

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 9, 1992
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:00 p.m. without a quorum. A quorum was present at 2:08 p.m. with Council Members Stallings and Filner not present. Mayor O'Connor adjourned the meeting at 6:50 p.m. to reconvene in Closed Session on November 10, 1992, at 9:30 a.m., in the 12th floor conference room to discuss pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-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 Filner-present
- Clerk-Abdelnour/Fishkin (rb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Edward L. Strebe,
Atonement Lutheran Church.

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 replacement for
District 8.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A073-098.)

ITEM-PC-2: REFERRED TO THE CITY MANAGER

Comments by Derek Anderson regarding minority business equal opportunity contracting and payment of funds due from the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-143.)

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Council Member Behr regarding the NCWA Championship games and encouraged everyone to support the team.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A145-159.)

ITEM-CC-2:

City Manager McGrory announced the appointment of Thomas R. Leslie as the Homeless Services Coordinator.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A160-181.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

10/19/92

10/20/92

10/20/92 Special Meeting Item 701

10/20/92 Special Meeting Item 702

10/26/92

10/27/92

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A185-199.)

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

ITEM-31: (R-93-753) ADOPTED AS RESOLUTION R-281007

Declaring November 1992 to be "American Indian Awareness Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A200-239.)

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

ITEM-32: RECOGNIZED

Recognizing and welcoming Mayor Timoteo Encarnacion, Jr. of our Sister City, Cavite, Republic of the Philippines, joined by Mr. Leo Herrera-Lim, Third Secretary of the Philippines Embassy in Washington, D.C., and their delegation who are visiting San Diego to study local government administration.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A240-289.)

ITEM-50: (O-93-55 Rev.) TRAILED TO NOVEMBER 10, 1992, DUE TO LACK OF FIVE AFFIRMATIVE VOTES

Amending Chapter IV, Article 4, of the San Diego Municipal Code, by adding Section 44.0322, relating to Dog License Fees, establishing the following fees for altered and unaltered dogs, effective January 1, 1993:

	6 mo.	1 year	2 years	3 years
Altered	\$ 6.00	\$10.00	\$17.00	\$23.00
Unaltered	\$16.25	\$25.50	\$42.00	\$54.50

(Introduced on 10/27/92. Council voted 5-3. Districts 1,3,4,6 and 8 voted yea. Districts 2, 5 and 7 voted nay. Mayor not present.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A494-622.)

Motion by McCarty to continue the item to December 8, 1992 as requested by Mayor O'Connor. Second by Mayor O'Connor. Failed. Yea: 5,7,M. Nay: 3,4,6,8. Not present: 1,2.

Motion by Stallings to adopt. Second by Hartley. Failed. Yeas: 3,4,6,8. Nay: 2,5,7,M. Not present: 1.

ITEM-51: (O-93-12) CONTINUED TO NOVEMBER 23, 1992

Amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code by amending Section 101.0510, relating to Correctional Placement Centers.

(Introduced on 10/27/92. Council voted 7-0. Districts 2 and 8 not present.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: G236-266.)

MOTION BY STEVENS TO CONTINUE TO NOVEMBER 23, 1992 FOR FURTHER REVIEW. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

* ITEM-52: (O-93-38 Rev.1 Corr.Copy) ADOPTED AS ORDINANCE O-17859 (New Series)

Amending Chapter IX, Article 1, Division 88, of the San Diego Municipal Code, by repealing Sections 91.8801 and 91.8802, and by adding Sections 91.8801 through 91.8813, relating to Earthquake Hazard Reduction in Existing Buildings.

(Introduced as amended on 10/05/92. Council voted 8-0. Mayor ineligible. Introduced on 10/26/92. Council voted 8-0. Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B029-242.)

CONSENT MOTION BY HARTLEY TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-100: (R-93-639) ADOPTED AS RESOLUTION R-281008

Awarding a contract to Insituform Southwest, in the amount of \$59,503, for the construction of Crescent Drive Drain;

authorizing the City Auditor and Comptroller to transfer \$17,000 from CIP 11-247.0, Reconstruction of Riviera Drive Storm Drains, Proposition A, Fund 30300, to CIP 11-252.0, Crescent Drive Drain;

authorizing the transfer of \$9,500 from CIP-17-001, Annual Allocation - Minor Drain Requirements, Proposition "A" Fund 30300, to CIP 11-252.0, Crescent Drive Drain; authorizing the expenditure of \$26,500 from CIP-11-252.0, Crescent Drive Drain, Proposition "A" Fun 30300, to supplement funds previously authorized by Resolution R-280405, for a total of \$109,000 for the purpose of providing funds for this project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(BID-K3276/93M)

(Uptown Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Northwest of Crescent Drive, an existing 24-inch corrugated metal storm drain passes between two existing houses. This project will repair the existing deteriorated drain without disturbing the foundations of the existing houses. The process specified is proprietary and is recommended due to the special requirements of this project. Twenty-eight bid packages were issued. Two bids were received. The low bid was received from Angus Asphalt, Inc. However, they requested to withdraw their bid, which was approved by the Purchasing Agent, due to their inability to satisfy the requirements as set forth in the Contract Documents. Therefore, staff recommends awarding the contract to the second low bidder, Insituform Southwest, for the amount of \$59,303, which is 20.2 percent above the City's estimate of \$49,500. It is the opinion of City staff that re-advertising would not produce a lower bid. Aud. Cert. 9300390.

FILE LOCATION: CONT - Insituform Southwest CONT FY93-1

COUNCIL ACTION: (Tape location: G267-275.)

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

* ITEM-101: (R-93-638) ADOPTED AS RESOLUTION R-281009

Awarding a contract to Cass Construction, Inc., in the amount of \$1,201,720, for the Construction of Middletown Trunk Sewer - Phases I and II; authorizing the expenditure of \$175,025 from Sewer Revenue Fund 41506, CIP-44-001, Annual Allocation - Sewer Main Replacement Program, to supplement the funding authorized by Resolution R-279515, for the purpose of providing funds for this project and related costs. (BID-K2999/92)
(Centre City Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The bids were opened for the Middletown Trunk Sewer Phases I and II on May 14, 1992. The bidding documents were divided into two distinct optional approaches to accomplish the same construction objective. Option A was the traditional open trench method of construction. Option

B was the microtunneling/jacking method of construction. Bidders had the choice of bidding on one or both of the options. Drainage Construction Co. submitted the lowest bid for the open trench method of construction, at \$1,056,168, and Cass Construction Inc. submitted the lowest bid for the microtunneling/jacking method of construction at \$1,201,720. The project site is located near downtown, close to Lindbergh Airport. Specifically, the project involves a section on Laurel Street which passes under Interstate 5 and then on to Kettner Boulevard. These streets accommodate heavy traffic to and from the airport, downtown and harbor sites, as well as many businesses. Open trenching would involve extensive street excavation at depths of up to forty feet. Therefore, open trenching would be excessively disruptive to the community, causing severe traffic congestion, partial elimination of parking, and pose as a safety hazard for pedestrians, motorists and construction workers. In direct contrast, microtunneling/jacking requires only a fraction of the excavation work as open trenching. In fact, the only excavation required involves microtunneling/jacking pits located between manholes to connect the pipe underground, resulting in far less disruption to the public. Considering the difficulties associated with the open trenching method to construct the deep sewer, it is recommended to award the contract for the microtunneling/jacking option to the lowest bidder for this option, Cass Construction Co.

Aud. Cert. 9300352.

WU-P-93-022.

FILE LOCATION: CONT - Cass Construction, Inc. CONT FY93-1

COUNCIL ACTION: (Tape location: B248-374.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-102: (R-93-705) RETURNED TO THE CITY MANAGER

Authorizing the Auditor and Comptroller to transfer an amount not to exceed \$170,000 from Balboa Park/Mission Bay Park Requirements, CIP-21-834.0, TOT Fund No.

102242, to CIP-22-085.0, Mission Bay Master Plan Update.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The Mission Bay Park Master Plan Update began in July 1991 and was anticipated to take from 18-24 months to complete. Funds originally allocated for the project have been encumbered and/or exhausted as a result of an increase in the scope of work, as well as required additional design and technical studies. The required additional professional services and concurrent increase in staff time require the allocation of additional funds for the balance of the planning effort.

Aud. Cert. 9300404.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A292-300.)

MOTION BY ROBERTS TO RETURN THE ITEM TO THE CITY MANAGER'S OFFICE. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-93-714) ADOPTED AS RESOLUTION R-281010

Approving the San Diego Housing Trust Fund Revised Three Year Program Plan - FY 1992 through FY 1994 - Second Year Implementation Strategy.
(See report dated October 1, 1992.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B248-374.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-104: (R-93-686) ADOPTED AS RESOLUTION R-281011

Approving a Representative Project Area Committee for
the City Heights Redevelopment Project Area.
(Mid-City Community Area. Districts-3, 4 and 7.)

CITY MANAGER SUPPORTING INFORMATION: On May 5, 1992, the City
adopted the City Heights Redevelopment Plan. On July 28, 1992,
the second annual Project Area Committee (PAC) election was
conducted.

Voters selected 13 PAC members representing the categories of
residential owner-occupant, residential tenant, community
organization, and business/property owner. The July 28, 1992 PAC
election resulted in a tie for one of the business/property owner
seats. On July 29, 1992 with both candidates present in the
Office of the City Clerk, a coin-toss resulted in a prevailing
candidate for that seat. On August 13, 1992, the prevailing
candidate for the above PAC seat resigned, and according to the
Clerk's Office, the remaining candidate assumed the vacant PAC
seat.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G278-304.)

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

* ITEM-105: (R-93-739) ADOPTED AS RESOLUTION R-281012

Excusing Mayor Maureen O'Connor from attending the
regularly scheduled Council meeting of October 26,
1992, due to illness.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B248-374.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Behr. Passed
by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-
yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106: (R-93-723) ADOPTED AS RESOLUTION R-281013

Excusing Deputy Mayor Ron Roberts from attending the morning portion of the regularly scheduled Council meeting of October 27, 1992, due to personal reasons.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B248-374.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-107: (R-93-677) CONTINUED TO NOVEMBER 23, 1992

Authorizing the execution of a second amendment to the Operating Memorandum Implementing Development Agreement with American Newland Associates, for the design and construction of Views West Park and Penasquitos Creek Park; authorizing the City Auditor and Comptroller to make payments from FBA Fund No. 79004 as funds become available, for providing funds for the above project. (Penasquitos East Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: American Newland Associates (Newland), a California general partnership, is obligated to design and construct two parks in the Penasquitos East Community pursuant to Development Agreement 00-17179, dated November 14, 1988. The parks are Views West Park, and Penasquitos Creek Park which has been completed. The City Council approved an operating Memorandum Implementing Development Agreement on November 13, 1989 which defines the specific obligations of Newland and the City in the development of these parks. Newland was to perform the work and be reimbursed by the City for actual costs as FBA Funds become available. This reimbursement is scheduled in the Penasquitos East Public Facilities Financing Plan and Facilities Benefit Assessment (Financing Plan) beginning in FY 91. Views West Park has gone to

bid and the total project cost will be about \$1,638,000. The estimated total project cost in the Operating Memorandum was \$1,340,000. The proposed second amendment to the Operating Memorandum increases the reimbursement amount by a maximum of \$298,000.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A300-311.)

MOTION BY ROBERTS TO CONTINUE THE ITEM TO NOVEMBER 23, 1992, AS RECOMMENDED BY THE CITY MANAGER IN ORDER TO WORK OUT ADDITIONAL EQUAL OPPORTUNITY CONTRACTING ISSUES. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108:

Two actions relative to the Boys and Girls Clubs of San Diego County - Clairemont and Linda Vista Branches: (Clairemont Mesa and Linda Vista Community Areas. Districts-6 and 5.)

Subitem-A: (R-93-376) ADOPTED AS RESOLUTION R-281014

First Amendment to the agreement with the Boys and Girls Clubs of San Diego County, for the renovation of their Clairemont Facility; authorizing the expenditure of an amount not to exceed \$135,000 from C.D.B.G. Fund 18528, Dept. 4023, Org. 2305, for the purpose of providing funds for this project.

Subitem-B: (R-93-377) ADOPTED AS RESOLUTION R-281015

Second Amendment to the agreement with the Boys and Girls Clubs of San Diego County, for the renovation of their Linda Vista Branch; authorizing the expenditure of an amount not to exceed \$81,000 from C.D.B.G. Fund 18528, Dept. 4023, Org. 2306, for the purpose of providing funds for this project.

CITY MANAGER SUPPORTING INFORMATION: The Boys & Girls Clubs of San Diego County have renovation projects at both the Linda Vista

and Clairemont branches. The Linda Vista project is an interior/exterior renovation. The work will include upgrading the bathroom and showers to A.D.A. standards, resurfacing the gym floor, installing carpet in various areas, reroofing the facility, and resurfacing the parking area. The Clairemont project will complete the site work as planned. Work to be done will include asphalt resurfacing, landscape, irrigation, and possibly some fence replacement. These amendments add the 1993 Fiscal Year C.D.B.G. Grants to the previous C.D.B.G. allocations. Both projects were designed in phases and this funding will allow the Boys & Girls Club to continue their facilities' improvement programs.

Aud. Certs. 9300172/9300173.

FILE LOCATION: MEET CONT FY93-2

COUNCIL ACTION: (Tape location: B248-374.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-109: (R-93-702) ADOPTED AS RESOLUTION R-281016

Authorizing the execution of an agreement with the San Diego County Water Authority, for the voluntary sharing of resources in the event of a declared disaster.

CITY MANAGER SUPPORTING INFORMATION: In 1979 the San Diego County Water Authority amended its Administrative Code to include Mutual Aid Sharing of Resources (Section 7.3). The addition of this section was approved by all member agencies, including the City of San Diego. On August 13, 1992, the Board of Directors of the San Diego County Water Authority approved and adopted by resolution the Mutual Aid Agreement. This Agreement outlines responsibilities and provides a mechanism for the recovery of costs in the event that member agencies enter into a voluntary resource sharing relationship as a result of a declared disaster. There is no requirement for any member agency to share resources or to continue any sharing arrangement once initiated.

WU-U-93-039.

FILE LOCATION: WATER - San Diego County Water Authority
CONT FY93-1

COUNCIL ACTION: (Tape location: B248-374.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-93-703) ADOPTED AS RESOLUTION R-281017

Authorizing the execution of an agreement with Hirsch & Company, for predesign engineering consultant services in connection with the North Mission Valley Interceptor - Phase II; authorizing the expenditure of an amount not to exceed \$536,991 from Sewer Revenue Fund No. 41506, CIP-46-140.0, North Mission Valley Interceptor - Phase II, to provide funds for the project;

authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances so warrant.

(Mission Valley Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: By entering into this agreement, Hirsch & Company (HCO) will provide predesign engineering services for the North Mission Valley Interceptor (NMVI) - Phase II.

HCO will provide specialized services including investigation of the various replacement, rehabilitation or parallel alignment options, and investigation of the complex environmental and geotechnical issues associated with the project. The advertisement for consultant services was published in the San Diego Daily Transcript on December 20 and 27, 1991. Six firms were selected by the City's Consultant Nominating Committee. These firms were interviewed on April 15, 1992, in conformance with Council Policy 300-7. Hirsch & Company was selected as the best qualified to provide the consulting services.

The contract is for an amount not to exceed \$488,191. HCO is certified by the City as an MBE firm. Subconsultants on the project are: AquaVec West (2.1% MBE), Vacuum Excavation -

\$10,000; DeC Consultants (1% WBE), Corrosion Control - \$5,000; American Venture, Inc. (28.4% WBE), Pipeline Engineering - \$138,580; Linscott Law & Greenspan, Traffic Engineering - \$5,000; Ogdon Environmental, Environmental Engineering - \$35,000; San-Lo Aerial Surveying, Aerial Photogrammetry - \$14,000; SOTA Environmental (3.1% MBE), Geotechnical Engineering - \$15,000; and Tri-County Drilling (3.1% WBE), Drilling - \$15,000. December 1998 is the consent decree deadline for completion of construction.

Aud. Certs. 9300388/9300395.

WU-U-92-172.

FILE LOCATION: MEET CCONT FY93-1

COUNCIL ACTION: (Tape location: B248-374.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-111: (R-93-665) ADOPTED AS AMENDED AS RESOLUTION R-281018

Authorizing the execution of an agreement with the Ocean Beach Merchant's Association to carry out marketing activities for the Newport Avenue Commercial District; authorizing the expenditure of an amount not to exceed \$35,000 from Fund 18528, Department 4022, Organization 02211, for providing funds for the above project.

(Ocean Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: In 1992, the Ocean Beach Merchant's Association received approval of \$180,000 in Community Development Block Grant funding to continue their revitalization efforts in the Newport Avenue Commercial District in Ocean Beach. Included in the funding was \$35,000 to pay for marketing efforts by the Association in the business district. The funds will be used for such activities as media advertising and special events. This agreement will permit the Association to subcontract, subject to City approval, for such services.

Aud. Cert. 9300378.

FILE LOCATION: MEET CONT FY93-1

COUNCIL ACTION: (Tape location: B380-385.)

MOTION BY ROBERTS TO ADOPT AS AMENDED AS RECOMMENDED BY THE CITY MANAGER, TO INCLUDE IN THE AGREEMENT THE CITY'S EQUAL OPPORTUNITY CONTRACTING PROGRAM REQUIREMENTS. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112:

Three actions relative to Academy 2000:

Subitem-A: (R-93-697) ADOPTED AS RESOLUTION R-281019

Authorizing the execution of an agreement with Systemics, for professional services for Academy 2000.

Subitem-B: (R-93-698) ADOPTED AS RESOLUTION R-281020

Authorizing the execution of an agreement with Organization Systems, Inc. for professional services for Academy 2000.

Subitem-C: (R-93-699) ADOPTED AS RESOLUTION R-281021

Authorizing the execution of an agreement with Southwest Communication Resources, Inc., for professional services for Academy 2000.

CITY MANAGER SUPPORTING INFORMATION: Supervisor's Academy, now called Academy 2000, was established in 1976 and is the City's ongoing program designed for first-line supervisors. Supervisors' Academy was renamed Academy 2000 in 1988, when the course content was thoroughly revised and updated. The goal of Academy 2000 is to enhance the management, supervisory, and professional skills of City employees in order to increase their effectiveness in current job assignments and prepare them for future management opportunities.

Academy 2000 is essential for ensuring that supervisors receive

the training and knowledge required to be effective in the City environment. Academy 2000 takes place eight times a year. Each Academy session lasts six days. In order to operate the program successfully, a Special Training Fund has been established to bill participants for all costs. The Organization Effectiveness Program provides the administration of Academy 2000. This action extends the current contracts of the three existing consulting firms which provide training services for Academy 2000. The consultants were chosen by competitive bid. Their performance has been exemplary. It is thought best to continue the Academy with the present consultants under their program design.

Aud. Certs. 9300405/9300406/9300407.

FILE LOCATION: MEET CCONT FY93-3

COUNCIL ACTION: (Tape location: B248-374.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-113: (R-93-657) ADOPTED AS RESOLUTION R-281022

Authorizing the execution of a ten-year lease agreement with the U.S. Department of Justice/Immigration and Naturalization Service, for the use of 2,812 square feet of City-owned property at the International Border at San Ysidro at an initial annual rent of \$41,016, with annual CPI adjustments.
(San Ysidro Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The U.S. Department of Justice (USDJ) on behalf of the Immigration and Naturalization Service (INS) initially leased the property located at the terminus of Camiones Way adjoining the International Border on October 1, 1982 for a term of 5 years. The INS utilizes the building for border crossing observation, administrative services and holding detainees for short periods. Subsequently, the agreement was renewed with approval by the City Council for an additional 3 years expiring on 9-30-90. On March 20, 1991, an appraisal of the property was done by City staff to establish a new rental rate. The appraisal indicated that an annual rent of roughly twice the proposed rate would be appropriate because of

the special use nature of the property and the lease rate was adjusted accordingly. USDJ advised the City it would no longer stay at the new rental rate and notified the City it would vacate the premises and look for an alternative site. However, negotiations between the City and USDJ, brought about a compromise that would allow the INS to remain on the property. The proposed lease terms are as follows: Term: 10 years. Premises: 2,812 sq.ft. Rent: \$3,418 per month (\$1.22/sq.ft.). Rent will be subject to annual CPI adjustments. Uses: INS/Border Patrol - administrative services and holding cells. Maintenance: Lessee to maintain property - City to maintain roof and building exterior. Staff believes that a higher rental could be achieved if the building was removed and property were leased for commercial purposes, however USDJ provides a needed service and desires to continue at this location. The rental rate that has been negotiated is at a rate comparable to buildings in the area.

FILE LOCATION: LEAS - U.S. Department of Justice/Immigration and Naturalization Service LEAS FY93-1

COUNCIL ACTION: (Tape location: B248-374.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-114: (R-93-707) ADOPTED AS RESOLUTION R-281023

Approving Change Order No. 1, dated May 26, 1992, Change Order Numbers 2, 3, 4 and 5, dated June 15, 1992, and Change Order Number 6, dated June 12, 1992, issued in connection with the contract with El Cajon Grading and Engineering Inc. regarding the Alvarado Pipeline No. 1 Relocation Project, amounting to a net increase in the contract price of \$66,188.49; authorizing the expenditure of an amount not to exceed \$66,188.49 from CIP-73-024.0, Annual Allocation - Freeway Relocation for said project; authorizing the City Manager to execute plan modification changes with California Steel Pressure Pipe Company for pre-purchased 36-inch SCRW pipe material, at a cost not to exceed \$8,415; authorizing the expenditure of an amount not to exceed \$8,415 from CIP-73-024.0, Annual Allocation - Freeway Relocation, to fund plan

modification changes to the contract with California Steel Pressure Pipe Company.
(Mission Valley Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: At the request of the City's Project Manager, El Cajon Grading and Engineering Company, the contractor for Alvarado Pipeline No. 1 Relocation project will provide the following services as contract change orders: Night work will be required to prevent Caltrans and City contractors from interfering with one another for an additional cost of \$35,000. The location changed the pressure reducing station and air/vacuum valve for an additional cost of \$20,000. An existing, parallel 8-inch distribution main fell into the trench and will be replaced at a cost of \$4,668. Cover over the main is shallow and will require concrete protection at a cost of \$4,429. The concrete in Change Order No. 6 will require a trench plate for protection during curing at a cost of \$2,480. The sum of \$66,188.49 is requested for construction changes.

The pipe manufacturer, California Steel Pressure Pipe Company, will provide additional pipe materials needed for the above construction for an additional sum of \$8,415.

Aud. Certs. 9300331/9300332.

WU-U-93-008.

FILE LOCATION: CONT - El Cajon Grading and Engineering Inc.
CONT FY93-1

COUNCIL ACTION: (Tape location: B248-374.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200: ACCEPTED REPORT

In the matter of the Annual Report of the San Diego Commission on the Status of Women.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B391-446.)

MOTION BY ROBERTS TO ACCEPT THE REPORT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-not present, Behr-not present, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-201: (O-93-76) HEARING HELD

First public hearing in the matter of:

An Ordinance amending Ordinance O-17807, adopted July 21, 1992, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1992-93 and Appropriating the Necessary Money to Operate the City of San Diego for said Year."

NOTE: See Item 330 on the docket of Tuesday, November 10, 1992, for the introduction and adoption of the Ordinance.

FILE LOCATION:

COUNCIL ACTION: (Tape location: D058-E361.)

MOTION BY McCARTY TO APPROVE THE MANAGER'S RECOMMENDATION WITH THE \$285,000 TO RESTORE LIBRARY HOURS, USING \$21,000 FOR THE MAYOR'S DOMESTIC VIOLENCE PROJECT, AND KEEPING THE REMAINING \$4 MILLION IN RESERVE AND NOT TO SPEND IT BEFORE THE FOURTH QUARTER. APPROVE THE TRANSFER OF THE SPECIAL PROJECTS PERSON TO THE CITY MANAGER'S OFFICE. ACCEPT COUNCIL MEMBER ROBERTS' AMENDMENT TO RE-ADJUST THE BUDGET BY TAKING \$125,000 OF THE \$250,000 THAT IS AVAILABLE SPECIFICALLY FOR MISSION BAY AND BALBOA PARK AND PUT IT BACK INTO THE MAINTENANCE TO OFFSET THAT MAJOR CUT OF \$378,000. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Motion by Hartley to refer to the City Manager the recommendation of finding \$50,000 in the budget to support the Banker's Small Business C.D.C. Program. Second by Roberts. Passed. Yea: 1,2,3,4,5,6,7,M. Nay: None. Not present: 8.

ITEM-202: CONTINUED TO NOVEMBER 18, 1992, SPECIAL MEETING

Alternate actions relative to PLAN! Police Initiative petition:

Subitem-A: (R-93-721)

Approving the legislation in the PLAN! Police Initiative petition and directing the City Attorney to prepare a resolution containing the legislation for the purpose of putting it in the proper format for amending the Progress Guide and General Plan of the City of San Diego for adoption by the City Council;

or

Subitem-B: (R-93-722)

Rejecting the legislation contained in the PLAN! Police Initiative petition.

CITY CLERK SUPPORTING INFORMATION: Representatives of Prevent Los Angelization Now! (PLAN!) have filed an initiative petition entitled "The PLAN! Police Initiative" with the City Clerk's office. On October 26, 1992, The Registrar of Voters completed the petition signatures verification by use of the random sampling method authorized by the San Diego Municipal Code. The petition was found to contain 21,622 signatures.

In order to qualify an initiative petition for submittal to the voters, it must contain signatures of at least ten percent (10%) of the city's registered voters. The current requirement is 55,153 signatures. The petition is therefore insufficient to cause direct submission to the people.

The submitted petition does contain the signatures of at least three percent (3%) of the voters, which is currently 16,546 required signatures. Pursuant to Municipal Code Section 27.2520 this petition therefore qualifies for presentation to the City Council.

Municipal Code Section 27.2520 provides that "If the petition presented to the Council contains the signatures of at least three percent but less than ten percent of the voters, the Council must within ten days approve or reject the legislative

act as presented but may not amend it."

FILE LOCATION:

COUNCIL ACTION: (Tape location: E365-G067.)

MOTION BY STEVENS TO CONTINUE THE ITEM TO A SPECIAL COUNCIL MEETING ON NOVEMBER 18, 1992, AT 2:00 P.M. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-nay, Filner-not present, Mayor O'Connor-yea.

ITEM-203: DIRECTION GIVEN

In the matter of providing direction to City Council's representative to the San Diego Association of Governments (SANDAG), Councilmember Judy McCarty, regarding the Federal Surface Transportation Program funding proposal.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G068-157.)

MOTION BY STALLINGS TO MAINTAIN THE CURRENT ALLOCATION. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-204: APPROVED STUDY

In the matter of the North Island - Proposed Reorganization and Coronado Annexation of Portions of City Land.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A437-481.)

MOTION BY McCARTY TO APPROVE STAFF RECOMMENDATION TO SUPPORT THE STUDY OF A REORGANIZATION. Second by Mayor O'Connor.

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

ITEM-205: REFERRED TO WORKSHOP TO BE SCHEDULED REGARDING
MINORITY BUSINESS ENTERPRISES

(Continued from the meeting of October 26, 1992, Item S412, at Councilmember Stevens' request, for further review.)

In the matter of the City Attorney's response regarding the legality of including MBE/WBE Participation as a weighted consultant selection criterion.

FILE LOCATION:

COUNCIL ACTION: (Tape location: D050-054.)

MOTION BY McCARTY TO ACCEPT THE CITY MANAGER'S RECOMMENDATION TO REFER THIS MATTER TO THE WORKSHOP WHICH WILL BE SCHEDULED FOR DISCUSSING ALL THE MINORITY AND WOMENS' CONTRACTING ISSUES. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-206:

Three actions relative to Black Mountain Road Assessment District No. 4070 - Issuance of Bonds: (Mira Mesa Community Area. District-5.)

Subitem-A: (R-93-715) ADOPTED AS RESOLUTION R-281024

Authorizing the issuance of bonds, approving the Bond Indenture and Preliminary Official Statement for the Black Mountain Assessment District No. 4070.

Subitem-B: (R-93-716) ADOPTED AS RESOLUTION R-281025

Authorizing the City Manager to award the sale of 1915 Act Bonds for the Black Mountain Ranch Assessment

District No. 4070 to the firm submitting the lowest net interest cost on the bonds.

Subitem-C: (R-93-717) ADOPTED AS RESOLUTION R-281026

Authorizing the execution of an amendment to the Consulting Agreement with Dudek and Associates.

CITY MANAGER SUPPORTING INFORMATION: On October 6, 1992, the City Council confirmed the assessment and Final Engineer's Report, establishing the Black Mountain Road Assessment District. This Council action provides for the sale of limited obligation improvement bonds to fund the City's acquisition of Black Mountain Road within the boundaries of the assessment district. Prior to the confirmation of the assessment, the sole property owner within the district, Pardee Construction Company, signed a waiver of the thirty-day period to prepay assessments in cash. Since the property owner has waived the cash collection period, the confirmed assessment will now become due and payable in annual installments, with improvement bonds issued to represent the amount of unpaid assessments.

In accordance with Council Policy 800-3, this assessment district is an "acquisition type" proceeding where the property owner receives bond proceeds when the City acquires the roadway for public use. The current construction schedule for Black Mountain Road provides for completion and City acceptance of the road improvements by mid-December. Given the City's intent to open the roadway upon completion, the sale and award of bonds must occur no later than the first of December. Due to legislative recess in December and to ensure bond award by the specified date, it is recommended that the City Manager be authorized to accept sealed bids and award the improvement bonds to the bidder submitting to the lowest net interest cost. The net interest cost on the bonds shall not exceed 8.5 percent per annum without Council approval.

FILE LOCATION: STRT D-2290 CCONT FY93-1

COUNCIL ACTION: (Tape location: B248-374.)

MOTION BY McCARTY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-207: (R-93-477) ADOPTED AS RESOLUTION R-281027

(Continued from the meetings of September 29, 1992, Item 205, October 6, 1992, Item S500 and October 20, 1992, Item 339; last continued at Councilmember Stevens' request, on behalf of Mayor O'Connor, for further review.)

Authorizing the City Manager to increase the biennial Alarm Permit Fee from \$25 per permit to \$55 for a residential permit, and from \$50 to \$95 for a commercial permit.

(See City Manager Report CMR-92-289.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B015-270.)

Hearing began at 2:50 p.m. and halted at 3:14 p.m.

MOTION BY STALLINGS TO ADOPT THE CITY MANAGER'S RECOMMENDATION TO INCREASE THE FEES. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-nay, Stevens-nay, Behr-nay, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-208:

Matter of amending Chapters 6, 9, and 10 of the San Diego Municipal Code relating to land development administration and procedures (Zone Code). These amendments are necessary in order to be consistent with Chapter XI already approved by the City Council and the California Coastal Commission. The City Council will also be considering the suggested modifications to Chapter XI made by the California Coastal Commission.

The proposed amendments to Chapters 6, 9, and 10 also constitute an amendment to the City of San Diego's Local Coastal Program.

If approved by the City Council, the proposed amendments must be submitted to the California Coastal Commission for review and certification. The proposed

amendments are not effective in the Coastal Zone until after approval by the California Coastal Commission. The California Coastal Commission's suggested modifications for Chapter XI must also be approved by the City Council for final acceptance by the Coastal Commission.

Subitem-A: (O-93-66) INTRODUCED, TO BE ADOPTED NOVEMBER 23, 1992

Introduction of an Ordinance amending Chapter VI, Article 2 of the San Diego Municipal Code.

Subitem-B: (O-93-72) INTRODUCED, TO BE ADOPTED NOVEMBER 23, 1992

Introduction of an Ordinance amending Chapter IX, Article 1 of the San Diego Municipal Code.

Subitem-C: (O-93-73) INTRODUCED, TO BE ADOPTED NOVEMBER 23, 1992

Introduction of an Ordinance amending Chapter IX, Article 2 of the San Diego Municipal Code.

Subitem-D: (O-93-74) INTRODUCED, TO BE ADOPTED NOVEMBER 23, 1992

Introduction of an Ordinance amending Chapter IX, Article 3 of the San Diego Municipal Code.

Subitem-E: (O-93-63) INTRODUCED, TO BE ADOPTED NOVEMBER 23, 1992

Introduction of an Ordinance amending Chapter X, Article 1 of the San Diego Municipal Code.

Subitem-F: (O-93-75) INTRODUCED, TO BE ADOPTED NOVEMBER 23, 1992

Introduction of an Ordinance amending Chapter X, Article 2 of the San Diego Municipal Code.

Subitem-G: (O-93-65) INTRODUCED, TO BE ADOPTED NOVEMBER 23, 1992

Introduction of an Ordinance amending Chapter X,

Article 3 of the San Diego Municipal Code.

Subitem-H: (O-93-67) INTRODUCED, TO BE ADOPTED NOVEMBER
23, 1992

Introduction of an Ordinance amending Chapter X,
Article 4 of the San Diego Municipal Code.

Subitem-I: (O-93-68) INTRODUCED, TO BE ADOPTED NOVEMBER
23, 1992

Introduction of an Ordinance amending Chapter X,
Article 5 of the San Diego Municipal Code.

Subitem-J: (O-93-64) INTRODUCED, TO BE ADOPTED NOVEMBER
23, 1992

Introduction of an Ordinance amending Chapter XI to
incorporate the Coastal Commission suggested
modifications.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A377-427; B456-D045.)

Testimony by Opal Trueblood opposed to the request for
continuance of the item.

Hearing began at 3:23 p.m. and halted at 4:18 p.m.

Testimony in favor by Dick Smith, Rebecca Michael, Opal
Trueblood.

Testimony in opposition by Dave Odell and Al Strohlein.

Motion by Wolfsheimer to continue the section of the
ordinance pertaining to the PDO and Chapter 10, Sections 3
and 5, to review with the City Attorney's Office and the
Community. Second by Hartley. Failed. Yea: 1,3,4,6. Nay:
2,5,7,M. Not present: 8.

MOTION BY McCARTY TO INTRODUCE THE ORDINANCES. Second by
Behr. Passed by the following vote: Wolfsheimer-nay,
Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-
yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S400: (O-93-58) DEFEATED

Amending Chapter X, Article 1, Division 4, of the San Diego Municipal Code, by amending Section 101.0404, relating to the A-1 (Agricultural) Zones, to delete churches as a permitted use within the Coastal Zone. (Districts-1,2,5,6,and 8. Introduced on 10/27/92. Council voted 5-4. Districts 1,3,6,8 and Mayor voted yea. Districts 2,4,5,and 7 voted nay.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A347-373.)

MOTION BY STALLINGS TO ADOPT. Second by Filner. Failed by the following vote: Wolfsheimer-not present, Roberts-nay, Hartley-not present, Stevens-nay, Behr-nay, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-nay.

ITEM-S401: (R-93-747) ADOPTED AS RESOLUTION R-281028

Authorizing the City Manager to impose a \$1.00 fee to reserve library materials, to be paid when the reserved item is picked up. (See City Manager Report CMR-92-336.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G161-235.)

Motion by Stevens to adopt charging a \$.50 reserve fee at this time instead of a \$1.00 fee. Second by Mayor O'Connor. Vote not taken; motion withdrawn.

MOTION BY STEVENS TO ADOPT THE ITEM INCREASING THE FEE TO \$1.00. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None .

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 6:50 p.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G323-334).

MOTION BY WOLFSHEIMER TO ADJOURN IN HONOR OF THE MEMORY OF JOHN FISCHER. Second by Stallings. 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.