

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR ADJOURNED REGULAR COUNCIL MEETING
OF
MONDAY, DECEMBER 12, 1994
HELD TUESDAY, DECEMBER 13, 1994
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 3:16 p.m.
Chairperson Roberts adjourned the meeting at 6:08 p.m.

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-excused by R-
285391 (represented U.S. on a
governmental/cultural Exchange Program)
- Clerk-Lane (ew)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Lane 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-not present

ITEM-208:

SUBJECT: Consideration of 13 policy documents to be amended as a Regulatory Relief Action.

(See City Manager Report CMR-94-398. City-wide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions and introduce the ordinances:

Subitem-A: (O-95-32) INTRODUCED, TO BE ADOPTED ON
JANUARY 9, 1995

Introduction of an Ordinance amending Chapter VI, Article 2, Division 2, of the San Diego Municipal Code, by amending Section 62.0205, relating to Public Rights-of-Way.

Subitem-B: (O-95-33) INTRODUCED, TO BE ADOPTED ON
JANUARY 9, 1995

Introduction of an Ordinance amending Chapter X, Article 2, of the San Diego Municipal Code by amending Division 2, Section 102.0201, and by amending Division 3, Section 102.0301, both relating to Vesting Tentative Maps.

Subitem-C: (O-95-34) INTRODUCED, TO BE ADOPTED ON
JANUARY 9, 1995

Introduction of an Ordinance amending Chapter X,

Article 2, Division 2, of the San Diego Municipal Code, by amending Section 102.0203, relating to Final Map Certificates.

Subitem-D: (R-95-618) ADOPTED AS RESOLUTION R-285133

Adoption of a Resolution directing the Development Services Department to work with the City Attorney's Office on proposed amendments to the San Diego Municipal Code Section 111.1040(b).

Subitem-E: (O-95-41) INTRODUCED, TO BE ADOPTED ON JANUARY 9, 1995

Introduction of an Ordinance amending Chapter IX, Article 1, Division 3, of the San Diego Municipal Code by amending Section 91.0304; amending Chapter IX, Article 2, Division 3 of the San Diego Municipal Code by amending Section 92.0303; and amending Chapter IX, Article 3, Division 4 of the San Diego Municipal Code by amending Section 93.0402 all relating to Penalty Fees.

Subitem-F: (O-95-35) NOTED AND FILED

Introduction of an Ordinance amending Chapter X, Article 1, Division 11, of the San Diego Municipal Code, by amending Sections 101.1120.1, 101.1120.2 and 101.1120.4, relating to Sign Permits.

Subitem-G: (O-95-36) INTRODUCED, TO BE ADOPTED ON JANUARY 9, 1995

Introduction of an Ordinance amending Chapter IX, Article 1, Division 29, of the San Diego Municipal Code, by amending Section 91.2905, relating to Foundation Investigation.

Subitem-H: (O-95-37) INTRODUCED, TO BE ADOPTED ON JANUARY 9, 1995

Introduction of an Ordinance amending Chapter IX, Article 1, Division 3, of the San Diego Municipal Code, by amending Section 91.0301(b)(18), relating to Building Permits.

Subitem-I: (O-95-38) INTRODUCED, TO BE ADOPTED ON
JANUARY 9, 1995

Introduction of an Ordinance amending Chapter IX,
Article 1, Division 3, of the San Diego Municipal Code,
by amending Section 91.0301(b)(12), relating to
Building Permits.

Subitem-J: (O-95-39) INTRODUCED, TO BE ADOPTED ON
JANUARY 9, 1995

Introduction of an Ordinance amending Chapter X,
Article 1, Division 5, of the San Diego Municipal Code,
by amending Section 101.0580, relating to Child Care
Facilities.

Subitem-K: (R-95-619) ADOPTED AS RESOLUTION R-285134

Adoption of a Resolution directing the Development
Services Department to work with the City Attorney's
Office on proposed amendments to the San Diego
Municipal Code Sections 101.0404, 101.0421.1, 101.0427,
101.0428, and 101.0510.

Subitem-L: (R-95-627) ADOPTED AS RESOLUTION R-285135

Adoption of a Resolution directing the City Manager to
work with the State Fire Marshall in seeking emergency
state legislation to adopt the Revised Tables set forth
in the 1995 Supplement to the Uniform Fire Code, 1994
edition.

Subitem-M: (O-95-42) INTRODUCED, TO BE ADOPTED ON
JANUARY 9, 1995

Introduction of an Ordinance amending Chapter V,
Article 5, Division 7, of the San Diego Municipal Code,
by adding Section 55.0781.0107, relating to Curtain
Boards.

SUPPORTING INFORMATION:

Consideration of 13 policy documents to be amended as a
Regulatory Relief Action for the following items:

- A. Authorize City Engineer to accept Streets into the City
Street System.
MC 62.0205; Highway Code 1806.
- B. Eliminate the requirement to process a concurrent Planned

- Residential Development Permit with the processing of a Vesting Tentative Map.
MC 102.0201; MC 102.0301.
- C. Eliminate requirement that the Development Services Director sign Final Maps.
MC 102.0203.
- D. Request direction on the preparation of an ordinance which would allow a Process One approval of amended Final Maps which meet specific requirements.
MC 111.1040 (b); SMA 66469-66472.1.
- E. Suspend penalty fees from April 15, 1994 through October 15, 1994 for a six month period for construction work done without a permit.
MC 92.0303; MC 91.0304; MC 93.0402.
- F. Eliminate bonding requirement for inflatable signs; Eliminate permitting requirement for Grand Opening Banners, Temporary Construction Signs, Real Estate signs. (Sign regulations still apply.)
MC 101.1120.1G; MC 101.1120.4G; MC 101.1120.2 G, H, I.
- G. Eliminate requirement to submit Geologic Reports for projects more than 100 feet from a mapped fault line (where no other geologic hazards are mapped.)
MC 91.2905 (h), footnote 2 to Table 29 E.
- H. Eliminate permitting requirements for building repairs which do not aggregate over \$1,000.00 in valuation. (Uniform Building Code standards still apply.)
MC 91.0301 (b) 18.
- I. Eliminate permitting requirement for attached patio cover structures of 300 square feet or less in single-family zones. (This change is not proposed within the Coastal Zone.)
MC 91.0301 (b), exception 12.
- I. Eliminate requirement to file a "Notice of Intent to Operate a Large Family Day Care Home" under the Childcare Facility Regulations.
MC 101.0580 D.
- J. Request direction on the preparation of an ordinance which would permit Religious Institutions by right under certain conditions and in certain zones. (This change is not proposed within the Coastal Zone.)
MC 101.0421.1; MC 101.0427; MC 101.0428; MC 101.0404; MC 101.0510.
- K. Align the requirements for highly toxic solids and liquids within the San Diego Fire Code to those within the 1995 Uniform Fire Code Supplement.
MC Tables 55.0780.0313 A; and 55.0780.0402 B.
- L. Eliminate requirement for "Curtain Boards" within

sprinklered warehouse buildings and replace this requirement with additional smoke vents.
MC Table 55.0781.0107 A.

FILE LOCATION: Subitems A,B,C,E,F,G,H,I,J, & M: NONE;
Subitems D,K, & L: MEET

COUNCIL ACTION: (Tape location: A020-650.)

Hearing began at 3:17 p.m. and halted at 4:01 p.m.

Mayor Golding left at 3:23 p.m.

Testimony in favor by Tracy Morgan.

Testimony in opposition by Dave O'dell.

MOTION BY WARDEN TO ADOPT THE CITY MANAGER'S RECOMMENDATION TO APPROVE SUBITEMS A THROUGH M, WITH THE EXCEPTION OF SUBITEM F, AND TO APPROVE THE PLANNING COMMISSION'S RECOMMENDATION. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea(nay on Subitem B), McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-215:

SUBJECT: Two actions related to the North Metro Interceptor Sewer-Phase I.

(Midway and Pacific Highway Community Areas.
Districts-2 and 6.)

(Continued from the meetings of November 7, 1994, Item 200, and November 28, 1994, Item 201; last continued at Councilmember Roberts' request, to allow staff to make their presentation to the Midway and Peninsula Planning Groups on 12/6/94.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-694) ADOPTED AS RESOLUTION R-285136

Establishing contract funding phases to construct the North Metro Interceptor - Phase I;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$3,990,947 within Fund No. 41508, consisting of \$160,088 from CIP-46-182.0, Chemical Feed Systems Upgrade;

\$2,798,913 from CIP-46-181.0, Force Main 1 & 2 Corrosion Study;
\$531,946 from CIP-45-910.1, Trucked Liquid Waste Disposal; and
\$500,000 from CIP-46-110.0, Point Loma - Scum Removal System, all to CIP-46-104.0, North Metro Interceptor Sewer;

Authorizing the expenditure of not to exceed \$47,150,000 from Fund No. 41508, CIP-46-104.0, North Metro Interceptor Sewer - Phase I, to provide funds for the above project and related costs, provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contracting funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Authorizing the use of City Forces to do all the work for additional minor construction services as required in connection with the North Metro Interceptor Sewer - Phase I; declaring that the cost of the work shall not exceed \$50,000.

Subitem-B: (R-95-695) ADOPTED AS RESOLUTION R-285137

Certifying that the information contained in DEP-94-0557, has been completed in compliance with the

California Environmental Quality Act of 1970, as amended, and State guidelines, and that the Declaration reflects the independent judgement of the City of San Diego as Lead Agency;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by Council, in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION:

On August 1, 1994, Resolution R-284371 authorized the Purchasing Agent to advertise for bids and Resolution R-284372 certified the EIR for North Metro Interceptor Sewer-Phase 1 Project (NMIS). The existing NMIS is a 96-inch diameter pipe which was built in 1961. This pipe has experienced some corrosion and is quickly reaching its design capacity. The NMIS is located between the Interstate 5 and 8 interchange and Pump Station No. 2 which is located on North Harbor Drive. It is a major link in the sewer collection system which carries flows from the northern and northeastern portions of the City and County. The proposed NMIS is a 108-inch diameter relief sewer pipe which originates at the intersection of Friars Road and Napa Street, traverses south under the San Diego River, Taylor Street and Pacific Highway, and terminates at Gearing Drive and Barnett Avenue. Phase II through Navy and Marine property will be brought to Council for authorization to bid and construct in about one year. The proposed NMIS is designed to carry the projected flow through year 2050. With this construction, approximately 90 local jobs would be provided.

Aud. Cert. 9500455.

WU-MWWD-95-047.

FILE LOCATION: WATER - North Metro Interceptor Sewer-
Phase I CONFY95-1

COUNCIL ACTION: (Tape location: A651-D619.)

Motion by Stevens to approve the option of tunneling.
Second by Roberts. Failed. Yeas: 2,4. Nays: 1,3,5,6,7.
Not Present: 8,M.

MOTION BY McCARTY TO ADOPT THE CITY MANAGER'S RECOMMENDATION TO: 1) APPROVE SUBITEMS A AND B; 2) RECOGNIZE THE CONCERNS RAISED BY THE OWNERS OF THE BUSINESSES THAT WILL BE AFFECTED

BY THIS PROJECT; AND 3) HAVE PCL CIVIL CONSTRUCTORS, INC. BE REQUIRED TO PROVIDE ADEQUATE ACCESS TO THE BUSINESSES THAT WILL BE AFFECTED BY THIS PROJECT. DIRECT THE CITY MANAGER TO DO THE FOLLOWING: 1) WORK WITH THE BUSINESSES THAT WILL BE AFFECTED BY THE NORTH METRO INTERCEPTOR SEWER-PHASE I PROJECT; AND 2) WORK WITH THE COMMUNITY ON THE BUS STOP ISSUE IN THE AREA RELATIVE TO THE NORTH METRO INTERCEPTOR SEWER-PHASE I PROJECT. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-nay, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-CS-1: (R-95-924) ADOPTED AS RESOLUTION R-285138

A Resolution adopted by the City Council in Closed Session on December 13, 1994:

Authorizing the City Manager to pay the total sum \$180,000 to San Diego Hawthorne Center, Ltd., in settlement of each and every claim for damages, attorney's fees and costs arising from the case CIP Development, Inc., et al. v. City of San Diego, et al. Superior Court Case No. 671614; authorizing the City Auditor and Comptroller to issue one check in the amount of \$180,000 made payable to San Diego Hawthorne Center, Ltd., in full settlement of the claim described above.

Aud. Cert. 9500628

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Chairperson Roberts at 6:08

p.m. in honor of the memories of Esther Mae Reyes as requested by Mayor Golding; Bruce Vincent Reagan, Jr. and Karl Verhoye as requested by Attorney Witt.

Council Member McCarty adjourned the meeting in honor of Council Member Roberts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D620.)