

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, AUGUST 9, 1994
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:04 a.m. Mayor Golding recessed the regular meeting at 10:29 a.m. to convene the Special Joint Council Meeting with the Redevelopment Agency. Council Member Stevens recognized and commended the new Director of the Southeast Economic Development Corporation, Ms. Caroline Smith, for doing a fine job working with Districts 4 and 8. Mayor Golding reconvened the regular meeting at 10:44 a.m. with all Council Members present. Mayor Golding convened the Redevelopment Agency Meeting to meet simultaneously with the City Council at 11:38 p.m. The meeting was recessed by Mayor Golding at 12:18 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:05 p.m. with Council Members Roberts and Vargas not present. Mayor Golding adjourned the meeting at 2:52 p.m. into Closed Session in the twelfth floor conference room to discuss potential negotiations.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Mathis-present
 - (2) Council Member Roberts-present
 - (3) Council Member Kehoe-present
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (ew/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Elvin W. Allen asking the Council to invite Douglas "wrong way" Corrigan to the City and requesting that the Council convince the Air Museum to accept Douglas Corrigan's airplane on a temporary display in the Air Museum.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A019-063.)

ITEM-PC-2:

Comments by Ron Bociung thanking the Council for the proclamation given to Douglas Corrigan and requesting that the Council send a letter as soon as possible to Douglas Corrigan asking if he would allow his airplane to be in the Air Museum.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A064-089.)

ITEM-PC-3: REFERRED TO THE CITY MANAGER

Comments by Dr. Doug Hemstreet addressing health care, safety, education, cultural psychology data, and the

business development.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A090-133.)

ITEM-PC-4:

Comments by John Adam regarding building the community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A134-155.)

COUNCIL COMMENT:

ITEM-CC-1: REFERRED TO THE CITY ATTORNEY

Comments by Council Member McCarty asking Council for a reconsideration of a "No" vote for the Seal Rock Marine Mammal Reserve, Item 50 from the meeting of August 8, 1994, adopted as Ordinance No. O-18091.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A161-221.)

ITEM-CC-2:

Mayor Golding announced that Mayors from other large cities in the United States were in San Diego on Friday to attend a meeting, and she also reported that they passed a resolution demanding that the State Legislature comply with all measures that they passed for local government including the Brown Act.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A190-221.)

ITEM-330:

SUBJECT: Matter of four related Planned Commercial Development Permits and Rezones for the following projects:

1. Miramar and Padgett Business Center (Case-93-0550);
2. Miramar Metroplex (Case-93-0551);
3. Miramar Commercial Center (Case-93-0552);
4. Miramar Home Improvement Center (Case-93-0618). (District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A, D, G, and J for the Environmental Negative Declarations; Introduce Subitems C, F, I, and L; and adopt Subitems B, E, H, and K to approve the permits. Case-93-0550 - Miramar and Padgett Business Center:

Subitem-A: (R-95-286) ADOPTED AS RESOLUTION R-284505

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-93-0550 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-95-329 Cor.Copy) GRANTED PERMIT, ADOPTED AS AMENDED AS RESOLUTION R-284506

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

Subitem-C: (O-95-10) INTRODUCED, TO BE ADOPTED ON SEPTEMBER 12, 1994

Introduction of an Ordinance to rezone from M-1B Zone (Light Industrial) to CC Zone (Community Commercial). Case-93-0551 - Miramar Metroplex:

Subitem-D: (R-95-287) ADOPTED AS RESOLUTION R-284507

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-93-0551 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said

declaration has been reviewed and considered by the Council.

Subitem-E: (R-95-330 Cor.Copy) ADOPTED AS RESOLUTION R-284508

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

Subitem-F: (O-95-11) INTRODUCED, TO BE ADOPTED ON SEPTEMBER 12, 1994

Introduction of an Ordinance to rezone from M-1B Zone (Light Industrial) to CC Zone (Community Commercial). Case-93-0552 - Miramar Commercial Center:

Subitem-G: (R-95-288) ADOPTED AS RESOLUTION R-284509

Adoption of Resolution certifying that the information contained in Environmental Negative Declaration DEP-93-0552 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-H: (R-95-331 Cor.Copy3/22/95) GRANTED PERMIT, ADOPTED AS AMENDED AS RESOLUTION R-284510

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

Subitem-I: (O-95-12) INTRODUCED, TO BE ADOPTED ON SEPTEMBER 12, 1994

Introduction of an Ordinance to rezone from M-1B Zone (Light Industrial) to CC Zone (Community Commercial). Case-93-0618 - Miramar Home Improvement Center:

Subitem-J: (R-95-289) ADOPTED AS RESOLUTION R-284511

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-93-0618 has been completed in

compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-K: (R-95-332 GRANTED PERMIT, ADOPTED AS
Cor.Copy 3/22/95) AMENDED AS RESOLUTION R-284512

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

Subitem-L: (O-95-13) INTRODUCED, TO BE ADOPTED ON
SEPTEMBER 12, 1994

Introduction of an Ordinance to rezone from M-1B Zone (Light Industrial) to CC Zone (Community Commercial).

SUPPORTING INFORMATION:

1. Miramar and Padgett Business Center (Rezone and PCD-93-0550): The project, a 6.76-acre site, is located at 9212-92 Miramar Road. The project would rezone the M-1B Zone (Light Industrial) to CC Zone (Community Commercial) and the permit would establish uses within an existing 71,289-square-foot business center.
2. Miramar Metroplex (Rezone and PCD-93-0551): The project, a 13.4-acre site, is located at 7340-7380 Miramar Road. The project would rezone the M-1B Zone (Light Industrial) to CC Zone (Community Commercial) and the permit would establish uses within an existing 347,250-square foot business center.
3. Miramar Commercial Center (Rezone and PCD-93-0552): The project, a 10.3-acre site, is located at 8990 Miramar Road. The project would rezone the M-1B Zone (Light Industrial) to CC Zone (Community Commercial) and the permit would establish uses within an existing 167,596-square-foot commercial center.
4. Miramar Home Improvement Center (Rezone and PCD-93-0618): The project, a 7.60-acre site, is located at 7550-90 Miramar Road. The project would rezone the M-1B Zone (Light Industrial) to CC Zone (Community Commercial) and the permit would establish uses within an existing 185,597-square-foot business center.

FILE LOCATION: SUBITEMS A & B: PERM - PCD 93-0550;
SUBITEMS D & E: PERM - PCD 93-0551;
SUBITEMS G & H: PERM - PCD 93-0552;

SUBITEMS J & K: PERM - PCD 93-0618;
SUBITEMS C, F, I, L: NONE

COUNCIL ACTION: (Tape location: A600-B249.)

Hearing began at 10:47 a.m. and halted at 11:08 a.m.

Testimony in favor by Doug Boyd.

MOTION BY WARDEN TO ADOPT SUBITEM A; GRANT THE PERMIT FOR SUBITEM B AS AMENDED TO INCLUDE NO. 3 IN THE PCD PERMIT NO. 93-0550 OF MR. BOYD'S PCD PROPOSAL; AND INTRODUCE SUBITEM C. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY ROBERTS TO ADOPT SUBITEMS D, G, AND J; GRANT THE PERMIT FOR SUBITEM E; GRANT THE PERMIT FOR SUBITEM H AS AMENDED TO ECLUDE NO. 19 IN THE PCD PERMIT NO. 93-0052 OF MR. BOYD'S PCD PROPOSAL; GRANT THE PERMIT FOR SUBITEM K AS AMENDED TO INCLUDE NO. 23 AND DELETE NO. 28 IN THE PCD PERMIT NO. 93-618 OF MR. BOYD'S PCD PROPOSAL; AND INTRODUCE SUBITEMS F, I, AND L. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Tax Rate Ordinance for Fiscal Year 1995.
(See City Manager Report CMR-94-240.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-95-4) INTRODUCED AND ADOPTED AS ORDINANCE O-18095
(New Series)

Introduction and Adoption of an Ordinance Fixing the
Tax Rates and Levying Taxes for the Fiscal Year 1994-
95.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A222-305; A565-599.)

CONSENT MOTION BY KEHOE TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Equal Employment Opportunity Program Proposed Draft Ordinance.
(See City Manager Report CMR-94-230.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-188) ADOPTED AS RESOLUTION R-284513

Approving in concept the proposed draft Equal Employment Opportunity Program ordinance;
Directing the Equal Opportunity Contracting Program (EOCP) staff to prepare a final Equal Employment Opportunity ordinance and return to Council in 30 days.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B250-520.)

MOTION BY STEVENS TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Interim Equal Opportunity Program Proposal from DEGA/TMS, the City's MBE/WBE Disparity Study Consultant.
(See City Manager Report CMR-94-235.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-209) ADOPTED AS RESOLUTION R-284514

Adopting the staff's action plan for the short term options of the DEGA/TMS proposal and City Manager Report CMR-94-49.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B521-C077.)

MOTION BY STEVENS TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Construction Contractor's Coalition (CCC) Voluntary Incentive Program.
(See City Manager Report CMR-94-231.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-187) ADOPTED AS RESOLUTION R-284515

Accepting the City Manager's Report on the staff's analysis on the status of the Voluntary Incentive Proposal submitted by the Construction Contractor's Coalition;
Directing the City Attorney to perform a detailed legal analysis of the proposal.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A222-305; A565-599.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Request for Proposal (RFP) for Legislative Representation and Consulting Services (Washington, D.C.)

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-95-254) ADOPTED AS RESOLUTION R-284516

Approving the draft Request for Proposal (RFP) for legislative representation and consulting services on behalf of the City of San Diego in Washington, D.C.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A222-305; A565-599.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

SUBJECT: Request for Proposal (RFP) for Legislative Representation and Consulting Services (Sacramento, California).

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-95-253) ADOPTED AS RESOLUTION R-284517

Approving a Draft Request for Proposal (RFP) for legislative representation and consulting services on behalf of the City of San Diego in Sacramento, California.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A222-305; A565-599.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Roberts.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-
yea, Vargas-yea, Mayor Golding-yea.

ITEM-337:

SUBJECT: Preliminary Master Plan for the Entertainment and
Sports Center.
(See memorandum from CCDC dated 7/15/94. Centre City
Community Area. District-8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-95-146 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-
284528

Approving several actions regarding the Preliminary
Master Plan for the Proposed San Diego Entertainment
and Sports Center.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C078-D040; E013-F051.)

MOTION BY ROBERTS TO ADOPT THE RECOMMENDATION THAT IS BEFORE
COUNCIL WITH THE EXCEPTION OF THE ANALYSIS OF THE FINANCIAL
AND FISCAL IMPACTS REPORT PREPARED BY CIC RESEARCH, INC.
Second by Warden. Passed by the following vote: Mathis-
yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338:

SUBJECT: House of Charm Tenancy.
(See City Manager Report CMR-94-238. Balboa Park
Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1453) ADOPTED AS RESOLUTION R-284518

With regard to tenancy of the House of Charm in Balboa Park:

- 1) That if the Children's Museum does not occupy the House of Charm, then Mingei International Museum is designated as the primary tenant in the reconstructed House of Charm with a gross allocation of 41,300 square feet.
- 2) That the San Diego Art Institute is designated as a co-tenant with a gross allocation of 9,565 square feet.
- 3) That the Old Globe Theater is reconfirmed as an existing tenant with a gross allocation of 19,000 square feet.

FILE LOCATION: LEAS - House of Charm

COUNCIL ACTION: (Tape location: A222-305; A565-599.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Roberts.
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339: RETURNED TO THE CITY MANAGER

SUBJECT: Action related to San Diego Data Processing Corporation Budget.

Introduce and adopt the following ordinance:

(O-95-)

Introduction and adoption of an ordinance amending the Annual Appropriation Ordinance to restore unfunded needs in the City budget.

NOTE: See Item 211D on the docket of Monday, August 8, 1994 for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A222-305; A565-599.)

CONSENT MOTION BY KEHOE TO RETURN TO THE CITY MANAGER AT HIS REQUEST. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-95-208) ADOPTED AS RESOLUTION R-284527

A Resolution adopted by the City Council in Closed Session on August 9, 1994:

Authorizing the City Manager to pay the total sum of \$57,000 to Jeffrey G. Scott, Esq., in trust for CRU in settlement for Attorney's fees and cost arising from Citizens for Responsible Urbanization vs. City et al; authorizing the City Auditor and Comptroller to issue one check in the amount of \$57,000 made payable to Jeffrey G. Scott, Esq., in trust for Citizens for Responsible Urbanization in full settlement of the claim described above.

Aud. Cert. 9500185.

FILE LOCATION: MEET

ITEM-CS-2: (R-95-269) ADOPTED AS RESOLUTION R-284529

A Resolution adopted by the City Council in Closed Session on August 9, 1994:

Authorizing the City Manager to pay the total sum of \$258,036.23 in settlement of each and every claim against the City, its agents and employees resulting from property damage to Julie McKellar and Margaret Mahoney; authorizing the City Auditor and Comptroller to issue one check in the amount of \$258,036.23 made payable to Luth and Turley, Inc. in full settlement of all claims.

Aud. Cert. 9500127

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 2:52 p.m. in honor of the memory of Jamaul Elliott Pennington, a victim of another senseless killing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F052-067.)