

(O-91-2)

ORDINANCE NUMBER O-17512 (NEW SERIES)

ADOPTED ON AUG 06 1990

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A GROUND LEASE WITH THE COUNTY OF SAN DIEGO FOR THE CONSTRUCTION AND OPERATION OF A PROPOSED 200-INMATE MISDEMEANOR PRE-ARRAIGNMENT DETENTION FACILITY AT THE EAST MESA CORRECTIONAL COMPLEX WITH A PROVISION ESTABLISHING THE MISDEMEANOR PRE-ARRAIGNMENT DETENTION USE AS THE SOLE LEGAL USE DURING THE LEASE TERM.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the City Manager is hereby authorized and empowered to execute, for and on behalf of The City of San Diego, a ground lease with the COUNTY OF SAN DIEGO, for the construction and operation of a proposed 200-inmate Misdemeanor Pre-arraignment Detention Facility at the East Mesa Correctional Complex, which ground lease has a term of ten (10) years and a specified rent of \$1.00 with additional consideration being a commitment to pay the County \$37,500 per quarter commencing April 1, 1991, plus fifty (50) percent of any increase in fines and forfeitures from vehicle code and misdemeanor statutory violations during the lease term, with additional consideration being an obligation to pay the County twenty-five (25) percent of all such increases in fines and forfeitures following the lease expiration, under the terms and conditions set forth in that ground lease, a copy of which is on file in the office of the City Clerk as Document No. RR-275672.

Section 2. That said ground lease shall contain a paragraph 52.0 to read as follows:

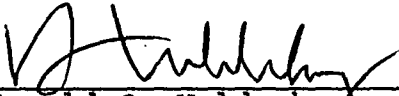
52.0 Pre-arraignment Detention Facility as Sole Legal Use.

City and County agree that the pre-arraignment detention facility to be constructed on the lease area shall be used solely and exclusively as a misdemeanor pre-arraignment detention facility during the entire lease term and is not subject to any order arising out of the case of: Henry D. Hudler, et al., Plaintiffs, versus John F. Duffy, et al., Defendants, Superior Court of the State of California, County of San Diego, Number 404148, consolidated for purposes of review with the case of Manuel Armstrong, et al., Plaintiffs, versus John F. Duffy, et al., Defendants, Superior Court of the State of California, County of San Diego, Case Number 588349. The parties hereto further specifically agree that the facilities shall not be subject to any court order directing use of the City facility to alleviate overcrowding in the County's jails. Furthermore, the parties understand and agree that, but for the understanding and agreement contained in this paragraph, the City would not provide funds for the construction or operation of the pre-arraignment detention facility.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Deputy City Attorney

HOV:ps
07/02/90
Or.Dept:Police
O-91-2
Form=o.none

52 (b)

AUG 06 1990

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Rhonda R. Barnes* Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 24 1990

AUG 06 1990

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Rhonda R. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 017512 Adopted AUG 06 1990

RECEIVED

90 JUL -5 AM 9:41

CITY CLERKS OFFICE
SAN DIEGO, CA

CERTIFICATE OF PUBLICATION

CITY CLERK'S OFFICE
CITY ADM. BLDG., 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: MAYDELL L. PONTECORVO

IN THE MATTER OF
AN EXTENSION OF TIME, AS AN EMERGENCY MEASURE, FOR THE
INTERIM SINGLE-FAMILY NEIGHBORHOOD PROTECTION ORDINANCE
OF THE CITY OF SAN DIEGO TO PROTECT SINGLE-FAMILY NEIGHBOR-
HOODS IN THE MULTI-FAMILY ZONED AREAS FROM INCOMPATIBLE...

NO.

ORDINANCE NUMBER 0-17513 (NEW SERIES)
AN EXTENSION OF TIME, AS AN EMERGENCY MEASURE,
FOR THE INTERIM SINGLE-FAMILY NEIGHBORHOOD PRO-
TECTION ORDINANCE OF THE CITY OF SAN DIEGO TO
PROTECT SINGLE-FAMILY NEIGHBORHOODS IN THE
MULTI-FAMILY ZONED AREAS FROM INCOMPATIBLE DE-
VELOPMENT PENDING THE REZONING OF SUCH
NEIGHBORHOODS.
WHEREAS, the Single-Family Neighborhood Protection Ordinance
(No. 0-17128) was adopted on August 9, 1988; and
WHEREAS, Ordinance No. 0-17250 amended Ordinance No. 0-
17128 on February 21, 1989; and
WHEREAS, Ordinance No. 0-17250 is an interim ordinance which
was extended to expire on August 9, 1990; and
WHEREAS, there are neighborhoods in the City of San Diego
which are primarily single-family in character, and are zoned for
multi-family residential uses; and
WHEREAS, the City has embarked upon a program to identify all
neighborhoods to be protected by single-family zoning, and desig-
nated as Protected Single-Family Neighborhoods; and
WHEREAS, an additional extension of time is needed to preserve
the status quo in existing neighborhoods pending the completion of
this project; and
WHEREAS, Municipal Code section 101.0203.1 empowers the
Council to adopt, as an emergency measure in the interest of public
safety, health, and welfare, a temporary interim ordinance pending
the neighborhood classifications and implementation thereof; and
WHEREAS, with reference to and based on each of the facts set
forth above, the Council finds that there exists a current and im-
mediate threat to public health, safety and welfare with regard to pro-
tection of the environment for the public benefit and with regard to
evaluating the best uses for the subject area to provide for the im-
mediate and future needs of the public; NOW, THEREFORE
BE IT ORDAINED, by the Council of The City of San Diego, as
follows:
Section 1. This ordinance shall extend for one (1) additional year
from the date of its enactment to August 9, 1991, Ordinance No. 0-
17250, commonly known as the Single-Family Neighborhood Protec-
tion Ordinance.
Section 2. This ordinance shall take effect and be in force on the
day of its adoption.
Introduced, reading dispensed with and adopted by the City Coun-
cil of The City of San Diego on AUGUST 7, 1990
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By LINDA LUGANO Deputy
Pub. September 5 1990

I, THOMAS D. KELLEHER, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above- entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17513 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

SEPT. 5

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 5TH day of SEPT., 19 90.

Thomas D. Kelleher

(Signature)

45/8 x 2 = 115.44

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
SD AUG 24 PM 3:36
SAN DIEGO, CALIF.

CITY CLERK'S OFFICE
CITY ADM. BLDG., 2ND FLOOR
SAN DIEGO, CA. 92101
ATTN: RHONDA R. BARNES

IN THE MATTER OF
AN ORDINANCE AMENDING ORDINANCE NO. 0-17326...

NO.

ORDINANCE NUMBER 0-17513 (NEW SERIES)
AN ORDINANCE AMENDING ORDINANCE NO. 0-17326 (NEW SERIES), ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1989-90 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY MODIFYING THE CAPITAL IMPROVEMENT PROGRAM TO INCREASE THE FY 1990 BUDGET OF CIP NO. 21-836, BALBOA PARK FIRE ALARM BUILDING - RENOVATION, BY \$282,455 AND AUTHORIZING THE TRANSFER OF \$50,000 FROM CAPITAL OUTLAY - FLORIDA CANYON FUND NO. 30245.1 AND \$282,455 FROM CIP NO. 21-834.0 BALBOA PARK REQUIREMENTS, CAPITAL OUTLAY - OTHER REVENUE FUND NO. 32453 TO CIP NO. 21-836, BALBOA PARK FIRE ALARM BUILDING - RENOVATION.
BE IT ORDAINED, by the City of The City of San Diego, as follows:
Section 1. That Ordinance No. 0-17326, (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City for Said Fiscal Year", is hereby amended to modify the Capital Improvement Program to increase the FY 1990 budget of CIP No. 21-836, entitled: BALBOA PARK FIRE ALARM BUILDING - RENOVATION, by \$282,455.00.
Section 2. That the City Auditor and Comptroller is hereby authorized to transfer \$50,000 from Capital Outlay Florida Canyon Fund No. 30245.1 and \$282,455 from CIP No. 21-834.0, BALBOA PARK REQUIREMENTS, CAPITAL OUTLAY - Other Revenue Fund No. 32453 to CIP No. 21-836, BALBOA PARK FIRE ALARM BUILDING RENOVATION.
Section 3. That the expenditure, not to exceed \$436,000 from CIP No. 21-836, BALBOA PARK FIRE ALARM BUILDING - RENOVATION, is hereby authorized solely and exclusively for providing funds for said project and related costs.
Section 4. That the Auditor and Comptroller is hereby authorized upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
Section 5. This ordinance shall take effect and be in force immediately upon its adoption after two (2) public hearings, pursuant to the authority contained in Sections 16, 17 and 71 of the Charter of The City of San Diego.
Introduced, reading dispensed with and adopted by the City Council of The City of San Diego on AUGUST 07 1990
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By RHONDA R. BARNES, Deputy
Pub. August 21, 1990 194499

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17513 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

AUG. 21

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 21ST day of AUG, 1990.

Thomas D. Kelleher
(Signature)

45/8 x 2 = 115.44