

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 7, 1993
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:05 p.m. Mayor Golding recognized and welcomed International Surface Warfare Officers who are students at the Naval Amphibious School in Coronado. Mayor Golding adjourned the meeting at 5:00 p.m.

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-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour (rb)

FILE LOCATION: MINUTES

ITEM-1: 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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Jerry Barnard of
Christian Faith Center, La Mesa, California.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member McCarty.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding the Federal Reserve.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A046-075.)

ITEM-PC-2:

Comments by Debra Kelley, representing the San Diego County
Tabacco Control Coalition, regarding smoking.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A076-095.)

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Mayor Golding, Council Members, and the City Manager regarding the bond rating of the City of San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A326-391.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

07/26/93

07/27/93

08/02/93

08/03/93

08/09/93

08/10/93

08/10/93 Special Joint Meeting

08/16/93 Adjourned

08/17/93 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A096-114.)

MOTION BY ROBERTS TO APPROVE. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50:

SUBJECT: Adult Entertainment Moratorium.

(Introduced on 8/9/93. Council voted 8-0. District 1 not present.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following ordinance:

(O-94-14) ADOPTED AS ORDINANCE O-17961 (New Series)

Amending Chapter X, Article 1, Division 18, of the San Diego Municipal Code by adding Section 101.1840 as an Interim Moratorium on the issuance of permits for any new adult entertainment establishments within the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Re-zoning 3.83 acres at 1355 27th Street (Creekside Village).

(Rezone-92-0468. Otay Mesa-Nestor Community Area. District-8. Introduced on 8/10/93. Council voted 7-0. Districts 1 and 2 not present.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following ordinance:

(O-93-207) ADOPTED AS ORDINANCE O-17962 (New Series)

Re-zoning 3.83 acres, located at 1355 27th Street (Creekside Village), to the R-3000 Zone.

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-52:

SUBJECT: Two actions related to the Golden Hill Planned District Ordinance.

(Golden Hill Community Area. Districts-3 & 8.

Introduced on 8/10/93. Council voted 7-0. Districts 1 & 2 not present.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following ordinances:

Subitem-A: (O-93-199) ADOPTED AS ORDINANCE O-17963 (New Series)

Re-zoning 0.8 acres located at 2751 through 2779 A Street, into the GH-1500 Zone.

Subitem-B: (O-93-200) ADOPTED AS ORDINANCE O-17964 (New Series)

Amending Chapter X, Article 3, Division 7, of the San Diego Municipal Code by amending Section 103.0702 relating to the Golden Hill Planned District.

FILE LOCATION: LAND-Golden Hill Planned District

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-53:

SUBJECT: West Miramar Landfill Extraction Project.

(NAS Miramar Community Area. District-5. Introduced on 8/10/93. Council voted 7-0. Districts 1 & 2 not present.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following ordinance:

(O-93-184) ADOPTED AS ORDINANCE O-17965 (New Series)

Ratifying and amending Document No. RR-281140-1, relating to an agreement between the City of San Diego and a Joint Venture of Superior Ready Mix Concrete L.P. and West Coast General Corporation regarding the West Miramar Landfill Aggregate Extraction Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-54:

SUBJECT: Second Amendment to Memorandum of Understanding for the Old Town Light Rail Transit (LRT) Line.

(Centre City, Old Town San Diego, Midway/Pacific Highway Community Areas. District-2. Introduced on 8/9/93. Council voted 8-0. District 1 not present.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following ordinance:

(O-93-205 Cor. Copy) ADOPTED AS ORDINANCE O-17966 (New Series)

Amending the Memorandum of Understanding between the City and the Metropolitan Transit Development Board, City Document No. 00-15881 and MTDB No. L5506.0-90, for the Old Town Light Rail Transit (LRT) Line.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-55:

SUBJECT: Balboa Park/Mission Bay Park Capital Improvements Program.

(Introduced on 8/9/93. Council voted 7-1. District 7 voted nay. District 1 not present.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following ordinance:

(O-94-18) ADOPTED AS ORDINANCE O-17967 (New Series)

Authorizing a Facilities Lease and Site and Facilities Lease with San Diego Facilities and Equipment Leasing Corporation and a Trust Agreement and approving the form of assignment agreement with Meridian Trust Company of California relating to the issuance of Certificates of Participation in an amount not to exceed \$30,000,000 for a term not exceeding 30 years (Balboa Park and Mission Bay Park Capital Improvements Program).

FILE LOCATION: LEAS-San Diego Facilities and Equipment Leasing Corporation LEAS FY94-1

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

* ITEM-56:

SUBJECT: Issuance of Multifamily Housing Revenue Bonds 1985
Issue J (University Town Center Apartments).

(District-1. Introduced on 8/2/93. Council voted 6-1.
District 4 voted nay. Districts 2 and 6 not present.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following ordinance:

(O-94-8) ADOPTED AS ORDINANCE O-17968 (New Series)

Authorizing the issuance, sale and delivery of
Multifamily Housing Refunding Revenue Bonds 1985 Issue
J (University Town Center Apartments at 7110 Shoreline
Drive) in a principal amount not to exceed \$16,000,000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING
AND ADOPT ORDINANCE. Second by Stallings. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-
yea, Mayor Golding-yea.

* ITEM-57:

SUBJECT: Issuance of Industrial Development Bonds for San Diego
Gas & Electric Company.

(Introduced on 8/9/93. Council voted 8-0. District 1
not present.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following ordinance:

(O-94-21 Cor. Copy) ADOPTED AS ORDINANCE O-17969 (New
Series)

Authorizing the issuance and sale of City of San Diego

Industrial Development Revenue Bonds (San Diego Gas & Electric Company) in an aggregate principal amount not to exceed \$400,000,000;

Approving the proposed form of Trust Indenture between the City and the Trustee;

Approving the proposed form of Loan Agreement between the City and San Diego Gas & Electric Company.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-58:

SUBJECT: Sewer Revenue Fund "Fair Share" Allocations.

CITY COUNCIL RECOMMENDATION:

(Based on the City Council's action on February 23, 1993, Item 601).

(San Diego River Outfall Project). Council voted 9-0 on a motion by Councilmember Roberts to direct the City Attorney to return with the ordinance listed below.)

Introduce the following ordinance:

(O-94-13) INTRODUCED, TO BE ADOPTED SEPTEMBER 20, 1993

Introduction of an Ordinance amending Chapter VI, Article 4, Division 4, of the San Diego Municipal Code, by amending Section 64.0403, relating to the Sewer Revenue Fund, to provide for "Fair Share" reimbursement from the Sewer Revenue Fund to Council districts found to be overburdened with wastewater projects.

SUPPORTING INFORMATION:

As a companion item to the Council's evaluation of Environmental Impact Report DEP-91-0830 (San Diego River Outfall Project), the Council directed the City Attorney to return with an amendment to the Municipal Code to permit payment of mitigation costs for violations of the Fair Share Policy. While originally contemplated to be accomplished within 30 days, the amendment had to be refined by the Clean Water Program staff, bond counsel, and submitted to Council staff to ensure that it met the intent of Council direction. This amendment to Section 64.0403 is the response to the above direction.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO INTRODUCE. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCart-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Inviting bids for Storm Drain at 61st Street and Brooklyn Avenue.

(South Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-15) ADOPTED AS RESOLUTION R-282530

Inviting bids for Storm Drain at 61st Street and Brooklyn Avenue on Work Order No. 119949;

Authorizing the execution of a contract with the lowest responsible bidder; Modifying the FY94 Capital Improvement budget by adding CIP-12-081.0;

Authorizing the City Auditor and Comptroller to transfer \$93,300 from CIP-17-001, Annual Allocation - Minor Drain and Seepage Problems, TransNet Fund 30300, to CIP-12-081.0;

Authorizing the transfer of \$224,700 from CDBG Fund No. 18528 to CIP-12-081.0;

Authorizing the expenditure of not to exceed \$318,000 (\$224,700 from CIP-12-081.0, Storm Drain at 61st Street and Brooklyn Avenue, Fund 18528, Dept. 4022; and \$93,300 from CIP-12-081.0, TransNet Fund 30300). (BID-K94011)

CITY MANAGER SUPPORTING INFORMATION:

Currently drainage from a storm drain at the 6000 block of Brooklyn Avenue outfalls onto private property. This project will construct a drainage system from 6033 Brooklyn Avenue to 61st Street, down 61st Street to outfall into the drainage channel between Akins Avenue and Imperial Avenue. The construction of this new drainage system will convey the drain water away from the impacted properties and into the existing drainage channel.

Aud. Cert. 9400134.

FILE LOCATION: W.O. 119949 CONT - RTB General
Engineering Co. Inc. CONT FY94-1

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Application for Mortgage Credit Certificate (MCC) Allocation.

(See Housing Commission Report dated 8/16/93.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-247) ADOPTED AS RESOLUTION R-282531

Authorizing the Executive Director of the Housing

Commission to submit an application to the Mortgage Bond Tax Credit Allocation Committee for an allocation of \$35,000,000 of Mortgage Credit Certificates.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Settlement of Claim of Wagner Trust.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-287) ADOPTED AS RESOLUTION R-282532

A Resolution approved by the City Council in Closed Session on Tuesday, August 10, 1993 by the following vote: Wolfsheimer-not present; Roberts-not-present; Hartley-not present; Stevens-yea; Behr-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$225,000 in the settlement of each and every claim against the City, its agents and employees, resulting from earth movement on and adjacent to the Wagner Trust's property at 5628 Desert View Drive, La Jolla (Superior Court Case No. 655279, Wagner Trust, et al. v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$225,000 made payable to Michael M. Angello Trust Account (Attorney of Record for Wagner Trust and Andrea M. Wagner), and Donna Doyle, Trustee of the Wagner Trust, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of any and all claims against the City of San Diego and/or its agents resulting from earth movement on and adjacent to 5628 Desert View Drive. Aud. Cert. 9400217.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Ark Missionary Baptist Church's 30th Pastor and Wife's Appreciation Day.

COUNCILMEMBER STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-94-225) ADOPTED AS RESOLUTION R-282533

Proclaiming August 15, 1993 to be "Ark Missionary Baptist Church's 30th Pastor and Wife's Appreciation Day for Dr. and Sister H.L. Pleasant" in San Diego; Commending Dr. and Sister H.L. Pleasant for their commitment and devotion.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: 1996 Women's Olympic Marathon Trials.

COUNCILMEMBER STALLINGS' RECOMMENDATION:

Adopt the following resolution:

(R-94-220) ADOPTED AS RESOLUTION R-282534

Supporting the efforts of the Greater San Diego Sports Association, the San Diego Track Club and all other area running clubs to encourage the U.S.A. Track and Field to name San Diego as the site of the 1996 Women's Olympic Marathon Trials.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Excusing Deputy Mayor Tom Behr from Council Meeting.

COUNCILMEMBER BEHR'S RECOMMENDATION:

Adopt the following resolution:

(R-94-217) ADOPTED AS RESOLUTION R-282535

Excusing Deputy Mayor Tom Behr from attending the regularly scheduled Council meeting of August 3, 1993, to represent the City at the Senate Subcommittee on Clean Water, Fisheries and Wildlife Hearings in Washington, D.C.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by

Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Excusing Councilmember Ron Roberts from Council meeting.

COUNCILMEMBER ROBERTS' RECOMMENDATION:

Adopt the following resolution:

(R-94-221) ADOPTED AS RESOLUTION R-282536

Excusing Councilmember Ron Roberts from attending the regularly scheduled Council meeting of August 10, 1993, due to personal reasons.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Confirming reappointments to the Commission for Arts and Culture.

(See memorandum from Mayor Golding dated 8/25/93.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-253) ADOPTED AS RESOLUTION R-282537

Council confirmation of the reappointments by the Mayor of Sandra Pay - Chair, and Berit Nielsen Durler to

serve as members of the Commission for Arts and Culture, for terms ending August 31, 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: Confirming the appointment of Richard Bundy to the Commission for Arts & Culture.

(See memorandum from Mayor Golding dated 8/25/93 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-165) ADOPTED AS RESOLUTION R-282538

Council confirmation of the appointment by the Mayor of Richard S. Bundy to serve as a member of the Commission for Arts and Culture, for a term ending August 31, 1995, replacing Mary Ellen Cain, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Confirming the appointment of Brenda Harris to the

Civil Service Commission.

(See memorandum from Mayor Golding dated 8/25/93 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-254) ADOPTED AS RESOLUTION R-282539

Council confirmation of the appointment by the Mayor of Brenda Harris, to serve as a member of the Civil Service Commission, for a five-year term ending January 9, 1998, replacing Hope Logan, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Confirming reappointments to the Human Relations Commission.

(See memorandum from Mayor Golding dated 8/25/93.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-256) ADOPTED AS RESOLUTION R-282540

Council confirmation of the following reappointments by the Mayor to serve as members of the Human Relations Commission, for terms to expire as indicated:

NAME	NOMINATED BY	TERM EXPIRES
Norman L. Hahn	Council District 1	July 22, 1997
Kate H. Klumpp	Council District 2	July 22, 1997

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Confirming reappointments to the Small Business Advisory Board.

(See memorandum from Mayor Golding dated 8/25/93.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-181) ADOPTED AS RESOLUTION R-282541

Council confirmation of the following reappointments by the Mayor to serve as members of the Small Business Advisory Board, for terms ending July 1, 1995:

Reappointments:

George P. Chandler, Jr.

(Small Business Administration Director)

Patricia Burns

(Greater San Diego Chamber of Commerce)

Leo March

(United Federation of Small Business)

James A. Hill

(National Federation of Independent Business)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A397-503.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-

yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: CONTINUED TO OCTOBER 25, 1993

SUBJECT: Public auction for the sale of Sites 501, 502 and 665.

(Continued from the meetings of July 12, 1993, Item 110, and July 26, 1993, portion of Item 202; last continued at the City Manager's request, for a report from the City Manager on moratorium on the sale of Sites 501, 502 and 665, due to present pending status in housing.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-)

Authorizing the City Manager to hold a public auction for the sale of sites 501, 502 and 665; approving the minimum bids.

CITY MANAGER'S SUPPORTING INFORMATION:

In 1990, Council reaffirmed Sites 501, 502 & 665 land use designation for sale at public auction. Prior to sale, all sites involved in the auction are cleared through various City departments and agencies to ascertain if they may have a present or future need for the site and obtain their recommendations on disposition. Information packets are also sent to the appropriate local planning groups soliciting their review and endorsement on use of these sites or a reaffirmation of a recent recommendation made by that organization. After Council approval to hold the auction and approval of the minimum bid, an advertising period will be initiated 45 days prior to the auction, consisting of display ads in local newspapers, signs on the properties, and a mass mailing. Recipients of the mailing include realty offices, adjacent property owners, subscribers to the Property Department's Marketing Subscription Service, and people who have called in requesting this information. The mailing packet contains data sheets and general information on the bidding procedure, payment plans and broker's participation.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A121-325.)

MOTION BY McCARTY TO CONTINUE THE ITEM TO OCTOBER 25, 1993, AS REQUESTED BY THE CITY MANAGER, DUE TO THE HOUSING COMMISSION HEARING TO REVIEW THE MATTER ON SEPTEMBER 20, 1993. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Proposed re-zonings of Open Space and Single-Family Residential designated portions of the Waring Road finger canyon.

(Case-93-0197. District-7.)

Subitem-A: (R-93-2027) ADOPTED AS RESOLUTION R-282542

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-93-0197 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: (O-93-193) INTRODUCED, TO BE ADOPTED SEPTEMBER 20, 1993

Introduction of an Ordinance re-zoning Open Space portions to R1-40,000/HR and R1-40,000 and re-zoning Single-Family Residential portions to R1-5000/HR and R1-5000.

OR

Subitem-C: (O-93-194) FILED

Introduction of an Ordinance re-zoning Open Space portions to R1-40,000/HR and R1-40,000.

NOTE: Only one ordinance is to be introduced.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution and introduce the Subitem B ordinance.

SUPPORTING INFORMATION:

This is a City-initiated project, proposed in order to make the zoning consistent with the project site's single-family residential and open space land use designations in the Navajo Community Plan. The undeveloped 10-acre site proposed for rezoning is located west of Waring Road, north of the intersection of Waring Road and Adobe Falls Road. Specifically, the northern portion of the site is designated as Open Space and currently zoned R1-5000HR (subject to Hillside Review (HR) development regulations) and R1-5000; the proposal would rezone this portion to R1-40,000HR and R1-40,000. The southern portion is designated Single-Family Residential (up to 9 dwelling units per acre) and is currently zoned R1-40,000HR and R1-40,000; the proposal would rezone this portion to R1-5000HR and R1-5000.

FILE LOCATION: SUBITEM A&C: ZONE ORD. NO.;
 SUBITEM B:--

COUNCIL ACTION: (Tape location: A519-B192; C020-040.)

Hearing began at 2:42 p.m. and recessed at 3:02 p.m.

Hearing resumed at 3:27 p.m. and halted at 3:28 p.m.

Testimony in favor by Tom Martin and Bill Cleaves.

Testimony in opposition by Barbara Massey and Gerry Braun.

MOTION BY McCARTY TO APPROVE THE CITY MANAGER'S RECOMMENDATION WHICH IS TO CERTIFY THE NEGATIVE DECLARATION DEP-93-0197 AND APPROVE RE-ZONING THE ENTIRE SITE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Matter of modifications to the Mira Mesa Community Plan as recommended by the California Coastal Commission.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-32)

ADOPTED AS RESOLUTION R-282543

Adoption of a Resolution adopting the Coastal Commission's modifications to the Mira Mesa Community Plan.

SUPPORTING INFORMATION:

On October 6, 1992, the City Council adopted a comprehensive update of the 1981 Mira Mesa Community plan subject to certification by the California Coastal Commission in order to become effective within the Coastal Zone. The plan update revised the North City Local Coastal Program Land Use Plan and was transmitted to the Coastal Commission for review and final approval. At a public hearing on May 14, 1993, the Coastal Commission recommended modifications to the community plan which, if adopted by the City, would meet the requirements of the California Coastal Act. The modifications are intended to add greater detail to the community plan to conform with the standards established by the California Coastal Act for local coastal program components. The modifications are consistent with community plan goals for sensitive resource protection and include additional criteria, contained in the City's Hillside Review Overlay Zone and Land Development Ordinance, for review of projects in the Coastal Zone. The Coastal Commission recommends that portions of these ordinances be incorporated into the community plan as Appendices.

Two additional Coastal Commission recommendations have been added to the Sensitive Resource and Open Space Element of the Community Plan. The community plan policy addressing preservation riparian areas has been revised to specifically address riparian areas within Los Penasquitos Canyon Preserve, and the local coastal program policy requiring projects within the Los Penasquitos Lagoon watershed to pay a lagoon restoration and enhancement fee has been added to the plan.

FILE LOCATION: LAND-Mira Mesa Community Plan

COUNCIL ACTION: (Tape location: A397-503.)

Hearing began at 2:41 p.m. and halted at 2:42 p.m.

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: TRAILED TO SEPTEMBER 13, 1993, DUE TO LACK OF FIVE AFFIRMATIVE VOTES

SUBJECT: Two actions related to Business License Tax for Refuse Collection (Tipping Fees).

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-94-28)

Introduction of an Ordinance amending Chapter III, Article 1, Division 1 and Division 3, of the San Diego Municipal Code by amending Sections 31.0110, 31.0301, and 31.0302, and adding Section 31.0306, increasing the Business Tax on Refuse Collectors.

Subitem-B: (O-94-29)

Introduction of an Ordinance amending Chapter IV, Article 6, Division 1, of the San Diego Municipal Code by amending Section 66.0107, relating to the Collection, Transportation and Disposal of Refuse.

CITY MANAGER SUPPORTING INFORMATION:

During the Fiscal Year 1994 Annual Budget deliberations, the City Council approved, in concept, the implementation of a Refuse Collector Business License Fee and directed the City Manager and the City Attorney to return with the appropriate amendments for adoption of this fee. The amendments to the San Diego Municipal Code will increase the business license tax on "Refuse Collectors" to a sum equal to \$10 per ton on each ton of refuse disposed at a City operated landfill. This action requires a 45 day noticing period and the City Clerk advertised as required in the San Diego Transcript on July 19, July 26 and August 2, 1993.

FILE LOCATION:

COUNCIL ACTION: (Tape location: B192-C020; C030-D573.)

Hearing began at 3:02 p.m. and recessed at 3:27 p.m.

Hearing resumed at 3:28 p.m. and halted at 4:48 p.m.

Testimony in opposition by Jim Casey, Phil Huffman, Lee Haney, Penny Silva, Greg Cox, Jeff Ritchie, Bob Simmons, Diane Powers, Elizabeth Meyers, Suzie Baumann, David Cohn, Julie Lanther, Lynn France, Edwina Goddard, Alan Purves, Conrad Pawelski, Phil Mascari, James Britt, and Burt Winslow.

Motion by McCarty to drop the tax and direct the City Manager to draw up a list of potential cuts to offset the revenue lost from not adopting the Business License Tipping Tax. Second by Roberts. Failed. Yea: 2,5,7,M. Nay: 3,4,6,8. Not present: 1.

Motion by Stevens to not reduce the fees back to \$32 until such time as we have agreed as a Council on what other areas to replace those funds with. Second by Vargas. Motion withdrawn.

ITEM-S500:

SUBJECT: Declaration of a State of Local Emergency.

(See memorandum from Mayor Golding dated 9/3/93. San Ysidro, Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-355) ADOPTED AS RESOLUTION R-282544

Declaring the existence of a State of Emergency within the City of San Diego relating to the escalated discharge of raw sewage across the International Border into the City.

SUPPORTING INFORMATION:

For over 50 years, renegade raw sewage flows from Tijuana, Mexico, have flowed across the international border in the

Tijuana River into the United States. These flows have impacted the health and safety of San Diego residents. The permanent solution to this border situation is the construction of the proposed International Treatment Plant by the federal government. This plant is expected to be operational by 1998 and will treat raw sewage from Mexico. In the interim, until the international plant is constructed, the City in 1991, agreed to accept and treat 13 million gallons per day of Tijuana sewage in the Metropolitan Sewerage System. The amount of flow that the City can accept is limited due to the capacity of the emergency connection. Due to increased water availability and usage in Tijuana, raw sewage flows in the Tijuana River have increased. These flows are beyond the capacity that can be handled by the Mexican treatment system and the emergency connection. These increased flows threaten the health, safety, and welfare of the citizens of San Diego. This declaration of emergency will enable the City to assist state and federal agencies in expediting the treatment of this international sewage.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D585-E120.)

MOTION BY VARGAS TO ADOPT, APPROVING THE CITY MANAGER'S REPORT. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:00 p.m. in honor of the memories of Yolanda G. Gonzales and Thomas G. Hill, two long-time City employees; and adjourn in honor of the memory of Percy "Duke" Johnston as requested by City Attorney John Witt.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E121-140).