Centre City Development Corporation's Memorandum dated 7/5/95. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-96-64)

Making certain findings with respect to the payments for construction of the Children's Park improvements in the Marina Sub Area of the Centre City Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of August 1, 1995 for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F517-G281.)

MOTION BY HARVEY TO CONTINUE FOR TWO WEEKS AT HIS REQUEST FOR MORE INFORMATION ABOUT REFINING THE WAY IN WHICH THE ASSESSMENT MAY BE MADE. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-not present.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Vargas at 4:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G282).