

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, AUGUST 3, 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 10:10 a.m. The meeting was recessed by Mayor Golding at 12:07 p.m. The meeting was reconvened by Mayor Golding at 2:09 p.m. with Council Members Wolfsheimer, Stevens and Deputy Mayor Behr not present. Mayor Golding adjourned the meeting at 5:55 p.m. into the combined Redevelopment and City Council Closed Session in the twelfth floor conference room to discuss pending litigation 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-282535
(representing City of San Diego at
Senate Subcommittee on Clean Water,
Fisheries, and Wildlife Hearings in
Washington, D.C.)
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
Clerk-Abdelnour/Fishkin (ll/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

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

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding the IRS, and the Rothschild family and their financial influence.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A042-069.)

ITEM-PC-2:

Comment by Kevin McNamara regarding migrant worker camps in McGonigle Canyon.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A070-109.)

COUNCIL COMMENT:

None.

ITEM-125: (R-93-1443) ADOPTED AS RESOLUTION R-282451

Approving the City Manager's Fiscal Year 1992 Annual Equal Opportunity Program Workforce and MBE/WBE Participation Report on the status of the City's Independent Corporations.
(See City Manager Report CMR-93-68.)

COMMITTEE ACTION: Reviewed by PSS on 3/31/93. Recommendation to accept the report. Districts 2, 3, 4, and 8 voted yea. District 1 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C234-235.)

MOTION BY STEVENS TO ADOPT. Second by Vargas. 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-330: (R-94-) CONTINUED TO SEPTEMBER 14, 1993

Appeal of James A. Greer, from the decision of the Planning Commission in denying Coastal Development Permit CDP-92-0761. The proposed project would allow partial demolition, remodel and addition to an existing single-family residence that will result in a total floor area of approximately 2,376 square feet and the construction of a new 849 square foot three-car garage (detached) with laundry facilities and a 400 square foot hobby room constructed above. The project site is located at 1312 Opal Street, in Zone R1-5000, in the Pacific Beach Community Plan area.

The subject property is further described as Lots 37 and 38, Block 19, Hollywood Park, Map-1263. The decision of the City Council is final. (CDP-92-0761. District-6.)

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

FILE LOCATION: PERM-CDP-92-0761

COUNCIL ACTION: (Tape location: A338-373.)

MOTION BY STALLINGS TO CONTINUE TO SEPTEMBER 14, 1993 ON

BEHALF OF THE APPELLANT AND NEIGHBORS. Second by Vargas.
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-331: (R-93-1725) ADOPTED AS RESOLUTION R-282452

Considering the protests, establishing the district,
and approving the modified map, in the matter of the
Washington Street Landscape Maintenance District.

(Mission Hills Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: It is proposed to
augment Washington Street by landscaping the existing center
islands between a point approximately 380 feet west of the
University Avenue overpass and Hawk Street. This landscaping
addition is considered the long awaited first step in beautifying
the entrance corridor into the Mission Hills community and will
consist predominately of various types of blossoming trees,
shrubs and ground cover to create a more pleasing and attractive
entry. These improvements will be financed by the City.
However, to assure the continuing maintenance of this proposed
landscaping, this enhancement project will depend on the
establishment of a landscape maintenance district. Those
property owners within this district pay for the annual
maintenance on the basis of benefit. A property that benefits is
one that exists adjacent to and/or in the proximity of the
improvements to be maintained. This also includes those parcels
that conveniently use Washington Street to be reached or
conveniently egress the area or use Washington Street for
shopping. The present action is for the establishment of the
district only. After construction, the landscaping improvements
will be maintained by the contractor for approximately one year.
Consequently, no assessments will be levied at this time. The
maintenance cost for the proposed landscaping improvements for a
twelve month period is estimated at approximately \$32,000. Early
estimates indicate the assessment to be approximately \$10 per
living unit. A closer estimate will be submitted to the Council
in a subsequent report prior to the public hearing, after more
information on the number of properties in the proposed district
becomes available. The estimated \$32,000 assessment to maintain
these improvements will not be assessed to the district until
Fiscal Year 1995.

FILE LOCATION: STRT M-300

COUNCIL ACTION: (Tape location: A378-C226.)

Hearing began 10:36 a.m. and halted 11:47 a.m.

Testimony in opposition by A. Blench, Aubrey Wells, Selma Schiller, Betty Young, Arlene VanderWetering, Lee VanderWetering, Otto Emme, Barbara Marsh, Sera Larkins.

Testimony in favor by Wallace Cunningham, Dennis Frieden, Kay Camphuis, Ben Clay, Roy Davies, Russell Elrod, Nicky Moses, Arlene Cichan, Mike Mcgloughlin.

MOTION BY ROBERTS TO APPROVE THE MAINTENANCE DISTRICT AND DIRECT THE CITY MANAGER TO INCLUDE COUNCIL MEMBER ROBERTS' HOUSE IN THIS DISTRICT. THE CITY ATTORNEY WAS REQUESTED TO ADVISE OF THE PROCEDURE TO USE TO CONTRACT WITH A PRIVATE MAINTENANCE CONTRACTOR TO MAINTAIN THIS LANDSCAPING AND REQUESTED THAT THIS MAINTENANCE BE OVERSEEN BY ONE OF THE COMMUNITY GROUPS, POSSIBLY THE MISSION HILLS ASSOCIATION. Second by Hartley. 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-332:

Two actions related to the construction of the Washington Street median barrier:
(Uptown Community Area. District-2.)

Subitem-A: (R-94-7) ADOPTED AS RESOLUTION R-282453

Inviting bids for the construction of Washington Street median barrier from University Avenue to Goldfinch Street on Work Order No. 112005; authorizing a contract with the lowest responsible bidder; authorizing the expenditure of not to exceed \$371,992 from CIP-62-2690; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K94007)
(Prime Construction Contract \$281,000.)

Subitem-B: (R-94-8) ADOPTED AS RESOLUTION R-282454

Certifying that the information contained in Negative Declaration DEP-93-0257, dated June 30, 1993, in connection with the construction of Washington Street median barrier from University Avenue to Goldfinch Street, has been completed in compliance with the California Environmental Quality Act of 1970 and the State guidelines and that the Declaration has been reviewed and considered by Council.

CITY MANAGER SUPPORTING INFORMATION: Capital Improvement Project CIP-62-269.0 provides for the design and construction of a CalTrans type 50 median barrier along Washington Street between University Avenue and Hawk Street. This barrier will reduce the crossover traffic hazard on Washington Street. The project also includes landscaping along the median and in the triangle per the Mission Hills Business Association Beautification Plan. The landscaping will be maintained by a landscape maintenance district paid for by the community.

Aud. Cert. 9400052.

NOTE: See Item 331 for a companion item.

FILE LOCATION: W.O. 112005 CONT - Carolyn E. Scheidel
Contractor CONT FY94-1

COUNCIL ACTION: (Tape location: C241-245.)

MOTION BY ROBERTS TO ADOPT AND DIRECT THE MANAGER TO CONSIDER A REDESIGN OF THE JERSEY BARRIER ITSELF SO AS TO INCORPORATE LANDSCAPING WITH THE POSSIBILITY OF BECOMING A PROTOTYPE FOR OTHER AREAS. Second by Vargas. 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-333: CONTINUED FOR 60 DAYS

(Continued from the meetings of June 1, 1993, Item 332 and June 15, 1993, Item 331; last continued at Councilmember Behr's request, on behalf of Rebecca Michael, for further review.)

Consideration of the land use designations of properties within the western Flight Activity Zone of Montgomery Field Airport:

OPTION 1

City Manager's Recommendation:

-Change the land use designation of properties within the Kearny Mesa Community Plan, that lie within or near the western Flight Activity Zone, from General Commercial to Industrial and Business Park; and,

-Change the Progress Guide and General Plan land use designation of properties within the western Flight Activity Zone from Office and Specialized Commercial to General Industrial.

(Five votes required.)

or

OPTION 2

-Override the decision of the regional Airport Land Use Commission and maintain the current land use designations in the Kearny Mesa Community Plan and Progress Guide and General Plan.

(A two-thirds vote { 6 votes} and specific findings are required to override the regional Airport Land Use Commission's decision of plan inconsistency.)

The City Council's consideration of recommended land uses in the Kearny Mesa Community Plan and Progress Guide and General Plan is in response to the regional Airport Land Use Commission's determination that the plans inappropriately designate property within the western Flight Activity Zone of Montgomery Field Airport for Commercial use.

Following City Council action, the City will notify the Airport Land Use Commission of the decision of the City Council.

(Kearny Mesa Community Plan. Council Districts-5 and 6.)

OPTION 1 - CITY MANAGER'S RECOMMENDATION:

Subitem-A: (R-93-1890)

Adoption of a Resolution designating the area within the western Flight Activity Zone of Montgomery Field Airport as Industrial and Business Park land use;

declaring that the Kearny Mesa Community Plan shall become effective upon adoption of an appropriate amendment of the Progress Guide and General Plan incorporating the plan at the next scheduled omnibus hearing; directing staff to return to the City Council with zoning recommendations which appropriately implement the Kearny Mesa Community Plan as it pertains to the western Flight Activity Zone area of Montgomery Field Airport.
(Five votes required.)

Subitem-B: (R-94-)

Adoption of a Resolution declaring that the information contained in Environmental Impact Report DEP-87-0626 and Supplemental Environmental Impact Report DEP-91-0844 with Findings and Statement of Overriding considerations pursuant to California Public Resources Code Section 21081, have been previously reviewed and certified by this Council in connection with Resolution R-280820, adopted on October 6, 1992.
(Five votes required.)

OPTION 2:

Subitem-C: (R-94-)

A motion to override the decision of the regional Airport Land Use Commission and maintain the current land use designations in the Kearny Mesa Community Plan and Progress Guide and General Plan; making specific findings as stated in City Manager Report P-93-082.
(Six votes and specific findings required.)

NOTE: On June 1, 1993, Council voted 5-2 to continue the matter to June 15, 1993. Hearing open. No testimony taken. Yeas: Districts 2, 4, 5, 8, and Mayor; Nays: Districts 1, and 6; Districts 3, and 7 not present. Continued at Councilmember Behr's request for a full Council. On June 15, 1993, Council voted 8-0 to continue the matter to July 13, 1993. Hearing open. No testimony taken. Yeas: Districts 1, 2, 4, 5, 6, 7, 8, and Mayor. District 3 not present. Continued at Councilmember Behr's request, on behalf of Rebecca Michael, for further review.

FILE LOCATION: LAND-Montgomery Field Airport

COUNCIL ACTION: (Tape location: A111-334.)

MOTION BY McCARTY TO CONTINUE AT THE REQUEST OF DEPUTY MAYOR BEHR FOR HIM TO BE PRESENT, AND THE CITY MANAGER UNTIL DISCUSSIONS WITH THE FAA ARE COMPLETED REGARDING THE GEOGRAPHIC DEFINITION OF THE CRASH ZONE AT THE WEST END OF MONTGOMERY FIELD (APPROXIMATELY 60 DAYS); TO INVOLVE THE PUBLIC SO THEY ARE AWARE OF THE FACTS, AND NOT MAKE ANY EXCEPTIONS TO THE BUILDING PERMITTING PROCESS UNTIL THIS IS RESOLVED. THE CITY MANAGER WAS DIRECTED TO NOTIFY MAYOR GOLDING BEFORE THIS ITEM IS DOCKETED AGAIN TO ASSURE THAT ALL INFORMATION IS AVAILABLE BEFOREHAND. Second by Hartley. 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-334: (R-94-) ADOPTED AS RESOLUTION R-282529
HEARING TO BE RESET

Two actions related to the Rancho Penasquitos
Facilities Benefit Assessment:
(See City Manager Report CMR-93-65 and memo from
Maureen Stapleton dated 6/11/93. District-1.)

Subitem-A: (R-93-1454 Cor. Copy)

Designating an area of benefit in Rancho Penasquitos;
confirming the description of the Public Facilities
Projects, the Community Financing Plan and Capital
Improvement Program with respect to the Public
Facilities Projects; the method for apportioning the
costs of the public facilities projects among the
parcels within the areas of benefit and the amount of
the facilities benefit assessments charged to each
parcel; the basis and methodology for assessing and
levying discretionary automatic annual increases in
Facilities Benefit Assessments; and ordering the
proposed public facilities project in the matter of the
Rancho Penasquitos Facilities Benefit Assessment Area.

Subitem-B: (R-93-1455)

Declaring the assessment fee schedule contained in the Rancho Penasquitos Public Facilities Financing Plan and Facilities Benefit Assessment to be an appropriate and applicable development impact fee for all properties within the Rancho Penasquitos Community that have never been assessed or have not otherwise agreed to the payment of Facilities Benefit Assessment fees.

COMMITTEE ACTION: Reviewed by TLU on 6/16/93.

Recommendation to accept the City Manager's recommendation as stated in Maureen Stapleton's memorandum of June 11, 1993. Districts 1,2, and 5 voted yea. District 7 voted nay. District 6 not present.

CITY MANAGER'S RECOMMENDATION (memo dated 6/11/93:

Maintain the recommended FBA rates and fund the Camino Ruiz extension through other sources. This no-change alternative is the same as presented in City Manager's Report CMR-93-65, as updated by subsequent update sheets. This avoids other than inflationary increases in the FBA rates.

With current buildout in Rancho Penasquitos exceeding 90 percent, applying large increases in FBA rates to remaining buildout is not recommended. In addition, the subdividers would still be responsible for the road extension and could, with City assistance, look to other fund sources or reimbursements. One fund source to be explored could include increasing the assessment of the community wide landscaping district.

FILE LOCATION: STRT FB-13

COUNCIL ACTION: (Tape location: C250-525.)

Hearing began 11:49 a.m. and halted 12:06 p.m.

Testimony in opposition by Kevin McNamara and Thomas Steinke.

Motion by Wolfsheimer to approve the City Manager's recommendations. Second by Stallings. No vote.

MOTION BY McCARTY TO APPROVE THE FBA AS PROPOSED BY THE COMMUNITY WHICH WOULD ALLOW FOR FUNDING OF CAMINO RUIS ROAD EXTENSION BY TAKING \$2 MILLION DOLLARS FROM BLACK MOUNTAIN ROAD FBA AND SPECIFICALLY IDENTIFYING THAT FOR ONLY CAMINO RUIS WHICH WOULD INCREASE THE FBA BY \$400. HEARING TO BE RESET AND PLAN TO BE REVISED. Second by Roberts. Passed by

the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: CONTINUED TO SEPTEMBER 14, 1993

Three actions related to the Balboa Park Security Plan:

(See City Manager Report CMR-93-146; Chairman Hartley memo dated 5/19/93; Councilmember Roberts' memo dated 5/18/93; City Attorney's 5/14/93 report; Draft Balboa Park Security Plan Abstract. Balboa Park Community Area. District-3.)

Subitem-A: (O-93-196)

Introduction and adoption of an Emergency Ordinance declaring that an emergency exists in the City of San Diego with regard to lack of adequate facilities to house homeless persons and families, and determining to establish temporary shelter facilities for homeless persons and families in a small and presently unutilized portion of Balboa Park.

NOTE: 6 votes required for Subitem A.

Subitem-B: (R-93-2039)

Adoption of a Resolution declaring that there is a nexus between the need for providing shelter for the homeless in the Centre City area and the actual provision of such facilities in the Balboa Park area; that the Centre City Redevelopment Project will benefit from the establishment of such facilities in Balboa Park and that it is reasonable and appropriate to expend available funds from the Centre City Redevelopment Project Area to help pay for the costs of emergency shelter facilities in Balboa Park.

Subitem-C: (R-93-2040)

Adoption of a Resolution approving the Balboa Park Security Plan; authorizing the City Manager to proceed with all actions and activities required to allow for the implementation of the Balboa Park Security Plan.

COMMITTEE ACTION: Reviewed by PSS on 5/19/93. The Committee voted 3-1 on the following actions (Districts 1, 3 and 4 voted yea. District 2 voted nay. District 8 not present):

1. Found that, due to the current lack of shelter, there are indications that a public health and sanitation emergency condition exists with homeless living in the Park. In addition, there are major police security and criminal activity in the park.
2. Found that there is a redevelopment benefit achieved by providing shelter for the homeless and correcting existing blight and crime conditions in the Centre City, adjacent to redevelopment areas. The benefit of providing shelter will enhance physical, social and economic conditions for Central Area Redevelopment Programs.
3. Directed the City Manager to work with the Task Force to update information and answer pending questions, including those raised by Councilmember Roberts' memorandum of May 18, 1993, and the need to prepare a more detailed financing plan.
4. Approved the Proposed Balboa Park Security Plan and referred it to the City Council for public hearing in six weeks.
5. Referred the City Manager's list of alternative sites to the Homeless Advisory Committee for further study and consideration in context with their ongoing work.

FILE LOCATION:

COUNCIL ACTION: (Tape location: D004-I290.)

Hearing began at 2:10 p.m. and halted at 5:54 p.m.

Council Member Stevens arrived at 3:18 p.m.

Testimony in favor by Frank Landerville, Marion Keller, Sara Matta, Judy Winston, Steve Chappell, Richard Hough, Marilyn Cornell, Father Bjorn Marcussen, Mark Hannan, Pastor Gwen Jones-Lurvey, Liz Shear, David Nuffer, Paul Bedington, Barbara Storey, Paula Jorgenson, Amy Weinsheim, Reverend Gene Wenger, Alice Stark, Warren Simon, James Hughes, Ann Fathy, Caryl Iseman, Lisa Boykin, Pat Carducci, Lou Sangiolo, Frances Brill, Joseph Mullane, Clark Dawson, Alicia Waite and Karsten Gjemre.

Testimony in opposition by Dick Bundy, Chris Fontana, Bill Immenschuh, Walter Schirra, Michael Hager, Arthur Stillwell,

Homer Peabody, Dr. Lee Monroe, Lin Martin, David Moore, Richard Bernard, James McIntosh, James Ray, Bruce Bleakley, Barry Humphrey, Rick Famiglietti, William Teran, Larry Lamb, Betty Peabody, Vivian Evenson, Loretta Scott, Ivonne Webb, Katie Boskoff, Patricia Carter, Carl Winsjansen, Edward Barr, Mike McLaughlin, Linda Simeone and Linda Edeiken. Mayor Golding closed the hearing.

MOTION BY HARTLEY TO CONTINUE TO SEPTEMBER 14, 1993 FOR A FULL COUNCIL. STAFF IS REQUESTED TO PROVIDE THE CITYWIDE POLICY PROPOSAL ON THIS ISSUE WAY IN ADVANCE OF THE MEETING FOR COUNCIL REVIEW. Second by Stevens. 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-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:55 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: I295.)