

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 30, 1991
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:16 a.m. The meeting was recessed by Mayor O'Connor at 12:21 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with Council Members Wolfsheimer, Roberts, Hartley, Behr, McCarty and Filner not present. A quorum was present at 2:08 p.m. with Council Member Roberts not present. Mayor O'Connor recessed the meeting at 6:19 p.m. to convene the Joint Special Meeting and Public Hearing of the City Council and the Redevelopment Agency. Mayor O'Connor adjourned the meeting 6:23 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-excused by R-278643
(Illness)
 - (3) Council Member Hartley-present
 - (4) Council Member Pratt-present
 - (5) Council Member Behr-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour/Fishkin (ll/so)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-not present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-310: WELCOMED

Welcoming a group of approximately 30 students from Mesa College, accompanied by their teacher, Jerome McGadney.

This group will arrive at approximately 10:00 a.m.

(District-6.)

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A193-197.)

ITEM-330:

Two actions relative to the Civic Center:

(See City Manager Report CMR-91-337 and City Architect memo dated 7/11/91. District-2.)

Subitem-A: (R-92-121) CONTINUED TO AUGUST 5, 1991

Authorizing the City Manager to negotiate long-term leases in the Centre City area (up to ten years), on behalf of the City in order to insure adequate office space for City employees at reasonable lease rates with the leases to be returned to the City Council for consideration prior to execution; authorizing the City Manager to commence a property acquisition program in the Centre City east area for construction of a future Civic Center building.

Subitem-B: (R-92-123) CONTINUED TO AUGUST 5, 1991

Supporting the recommendation of the City Manager, in concept, that Ordinance No. O-17172 be amended to extend the deadline for installation of an automatic fire sprinkler system in the City Administration Building to January 1, 1999; directing the City Attorney to prepare an ordinance for introduction which amends Ordinance No. O-17172 consistent with the recommendation of the City Manager.

Subitem-C: (O-92-22) CONTINUED TO AUGUST 5, 1991

Introduction of an Ordinance amending Chapter V, Article 5, Division 3, of the San Diego Municipal Code by amending Section 55.0310.0301, relating to Fire Protection and Prevention.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A057-C586.)

MOTION BY HENDERSON TO CONTINUE TO AUGUST 5, 1991 TO FURTHER REVIEW THE LATEST INFORMATION PRESENTED. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-331: (R-91-2066) ADOPTED AS RESOLUTION R-278433

Considering the protests, approving the modified map, confirming the assessments and ordering the proposed maintenance, in the matter of the San Ysidro Boulevard

Landscape Maintenance District.

(San Ysidro Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the San Ysidro Boulevard Landscape Maintenance District. The district provides maintenance for the landscaping, decorative pavement, decorative sidewalk and street amenities such as bollards, benches and planter boxes. The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$12,660
Personnel	6,735
Utilities	2,125
Incidentals	8,412*
Total Expenses	\$29,932
Reserve	8,500
Total	\$38,432
Less Carry-over & Interest	8,500
Less City Contribution	343
Assessed to District	\$29,589

*Includes Assessment District Management Fee of \$1,706.

The assessments are based on the frontage along San Ysidro Boulevard. The proposed unit assessment for Fiscal Year 1992 is approximately \$1.58 per frontage foot of parcel. The assessment amount in Fiscal Year 1991 was \$1.56 per frontage foot.

FILE LOCATION: STRT M-251

COUNCIL ACTION: (Tape location: A036-038.)

Hearing began 10:17 a.m. and halted 10:18 a.m.

MOTION BY McCARTY TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Two actions relative to the San Diego Street Lighting Maintenance District No. 1:

Subitem-A: (R-91-2062) ADOPTED AS RESOLUTION R-278434

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the San Diego Street Lighting Maintenance District No. 1.

Subitem-B: (R-91-2063) ADOPTED AS RESOLUTION R-278435

Authorizing the execution of a contract with San Diego Gas & Electric Company for furnishing electrical energy for San Diego Street Lighting Maintenance District No. 1.

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the San Diego Street Lighting Maintenance District No. 1. The district provides street light energy and maintenance for areas with lighting levels above the normal for City-wide "safety" lighting. As part of this action, it is proposed to annex the following areas to the San Diego Street Lighting Maintenance District No. 1:

- 25th Street from "F" Street to Russ Boulevard.
- University Avenue from Euclid Avenue to Winona Avenue.
- All parcels south of Laurel Street, west of I-5, north of Commercial Street and Harbor Drive, and east of Pacific Highway, excluding those parcels which are already part of the San Diego Street Lighting Maintenance District No. 1.

The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Electrical Energy	\$ 233,820
Maintenance - Operation	250,000
Maintenance - Major Repair & Paint	300,000
Centre City Maintenance Program	11,500
Incidentals & Miscellaneous	131,700
Total Expenses	\$ 927,020
Total Fund Balance	731,689
Total Fund Balance & Expenses	\$1,658,709
Less Carry-over & Interest	1,142,694
Less City Contribution	316,015
Assessed to District	\$ 200,000

The amount assessed to the district for Fiscal Year 1992 is \$200,000, the same as in Fiscal Year 1991.

FILE LOCATION: STRT M-250 CONT FY 92-1

COUNCIL ACTION: (Tape location: A036-038.)

Hearing began 10:17 a.m. and halted 10:18 a.m.

MOTION BY McCARTY TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (R-91-2069) ADOPTED AS RESOLUTION R-278436

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Carmel Mountain Ranch Landscape Maintenance District.

(Rancho Carmel Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Carmel Mountain Ranch Landscape Maintenance District. The district provides maintenance of landscape medians and streetscapes within the district boundaries. In Fiscal Year 1992, the district will take over the maintenance of a large new area of the existing landscaping improvements. The developer will maintain other areas until they are turned over to the district. The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$145,000
Personnel	22,447
Utilities	21,500
Incidentals	33,246*
Total Expenses	\$222,193
Reserve	21,097
Total	\$243,290
Less Carry-over & Interest	117,000
Less City Contribution	12,876
Assessed to District	\$113,414

*Includes Assessment District Management Fee of \$12,577.

The proposed assessment for Fiscal Year 1992 is approximately \$9.58 per dwelling unit compared to \$4.13 in Fiscal Year 1991.

The increase in the Fiscal Year 1992 assessment is due to the addition of a substantial area to be maintained by the district as well as the projected cost of converting to a drip system of irrigation as a water conservation measure.

FILE LOCATION: STRT M-248

COUNCIL ACTION: (Tape location: A036-038.)

Hearing began 10:17 a.m. and halted 10:18 a.m.

MOTION BY McCARTY TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334:

(Continued from the meetings of February 19, 1991, Item 332, and March 19, 1991, Item 337; returned to the Planning Department at last meeting, at Councilmember Behr's request, for further staff review.)

Rezoning approximately 0.91-acres located on the west side of Mercury Street between Clairemont Mesa Boulevard and Raytheon Road, in the Serra Mesa Community Plan area, from Zone M-1B to Zone M-1A, to allow future development of the site with uses consistent with Zone M-1A. The subject property is further described as Lot 2, Empire Development, Unit 6, Map-8813.

(Case-88-1122. District-5.)

Subitem-A: (R-89-2418) ADOPTED AS RESOLUTION R-278437

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-1122 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.

Subitem-B: (O-89-232) INTRODUCED, TO BE ADOPTED
SEPTEMBER 9, 1991

Introduction of an Ordinance for M-1A Zoning.

FILE LOCATION: ZONE-Ord. No.

COUNCIL ACTION: (Tape location: A049-054.)

Hearing began 10:18 a.m. and halted 10:19 a.m.

MOTION BY BEHR TO ADOPT THE RESOLUTION AND INTRODUCE THE ORDINANCE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: (R-91-2072) ADOPTED AS RESOLUTION R-278438

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Lopez Canyon Stormwater Retention Basin Maintenance District.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Lopez Canyon Stormwater Retention Basin Maintenance District. The district provides maintenance for the open retention basin. The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 5,000
Personnel	-
Utilities	-
Incidentals	1,500
Total Expenses	\$ 6,500
Reserve	3,561
Total	\$10,061
Less Carry-over & Interest	10,061
Less City Contribution	0
Assessed to District	0

The carry-over amount from the previous year and the projected interest is \$10,061. The proposed expenditure to maintain the district including incidental expenses for Fiscal Year 1992 is \$6,500. The balance remaining in the district account (\$3,561) in Fiscal Year 1992 is sufficient to provide a continuing major maintenance reserve. Consequently, no assessments to the district are proposed for Fiscal Year 1992. The amount assessed to the district in Fiscal Year 1991 was also zero.

FILE LOCATION: STRT M-249

COUNCIL ACTION: (Tape location: A036-038.)

Hearing began 10:16 a.m. and halted 10:17 a.m.

MOTION BY McCARTY TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336: (R-92-131 Cor.Copy 2) ADOPTED AS RESOLUTION R-278440

Awarding the right to issue City of San Diego, Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program) Series 1991, not to exceed \$12,500,000, and to proceed with the issuance of the Certificates.

CITY MANAGER SUPPORTING INFORMATION: In June 1991, the City Council authorized the issuance of Certificates of Participation (COPs) in an amount not to exceed \$12.5 million to fund the Balboa Park/Mission Bay Park Capital Improvements Program. On July 30, 1991, City staff will receive competitive bids from bond underwriters for these bonds. City staff will recommend to the City Council the lowest true interest cost bid at the July 30, 1991 meeting.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F111-130.)

MOTION BY HENDERSON TO APPROVE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-337: CONTINUED TO SEPTEMBER 24, 1991, 2:00 P.M.

Proposal to adopt the Santee Investments Otay Mesa Precise Plan and rezoning portions of the planning area from Zone A-1-10 to Zone R-3000 with the Community Plan Implementation Overlay Zone (CPIOZ) Type B; R-1500 with CPIOZ Type B; R-1500; and CN as indicated in Map C-839. Existing Hillside Review Overlay Zones would remain. The proposal is to establish precise land uses for 128.6 acres of vacant land in the Otay Mesa Community Plan area.

In accordance with the adopted Otay Mesa Community Plan, the precise plan proposes a community park, a high school site, a 13-acre neighborhood commercial site and 591 medium density multi-family residential units. The precise plan also contains an alternative land use proposal for the high school site that would permit an additional 515 multi-family units within the planning area should the high school be deleted from this planning area.

The subject property is located approximately one mile east of I-805 and immediately to the south of the future alignment of SR-905 within the Otay Mesa community and is more particularly described as a subdivision of portions of the northeast and southeast quarters of Section 31 and the northwest quarter of Section 32, Township 18 South, Range 1 West, S.B.B.M.

(Case-7359 & RZ-91-0136. District-8.)

Subitem-A: (R-92-)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-0403 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: (O-92-)

Introduction of an Ordinance for R-3000 (CPIOZ); R-1500 (CPIOZ); R-1500 and CN Zoning, all with existing Hillside Review Overlay.

Subitem-C: (R-92-)

Adoption of a Resolution approving or denying the precise plan, with appropriate findings to support Council action.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: E005-011.)

MOTION BY HENDERSON TO CONTINUE TO SEPTEMBER 24, 1991 AT THE REQUEST OF THE APPLICANT'S ATTORNEY. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-338: CONTINUED TO AUGUST 6, 1991, 2:00 P.M.

(Continued from the meeting of June 25, 1991, Item 338, at Councilmember Roberts' request, to separate the commercial and residential sites and for further review.)

Matters of the following appeals from the decision of the Historical Site board in designating the following properties located in the Harborview/Little Italy area, in the Centre City Community Plan area as historical sites:

Commercial Buildings

Appeal of Patricia Kent of Worley, Schwartz, Garfield & Rice for 2260 Columbia Street (Foster-Kleiser Building).

Residential Buildings

- 1) Appeal of Patricia Kent of Worley, Schwartz, Garfield & Rice for 1620 Union (June's Attorney Service).
- 2) Appeal of Patricia Kent of Worley, Schwartz, Garfield & Rice for 1654 Union (Crowell House).
- 3) Appeal of Patricia Kent of Worley, Schwartz, Garfield & Rice for 1632 State (Knoben rental).
- 4) Appeal of Steve A. Morton for 1610 Union (Millard rental).
- 5) Appeal of Nancy G. Porter for 1642, 1644, 1646 and 1648 Union (Tarpley residence).
- 6) Appeal of George W. Tower, M.A., J.D. for 1642 (Dumas residence) and 1648 State (The Doll Factory).
- 7) Appeal of Patricia Kent of Worley, Schwartz, Garfield & Rice for 602 W. Fir (Piriano residence). (District-2.)

Subitem-A: (R-92-)

Adoption of a Resolution approving or denying the designation for the property located at 2260 Columbia Street with appropriate findings to support Council action.

Subitem-B: (R-92-)

Adoption of a Resolution approving or denying the designation for the property located at 1620 Union Street with appropriate findings to support Council action.

Subitem-C: (R-92-)

Adoption of a Resolution approving or denying the designation for the property located at 1654 Union Street with appropriate findings to support Council action.

Subitem-D: (R-92-)

Adoption of a Resolution approving or denying the designation for the property located at 1632 State Street with appropriate findings to support Council action.

Subitem-E: (R-92-)

Adoption of a Resolution approving or denying the designation for the property located at 1610 Union Street with appropriate findings to support Council action.

Subitem-F: (R-92-)

Adoption of a Resolution approving or denying the designation for the property located at 1642, 1644, 1646, and 1648 Union Street with appropriate findings to support Council action.

Subitem-G: (R-92-)

Adoption of a Resolution approving or denying the designation for the property located at 1642 and 1648 State Street with appropriate findings to support Council action.

Subitem-H: (R-92-)

Adoption of a Resolution approving or denying the designation for the property located at 602 W. Fir Street with appropriate findings to support Council action.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F140-185.)

MOTION BY HARTLEY TO CONTINUE TO AUGUST 6, 1991 AT 2:00 P.M. AT THE REQUEST OF COUNCIL MEMBER ROBERTS SO THAT HE CAN BE PRESENT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-339: (R-92-) CONTINUED TO SEPTEMBER 10, 1991

Disestablishment of the La Jolla Business Improvement District, under Resolution of Intention R-278299, adopted July 9, 1991.

(La Jolla Community Area. District-1.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: I070-L074, not including K.)

Hearing began at 4:51 p.m. and halted at 6:15 p.m.

Testimony in favor by Joe Graham, Lois Hibbs, Bob Otilie and John Stump.

Testimony in opposition by Eileen Mason, Ed Lawrence, Walter Robinson, Oren Gutch, John Angyal, John Stump and Jerome Herman.

MOTION BY WOLFSHEIMER TO CLOSE THE HEARING, CONTINUE TO SEPTEMBER 10, 1991 TO ALLOW A MEETING TO TAKE PLACE WITH THE CITY MANAGER'S OFFICE AND MEMBERS OF THE BUSINESS COMMUNITY TO REVIEW THE BOOKS AND TO RESOLVE THE ISSUE. DIRECT STAFF TO MINIMIZE THEIR INVOLVEMENT IN THIS MATTER. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-nay, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-340: (R-92-) CONTINUED TO SEPTEMBER 10, 1991

(Continued from the meeting of June 24, 1991, Item 208; Trailed as Unfinished Business from July 2, 1991, Item S409; Continued from the meeting of July 9, 1991, Item S404; last continued at Councilmember Wolfsheimer's request, until the hearing is held to determine if the BID will be disestablished.)

Levying an annual assessment within the La Jolla Business Improvement District for July 1, 1991 through June 30, 1992.

(La Jolla Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Business Improvement Districts (BIDs) are authorized by State law to assess benefitted businesses for the cost of certain improvement activities. These activities are generally promotional in nature. Once a BID is established, the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an

annual operating agreement. There are currently 11 active districts in the City of San Diego: Adams Avenue, City Heights, Downtown, El Cajon Blvd.-Gateway, El Cajon Blvd. Central, Gaslamp, Hillcrest, La Jolla, Mission Hills, North Park and Ocean Beach. State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments.

Today's action is the public hearing to levy the proposed assessment for the La Jolla Business Improvement District for FY 1992.

NOTE: See Item 339 for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: I070-L074, not including K.)

Hearing began at 4:51 p.m. and halted at 6:15 p.m.

Testimony in favor by Joe Graham, Lois Hibbs, Bob Otilie and John Stump.

Testimony in opposition by Eileen Mason, Ed Lawrence, Walter Robinson, Oren Gutch, John Angyal, John Stump and Jerome Herman.

MOTION BY WOLFSHEIMER TO CLOSE THE HEARING, CONTINUE TO SEPTEMBER 10, 1991 TO ALLOW A MEETING TO TAKE PLACE WITH THE CITY MANAGER'S OFFICE AND MEMBERS OF THE BUSINESS COMMUNITY TO REVIEW THE BOOKS AND TO RESOLVE THE ISSUE. DIRECT STAFF TO MINIMIZE THEIR INVOLVEMENT IN THIS MATTER. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-nay, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-341: (R-92-104) ADOPTED AS RESOLUTION R-278441

Authorizing the execution of a First Amended Agreement for provision of services to the Redevelopment Agency by the City of San Diego.

(See Report from the Redevelopment Agency.)

NOTE: See Item 601 for a companion item.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: L074-082.)

MOTION BY McCARTY TO APPROVE. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S500: (O-91-148) INTRODUCED, TO BE ADOPTED SEPTEMBER 9, 1991

(Trailed as Unfinished Business from the Special Meeting of Thursday, March 14, 1991, Item 707; Continued from the meetings of March 18, 1991, Item S407, March 26, 1991, Item S503, April 8, 1991, Item 202, April 16, 1991, Item 603, April 22, 1991, Item 601, May 6, 1991, Item 601, May 14, 1991, Item 601, and May 21, 1991, Item 601; Trailed as Unfinished Business from the meeting of Tuesday, July 16, 1991, Item S406; Continued from the meeting of Tuesday, July 23, 1991, Item S400; last continued at the Council's request, for a report from the City Manager showing adjustments to the rate increases for pass thru rates from MWD, multi-family, commercial and industrial rate structures.)

Introduction of an Ordinance amending Chapter VI, Article 4, Division 4, of the San Diego Municipal Code, by amending Section 64.0411, and amending Chapter VI, Article 7 of the San Diego Municipal Code, by amending Section 67.59.1, relating to Sewer and Water Rate Adjustment.

CITY MANAGER SUPPORTING INFORMATION: The Municipal Code (Section 64.0411 and 67.59.1) currently provides that water and sewer rates be adjusted annually on the first day of January to compensate for any increases in the costs of purchased water and/or energy which are beyond the control of the City. The Proposed Ordinance:

1. Amends Section 64.0411 (Sewer Rates - Adjustments) and 67.59.1 (Water Rates - Adjustments) to provide that adjustments to water and sewer rates be made at any time to

compensate for increases in Water Purchase and/or Energy Costs.

WU-U-91-134.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: H432-I070.)

MOTION BY BEHR TO APPROVE THE INTRODUCTION OF THE ORDINANCE UNDER PROTEST WITH DIRECTION TO THE CITY ATTORNEY ASKING THAT HE LOOK INTO WHAT LEGAL ACTION, IN REGARDS TO FUTURE MWD INCREASES, COUNCIL CAN TAKE AND COUNCIL'S ABILITY TO ROLL BACK RATES BASED ON MWD'S RESERVES. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S501: (R-92-224) ADOPTED AS AMENDED AS RESOLUTION R-278442

(Trailed as Unfinished Business from the Special Meeting of Thursday, March 14, 1991, Item 706; Continued from the meetings of March 18, 1991, Item S406, March 26, 1991, Item S502, April 8, 1991, Item 203, April 16, 1991, portion of Item 604, April 22, 1991, Item 602, May 6, 1991, Item 602, May 14, 1991, Item 602, and May 21, 1991, Item 602; Trailed as Unfinished Business from the meeting of Tuesday, July 17, 1991, Item S407; Continued from the meeting of July 23, 1991, Item S401; last continued at the Council's request, for a report from the City Manager showing adjustments to the rate increases for pass thru rates from MWD, multi-family, commercial and industrial rate structures.)

Adoption of a Resolution amending and/or increasing certain currently effective water rates and charges as part of the annual review of water and sewer utility rates.

FILE LOCATION: WATER - Water and Sewer Utility Rates

COUNCIL ACTION: (Tape location: F215-H432.)

MOTION BY HENDERSON TO ADOPT THE CITY MANAGER'S MULTI-FAMILY AND COMMERCIAL/INDUSTRIAL RATES AS AMENDED TO CHARGE A FLAT FEE FOR EACH 100 CUBIC FEET AT A RATE OF .994, GOING TO THE 1-4 HCF RATE INITIALLY OF .94, AND A 5-12 HCF AT \$1.08. APPLY THE SURCHARGE FOR CUSTOMERS WHO HAVE NOT SAVED 20 PERCENT FROM THEIR 1989 BILL. DIRECT THE CITY MANAGER TO RETURN TO THE COUNCIL WITH REVISED POLICIES INCORPORATING ADMINISTRATIVE LATITUDE WHICH WILL ENHANCE CUSTOMER SERVICE AND EQUITY IN APPLICATION OF THE NEW RATES. AN APPEALS PROCESS WILL COME BACK ON SEPTEMBER 9, 1991 ON INDIVIDUAL CASES AFTER THE MANAGER HAS DEVELOPED CRITERIA ON THE SURCHARGE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-nay, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S502: (R-91-2282) ADOPTED AS RESOLUTION R-278439

(Trailed as Unfinished Business from the meeting of Tuesday, July 16, 1991, Item 330; Continued from the meeting of July 22, 1991, Item S404, at the City Manager's request, for further review.)

Authorizing the execution of a cooperative agreement with the State of California, for two Park-and-Ride facilities;

approving the acquisition of property to provide a Park-and-Ride facility on the east side of Carmel Mountain Road across from the intersection with Freeport Road;

authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$200,000 from Contributions Fund CIP-63-022 and \$979,000 from the State of California to CIP-52-415.0, Park-and-Ride Lots; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$50,000 from CIP-52-393.0, Fund 79004, Black Mountain Road from SR-56 to the Southern Community Plan Boundary, to CIP-52-415.0, for the purchase of a Park-and-Ride lot on Carmel Mountain Road; authorizing the increase of the budget for CIP-52-415.0, Park-and-Ride, Carmel Mountain Road and Rancho Penasquitos Boulevard, by \$579,000 with \$200,000 contributed by the Metropolitan Transit

Development Board (MTDB) and \$379,000 contributed by the State of California, both in CIP Construction Fund 63022;

authorizing the expenditure of an amount not to exceed \$1,429,000 from CIP-52-415.0: \$250,000 from Penasquitos East Facilities Benefit Assessment Fund 79-004; \$1,179,000 from the Contributions Fund CIP-63-022 (\$200,000 contributed by the Metropolitan Transit Development Board (MTDB) and \$979,000 contributed by the State of California) for the purpose of providing funds for acquisition and related expenses.

(Penasquitos East and Carmel Mountain Ranch Community Areas. Districts-1 and 5.)

CITY MANAGER SUPPORTING INFORMATION: The proposed agreement would assist in the acquisition of property for two park-and-ride lots near the northern terminus of the High Occupancy Vehicle (HOV) lanes on Interstate 15. The first site is in the Penasquitos East community, on Carmel Mountain Road across from the intersection of Freeport Road. This site will be acquired by the City of San Diego, assisted by funding from MTDB and the State of California. The park-and-ride lot will be constructed by the State of California. The second site is located in the Carmel Mountain Ranch community on Rancho Carmel Drive at the intersection with Provencal Place. This site, and the parking structure on it, will be provided by the developer.

Both sites will be operated and maintained by the State of California under a 20-year lease from the City of San Diego. The use of both properties for park-and-ride facilities is consistent with the community plans for Penasquitos East and Carmel Mountain Ranch.

Aud. Cert. 9100979.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A021-035.)

Hearing began 10:19 a.m. and halted 10:20 a.m.

MOTION BY HENDERSON TO APPROVE. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S503: (R-92-166) ADOPTED AS RESOLUTION R-278443

Amending the Fiscal Year 1991-92 Annual Capital Improvement Program (CIP), creating new CIP-29-779.0, entitled "Marina Redevelopment Project - King Promenade"; accepting \$1,410,000 in payments from the Redevelopment Agency of the City of San Diego and providing for the reloading of the funds to the Agency; authorizing the City Auditor and Comptroller to disburse the funds to the Agency.

(See memorandum from CCDC Executive Vice President dated 7/9/91. Centre City Community Area. District-2.)

Aud. Cert. 9200063.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: L182-192.)

MOTION BY HARTLEY TO APPROVE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S504: (R-92-172) ADOPTED AS RESOLUTION R-278444

Authorizing the execution of a Master Agreement with Mission Trails Regional Park Foundation Inc., governing its role in the preservation, development and maintenance of the park; authorizing the execution of an agreement with the Mission Trails Regional Park Foundation, Inc. for design and construction of the Visitors' Center Project;

authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$480,000 from CIP-29-680.0, Mission Trails Regional Park Visitors' Center, Fund 392010, Lusk-Regional Park Improvements, to the Mission Trails Regional Park Foundation, Inc.; authorizing the City Auditor and Comptroller to

transfer the amount of \$360,000 and all subsequent revenues, including interest accrued, from Fund 392010, Lusk-Regional Park Improvements, to the Mission Trails Regional Park Foundation, Inc.; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$50,000 from Mission Trails Regional Park Fund, Fund No. 10580, to CIP-29-680.0, Mission Trails Regional Park Visitors' Center.

(See City Manager Report CMR-91-357. Mission Trails Regional Park Community Area. District-7.)

Aud. Cert. 9200053.

FILE LOCATION: MEET CONT FY92-1; CCONT FY92-1

COUNCIL ACTION: (Tape location: F130-140.)

MOTION BY McCARTY TO APPROVE. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S505:

Three actions relative to the Annual Administrative Budget for Fiscal Year 1991-92 for the Southeast Economic Development Corporation:

(See SEDC Report dated 7/30/91.)

Subitem-A: (R-92-176) ADOPTED AS RESOLUTION R-278445

Adopting the Annual Administrative Budget for the Southeast Economic Development Corporation.

Subitem-B: (R-92-177) ADOPTED AS RESOLUTION R-278446

Adopting the Program Budget administered by SEDC.

Subitem-C: (R-92-178) ADOPTED AS RESOLUTION R-278447

Authorizing SEDC to administer and expend funds from CDBG and CIP funds allocated to it for its Redevelopment Study Areas, Business/Community

Development Program, and Project First Class.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: L092-097.)

MOTION BY PRATT TO APPROVE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S506: (R-92-168) ADOPTED AS RESOLUTION R-278448

Authorizing the execution of a first amendment to the agreement with the Neighborhood House Association, Inc. for the purpose of entering into and administering a subagreement with Triple Crown Youth Coalition, Inc. to provide neighborhood improvement services during Fiscal Year 1992; authorizing the City Auditor and Comptroller to transfer \$10,000 from the General Fund (Fund 100), Waste Management Department (Dept. 513), to the Human Care Services Special Fund (Fund No. 19664); authorizing the expenditure of an amount not to exceed \$10,000 from the Human Care Services Special Fund (Fund 19664), to supplement the \$75,000 expenditure authorized by Resolution RR-278175-19, for the purpose of providing funds for the execution of the above agreement.

(See memorandum from Councilmember Pratt dated 7/12/91.)

COMMITTEE ACTION: Initiated by PSS on 7/17/91. Recommendation approve Chairman Pratt's recommendation to allocate \$10,000 to Triple Crown Youth Program for the purpose of enhancing their Summer Youth Program. Funds shall be allocated from the Neighborhood Pride and Protection Plan's Conservation line item. Additionally, the Committee requested that the City Manager assist Tripple Crown in developing an education enhancement program; a verbal report is to be provided to the Public Services and Safety Committee on August 7, 1991, via the City Community Services Program's Youth Administrator. Districts 3, 4, 5 and 7 voted yea. District 2 not present.

CITY MANAGER SUPPORTING INFORMATION: On July 17, 1991 the Public

Services and Safety Committee recommended that Triple Crown Youth Coalition, Inc. receive \$10,000 in funding from Waste Management's Neighborhood Pride and Protection budget.

The monies would be used for the Triple Crown Summer Youth Program, which provides gang members and at-risk youths with training and employment opportunities. Specific activities will include graffiti removal, painting, sidewalk weed abatement, and other neighborhood improvement projects. Support services will include tutorial assistance, daily lunches, field trips, assistance with job placement, and school transition activities.

Triple Crown Youth Coalition, Inc. recently received a \$10,000 grant from the San Diego Consortium and Private Industry Council for the Summer Youth Program. The funding is administered through the Neighborhood House Association, who acts as fiscal agent and ensures that administrative requirements are met. The City has an agreement with the Neighborhood House Association (NHA) for the "Out of School Youth Program," who provides juvenile diversion services to at-risk youths. The action before Council today is an amendment to the agreement authorizing NHA to administer the City's funding allocation for the Triple Crown Summer Youth Program. Funds are available from Waste Management's Neighborhood Pride and Protection budget. Aud. Cert. 9200070.

FILE LOCATION: MEET CONT FY92-2

COUNCIL ACTION: (Tape location: F130-140.)

MOTION BY McCARTY TO APPROVE. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

ITEM-ND-1: DIRECTIONS GIVEN

Declaring a state of urgency to address crime issues in the City and authorize the City Manager to take whatever steps are necessary to handle this emergency relating to the escalation of the level of gang and drug related violence within the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E011-F111.)

MOTION BY HENDERSON TO ACCEPT THE ITEM FOR CONSIDERATION. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY HENDERSON TO ADOPT A RESOLUTION GIVING THE CITY MANAGER EMERGENCY POWERS TO TAKE URGENT AND BOLD ACTION IN PUTTING AN END TO DRIVE BY SHOOTINGS AND OTHER LAWLESS BEHAVIOR BY: 1) THE DEPLOYMENT OF MOBILE COMMAND POSTS TO NEIGHBORHOOD HOT SPOTS; 2) THE MOBILIZATION OF STRIKE TEAMS TO SATURATE TROUBLED AREAS DURING PERIODS OF PEAK ACTIVITY; 3) THE ALLOCATION OF SCARCE CONFINEMENT SPACE TO THOSE APPREHENDED FOR ACTS OF GANG AND DRUG VIOLENCE; 4) ENHANCED SENSITIVITY AND RESPONSE TIME IN KNOWN HIGH INCIDENT AREAS; 5) THE ACTIVE INVOLVEMENT OF COMMUNITY LEADERS TO ENGAGE THE CITIZENRY IN COOPERATIVE EFFORTS TO ASSIST LAW ENFORCEMENT OFFICIALS IN ANTICIPATING AND LOCATING POTENTIAL PROBLEMS; AND 5) CONTINUED EMPHASIS ON ALL EFFORTS TO DISCOURAGE DRUG USE, PROVIDE POSITIVE ALTERNATIVES TO GANG ASSOCIATION, AND DECREASE SOCIETAL ENVIRONMENTAL INCUBATORS TO DOMESTIC VIOLENCE.

DIRECT THE CITY MANAGER TO RETURN ON MONDAY, AUGUST 5, 1991 WITH THE FOLLOWING INFORMATION:

1. LOOK INTO CREATING A HOTLINE WITH ANONYMOUS TIPS AND A REWARD SYSTEM.
2. REPORT ON WHAT PERCENTAGE OF HOMICIDES WERE GANG MEMBERS AND WHO IS NOW OCCUPYING PRISON SPACE. THERE IS THE POSSIBILITY OF RELEASING PRISONERS WHO ARE LESS OF A THREAT BY REARRANGING PRIORITIES.
3. LOOK INTO REVISED LEGISLATION DEALING WITH THE ISSUE OF HUMANITY AND FOR A RELAXATION IN STANDARDS.
4. HOLD A COMMUNITY MEETING WITH PARENTS SO THEY ARE AWARE OF THE PROBLEMS, REINFORCING THAT PARENTS KNOW WHERE THEIR CHILDREN ARE AND WHETHER OR NOT THEY HAVE ACCESS TO A GUN.
5. EXPLORE TV, RADIO AND MEDIA, PROMOTING PUBLIC SERVICES WITH HELPFUL HINTS TO PARENTS. LOOK INTO WORKING WITH EXPERTS AND ORGANIZATIONS WITHIN THE COMMUNITY INCORPORATING THE PUBLIC SERVICE APPROACH.
6. REPORT ON THE NUMBER OF JAIL SPACE AVAILABLE AND WHAT CAN BE DONE TO GET PEOPLE INTO THOSE FACILITIES AND OFF THE STREETS.

7. REPORT ON HOW MANY ARRESTS HAVE BEEN MADE AND THE CRIMINAL JUSTICE HISTORY ON GANGS, DRUGS AND DRIVE-BY SHOOTINGS.
8. DIRECT THE MANAGER TO ASK THE CITY ATTORNEY TO MEET WITH THE POLICE CHIEF TO SEE IF THERE IS ANYTHING NEEDED TO MAKE HIS OFFICERS' JOBS EASIER ON THE STREET.
9. EXPLORE THE IDEA OF USING VACANT NAVY SHIPS FOR JAIL SPACE.
10. REPORT ON GANG MEMBERSHIP LAWS.
11. DIRECT THE MANAGER TO REPORT BACK ON HOW COUNCIL CAN ESTABLISH GOALS AND ACCOUNTABILITY IN THIS PROCESS SO IT CAN REPORT PROBLEMS TO CONSTITUENTS AND ASK FOR THEIR HELP.
12. REQUEST THAT THE CITY ATTORNEY REVIEW THE EMERGENCY POWERS REGULATIONS.

Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 6:23 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: L163).