

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 17, 1995
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 2:06 p.m. The meeting was adjourned by Mayor Golding at 7:28 p.m. into Closed Session on Tuesday, April 18, 1995 at 9:00 a.m. in the twelfth floor conference room to discuss pending and potential litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Harvey-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 (mp)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:
(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Harvey-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-not present
(6) Council Member Stallings-not present
(7) Council Member McCarty-present
(8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Akio Miyaji of the Buddhist Temple.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Harvey.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell on selling out America; getting U.S. out of the United Nations; HR896 Terrorism Act of 1995; new laws affecting the W4 form; income tax is unconstitutional.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A056-075.)

ITEM-PC-2:

Comments by Jim Harnsberger regarding increase in business license tax; traffic control plan affecting minor offenses becoming misdemeanors and posing serious problems for truck drivers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A077-120.)

ITEM-PC-3:

Comments by Dan Hargrove regarding the County's plan to discontinue funding the detox center and asking how the City plans to handle all the people out on the streets.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A128-175.)

ITEM-PC-4:

Comments by David Bruce Thompson addressing personal remarks toward Mayor Golding, Attorney Witt, Council Member Stevens, and the entire Council in general.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A176-189.)

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Council Member Stevens thanking Mayor Golding and those Council Members who attended District 4's Arts and Culture festival.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A190-210.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

4/3/95 Adjourned

4/4/95 Adjourned

3/27/95

3/28/95

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A211-213.)

MOTION BY KEHOE TO APPROVE THE MINUTES. Second by Mathis.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-
yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Irene Ann Chen Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1453) ADOPTED AS RESOLUTION R-285596

Recognizing the exceptional scientific research
accomplishment of Irene Ann Chen;
Proclaiming April 17, 1995 to be "Irene Ann Chen Day"
in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A215-318.)

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

* ITEM-100:

SUBJECT: Inviting Bids for Construction of Traffic Signal and
Street Lighting at Camino De La Plaza and Camiones Way
(Location 1) and at Fordham Street and Midway Drive
(Location 2).

(San Ysidro and Midway Community Areas. Districts-8
and 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1234) ADOPTED AS RESOLUTION R-285597

Inviting bids for Construction of Traffic Signal and Street Lighting at Camino De La Plaza and Camiones Way (Location 1) and at Fordham Street and Midway Drive (Location 2) on Work Order No. 112154;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of \$210,000 from CIP-68-010.0, Annual Allocation - Construction Top 10-15 Prioritized Traffic Signals, Fund 30300;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to retain excess monies, if any, in CIP-68-010.0. (BID-K95087C)

CITY MANAGER SUPPORTING INFORMATION:

The subject Capital Improvement Program Project is to install a traffic signal system at Camino De La Plaza and Camiones Way/I-5 S/B On/Off Ramps (Location 1) and at Midway Drive and Fordham Street (Location 2). The traffic signal system will provide a safe passage through the intersection for emergency equipment, pedestrians, and vehicles. Traffic signal features include emergency vehicle preemption equipment.

Aud. Cert. 9500439.

FILE LOCATION: W.O. 112154 CONT - Lekos Electric, Inc.
CONFY95-1

COUNCIL ACTION: (Tape location: A321-358.)

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

* ITEM-101:

SUBJECT: Inviting Bids for the Installation of Sherman Heights Street Lights.

(Sherman Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1235) ADOPTED AS RESOLUTION R-285598

Inviting bids for the Installation of Sherman Heights Street Lights on Work Order No. 112322;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of \$135,000 from CDBG Fund 18529, Dept. 4041, Org. 4103 (\$102,000) and from CDBG Fund 18528, Dept. 4022, Org. 2212 (\$33,000). (BID-K95088C)

CITY MANAGER SUPPORTING INFORMATION:

Sherman Heights Community Center Corporation, a non-profit organization, received \$135,000 in Community Development Block Grant (CDBG) funding for the installation of street lights around Sherman Elementary School and along G Street, from 19th Street to 25th Street. Since Sherman Heights is designated as a historic district, the Center requested the light fixtures be of an ornamental type to reflect the historic significance of the area, and also provide continuity with the neighboring Golden Hill Lighting District. Sherman Heights is a district with a high crime rate; this project will provide additional lighting to illuminate the area for public safety and to deter unsavory activities.

City Council adopted Resolution R-282036 on May 24, 1993 granting \$33,000 of Community Development Block Grant (CDBG) funding, and Resolution R-283845 on May 9, 1994 granting \$102,000 of CDBG funding for this project.

Aud. Cert. 9500300.

FILE LOCATION: W.O. 112322 CONT - Select Electric,, Inc.
CONFY95-1

COUNCIL ACTION: (Tape location: A321-358.)

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

* ITEM-102:

SUBJECT: San Diego Naval Training Center - Establishing Last
Date to Accept Official Notices of Interest.

(Peninsula/Future Urbanizing Community Area. District-
2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1433) ADOPTED AS RESOLUTION R-285599

Establishing June 16, 1995 as the last date by which
state and local governments, representatives of the
homeless, and other interested parties shall submit a
notice of interest in the buildings or property at the
Naval Training Center (NTC).

CITY MANAGER SUPPORTING INFORMATION:

On December 5, 1994, the City Council acting as the Local
Redevelopment Authority (LRA) responsible for the closure of the
Naval Training Center in San Diego (NTC), adopted Resolution R-
285053 requesting the Secretary of Defense to apply the
provisions of the Base Closure Community Redevelopment and
Homeless Assistance Act of 1994 (BCRHAA) to the Naval Training
Center. This resolution was forwarded by Mayor Golding to the
Secretary on December 21, 1994, and the Secretary subsequently
included NTC under the provisions of the BCRHAA. The BCRHAA
requires the LRA to establish a final date by which state and
local governments, representatives of the homeless, and other
interested parties located in the communities in the vicinity of
an installation to submit to the LRA a notice of interest in the
buildings or property at that installation. The BCRHAA further
requires that the established date be not less than 3 months nor
more than 6 months from the date of the original LRA request for
inclusion under this act. Staff is, therefore, requesting that
the City Council, acting as the LRA, establish June 16, 1995 as

the final date for submission of official notices of interest in NTC.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A321-358.)

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

* ITEM-103:

SUBJECT: SANYO North America Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1446) ADOPTED AS RESOLUTION R-285600

Recognizing and applauding SANYO and its employees for their 26 years of corporate presence and community involvement in San Diego;

Proclaiming April 13, 1995 to be "SANYO North America Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A321-358.)

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

* ITEM-104:

SUBJECT: Rachael Ortiz Day.

DEPUTY MAYOR VARGAS' RECOMMENDATION:

Adopt the following resolution:

(R-95-1424) ADOPTED AS RESOLUTION R-285601

Recognizing the accomplishments of Rachael Ortiz;
Proclaiming March 30, 1995 to be "Rachael Ortiz Day" in
San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A321-358.)

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

* ITEM-105:

SUBJECT: Amendment to the Agreement with AKM Consulting
Engineers regarding Scripps Ranch/I-15 Subsystem -
Reclaimed Water Distribution System.
(Scripps Miramar Ranch and Miramar Ranch North
Community Areas. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1443 Corr. 4/18/95) ADOPTED AS RESOLUTION R-285602

Authorizing an amendment to the agreement of May 16,
1994, with AKM Consulting Engineers, for additional
design services in connection with the Scripps Ranch/I-
15 Subsystem - Reclaimed Water Distribution System;

Authorizing the expenditure of not to exceed \$195,000
from Sewer Fund 41509, CIP-70-918.0, Scripps Ranch
Blvd./I-15 Subsystem - Reclaimed Water Distribution
System, provided that the City Auditor and Comptroller
first furnishes one or more certificates indicating
that the funds necessary for expenditure under
established contract 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 upon advice of the administering department.

CITY MANAGER SUPPORTING INFORMATION:

On May 16, 1994, under Resolution R-283902, the City Council approved the agreement between the City and AKM Consulting Engineers to provide design services for the Scripps Ranch Boulevard/I-15 Subsystem-Reclaimed Water Distribution System.

This Amendment No. 1 is for additional design engineering services. These services provide the design for added pipelines to bring reclaimed water to the customers identified in the update of Reclaimed Water Market Assessment Report dated November, 1994. These pipeline systems are also referred to as off-backbone pipelines. They are 4 to 6-inches in diameter, totalling approximately 9,000 feet in length.

Aud. Cert. 9501015.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A321-358.)

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

* ITEM-106:

SUBJECT: Amendment to the Agreement with Metcalf and Eddy, Inc., regarding the North City Tunnel Connector.
(University City Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1426) ADOPTED AS RESOLUTION R-285603

Authorizing an amendment to the agreement of January

27, 1992, with Metcalf and Eddy, Inc., for additional design services in connection with the North City Tunnel Connector;

Authorizing the expenditure of not to exceed \$100,000 from Sewer Fund 41509, CIP-42-910.8, North City Tunnel Connector, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract 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 upon advice of the administering department.

CITY MANAGER SUPPORTING INFORMATION:

On January 27, 1992, under Resolution R-279363, the City Council approved the agreement between the City and Metcalf and Eddy (M&E) to provide design services for the North City Tunnel Connector (NCTC) project.

This Amendment No. 1 is requested to complete several out-of-scope design items for this project. Recent changes in the City's North City Water Reclamation Plant (NCWRP) effluent discharge system and centrate pipeline re-routing will result in changes to the pipelines contained in the NCTC. These changes will require modification to pipeline sizes and slopes. Other work that is expected includes the preparation of "as-bid" construction documents, revised connections to facilities on both ends of the tunnel and "as-built" construction documents. Support will be required from the designer during construction to resolve problems that arise unexpectedly. The funding provided by this amendment to M&E's contract will ensure that there will be no delay in obtaining support from the design engineer during construction.

Aud. Cert. 9500971.

FILE LOCATION: MEET CCONFY95-1

COUNCIL ACTION: (Tape location: A321-358.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Harvey-yea,

Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Second Amendment to the Agreement with Motorola, Inc., for Additions to the Existing 800 MHz Public Safety Communications Contract.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1425) ADOPTED AS RESOLUTION R-285604

Authorizing a second amendment to the agreement with Motorola, Inc., for additions to the existing 800 MHz Public Safety Communications Contract, to provide communications equipment consisting of base stations, controllers, antennas, installation, portables and City Forces labor, for the Point Loma Wastewater Treatment Plant;

Authorizing the expenditure of not to exceed \$504,819, to supplement funds previously authorized by Resolution R-276605;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department has a need to provide improved communications for the Point Loma Wastewater Treatment Plant. Deficiencies have been identified in the areas of portable radio in-plant communications and the inability to quickly and reliably communicate with outlying pump stations or field personnel in the event of telephone line failure. The installation of the new 800 MHz communications network at the Point Loma Plant, along with ties to the Public Safety Communications Network, will ensure reliable communications within the plant and also with outlying pump stations and other City agencies. This resolution will attach to the existing Motorola, Inc., Public Safety Contract for purposes of purchasing

this communications equipment. The equipment must be compatible with the existing Public Safety Communications Network.
Aud. Cert. 9501007.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A321-358.)

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

ITEM-108: TRAILED TO TUESDAY, APRIL 18, 1995 DUE TO LACK
OF TIME

SUBJECT: Two actions related to Change Order No. 11 for the
Dulzura Conduit Renovation Project.
(Dulzura Community Area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1440)

Approving Change Order No. 11, dated January 11, 1995,
issued in connection with the contract with Mingus
Constructors, Inc., for the Dulzura Conduit Renovation
Project, amounting to a net increase of \$307,414;

Authorizing the transfer of \$255,000 within Water
Revenue Fund 41500, from CIP-73-083.0, Annual
Allocation for Water Mains, to CIP-73-252.0, Dulzura
Conduit Renovation;

Authorizing the expenditure of not to exceed \$407,414
from Water Revenue Fund 41500, CIP-73-252.0, Dulzura
Conduit Renovation, to fund the change order and to
supplement the financing of construction contingencies
authorized by Council in Resolution R-284078, dated
June 20, 1994.

Subitem-B: (R-95-1441)

Stating for the record that the information contained in Mitigated Negative Declaration DEP-88-0719, has been reviewed and considered by the Council in connection with the Dulzura Conduit Renovation Project.

CITY MANAGER SUPPORTING INFORMATION:

The construction contract for the Dulzura Conduit Renovation Contract was awarded to Mingus Constructors, Inc., for the amount of \$3,468,000. With total previous approved change orders of \$801,135 the total project cost, including administration and engineering was \$5,846,215. The 10.7-mile long Dulzura Conduit conveys raw water from Barrett Reservoir to Dulzura Creek, where it ultimately flows into the Lower Otay Reservoir for treatment. The Dulzura Conduit was constructed around the turn-of-the-century and was inoperable because several deteriorated wooden flumes and supporting trestle sections had been removed for replacement. This project consists of the replacement/renovation of six wooden flume sections, a concrete channel, a buried corrugated metal pipe and a washed out section. This request is for approving Construction Change Order No. 11, for a cost plus not to exceed \$307,414, for the additional work requested by the City and an additional \$100,000 contingency request for unforeseen work to close out the project. Throughout the course of construction, it was determined that the geological conditions at various support locations were different than what was shown on the original contract documents. It was necessary to excavate these footings deeper creating a cost overrun on reinforcing steel, concrete and backfilling, compared to the original bidding documents. Furthermore, it was necessary to drill additional length rock anchor bolts within the rock bolt zones at the upstream abutment to Flume 7, Flume 12 and along Flume 9. This was done in an effort to pin precariously positioned boulders to the hillside. Because of the unique, specialized nature of construction and the inaccessibility of the flumes in which helicopter work is needed, the costs reflected in this change order are justified, and an additional construction contingency fund for unforeseen work is requested. The contractor has refused to sign Change Order No. 11 as a close-out change order, with the intention to file a total cost claim. The City disagrees with disputed items including granting additional time and extended field overhead costs, and have paid the contractor's invoices until January 1995. Approval of Change Order No. 11 will allow the payment of the remaining outstanding invoices for the works completed and approved by the City. This will eliminate the potential additional claim for delay damages.

Aud. Cert. 9501017.

WU-U-95-098.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: H435.)

ITEM-200:

SUBJECT: Master Lease Program.
(See City Manager Report CMR-95-76.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-95-95) INTRODUCED, TO BE ADOPTED ON MAY 1, 1995

Introduction of an Ordinance authorizing:
A 3, 4, 5, and 7-year lease terms Master Lease Agreement with GE Capital Public Finance for the acquisition of equipment through lease purchase;

A 3, 4, 5, and 7-year lease terms Master Lease Agreement with Friedman, Luzzatto and Co. for the acquisition of equipment through lease purchase as a back-up to the GE Capital Public Finance agreement;

Authorizing the refinancing of fire apparatus, currently financed under the 1993 Master Lease Agreement with GE Capital Public Finance for the purpose of providing collateral to the equipment to be lease purchased under the proposed agreement with GE Capital Public Finance.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A321-358.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-

yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Inviting Bids for the Northern Sludge Processing Facility (NSPF) Chemical Building.
(NAS Miramar Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1036) ADOPTED AS RESOLUTION R-285605

Inviting bids for the Northern Sludge Processing Facility (NSPF) Chemical Building on Work Order No. 198863;

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

Authorizing the expenditure of \$13,196,665 from Fund No. 41509, CIP-42-911.4, Northern Sludge Processing Facility, Phase II, for the purpose of providing funds for the project and related costs, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K94108)

CITY MANAGER SUPPORTING INFORMATION:

The Fiesta Island Replacement Project Northern Sludge Processing Facility (FIRP/NSPF) project to be located at NAS Miramar will replace the sludge drying facility currently located at Fiesta Island. The Chemical Building is the third of nine construction contracts for FIRP/NSPF. Mitigation measures related to this

action have been incorporated into each package.

At this time, approval is requested to advertise for bid and award this contract package. The EIR was certified by City Council on December 5, 1994.

FILE LOCATION: W.O. 198863 CONT - C. E. Wylie Construction Co. CONFY95-1

COUNCIL ACTION: (Tape location: A321-358.)

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

ITEM-202: TRAILED TO TUESDAY, APRIL 18, 1995 AS UNFINISHED BUSINESS

SUBJECT: Two actions related to Equal Opportunity Contracting Program (EOCP) - Amended Equal Employment Opportunity Ordinance and Policies and Procedures.
(See City Manager Reports CMR-95-82, CMR-95-66, CMR-95-61, and CMR-95-33.)

(Continued from the meetings of March 20, 1995, Item 206, and February 13, 1995, Item 202; last continued at the City Manager's request, to allow time to bring an amended ordinance for simultaneous review with the policies and procedures.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A; adopt the resolution in Subitem B; and consider the suggestions/recommendations received from the various public hearings and workshops.

Subitem-A: (O-95-103)

Introduction of an Ordinance amending Chapter II, Article 2, Division 27, of the San Diego Municipal Code by amending Sections 22.2701 through 22.2709 and by repealing Sections 22.2710 through 22.2715 all relating to the Equal Employment Opportunity Program.

Subitem-B: (R-95-1138)

Approving the Policies and Procedures for the Equal
Employment Opportunity Program.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A373-H435.)

Motion by Stevens to reject the present proposed ordinance before us and implement the policies and procedures before us today. By rejecting this ordinance before us, it would automatically leave the ordinance previously passed and let the policies and procedures be used to implement the ordinance already passed. Accept the amendments by Mayor Golding to include maintaining a file on applicants to have the last known address and telephone number on file and to include professional associations and foundations to Page 9. Second by Vargas.

Substitute motion by McCarty to approve the ordinance before us today without the work force report but with an equal opportunity plan that would be submitted by all who we could require from--by all low bidders. Accept the amendment by Mayor Golding to include the administrative law process. Accept the changes to Paragraph D, Page 5 of 7, as read by City Manager McGrory as follows: "If the apparent low bidder or contractor does not submit an equal opportunity plan as required by this section, the City Manager will ensure that an administrative hearing is conducted to determine whether the contract should be awarded in accordance with City, State, and Federal laws." However, remove presumption of guilt and require that complaints be fined under penalty of perjury. Second by Warden. Failed by the following vote: Yeas-1,5,7,M. Nays-2,3,4,6,8. Not Present-None.

Amended motion by Stevens to oppose the ordinance that is before us and direct the City Manager to implement the ordinance previously adopted in January 1995. Direct the City Manager establish policies to implement the ordinance. Second by Vargas. Failed by the following vote: Yeas-3,4,6,8. Nays-1,2,5,7,M. Not Present-None.

Motion by Warden to approve the ordinance before us today and policies and procedures that have been revised today with the two suggestions that were written in by the City Manager; include the work force. Second by Mathis. Substitute motion by Stevens to adopt the policies presented

today. Second by Vargas. Failed by the following vote:
Yeas-3,4,6,8. Nays-1,2,5,7,M. Not Present-None.

Restated motion by Warden to approve the present ordinance, keep in the work force report, take out the part that indicates the number of males and females and each identified ethnic group by occupational category, add in on Page 5 of 7 the comments by the City Manager that has to do with the rebuttal presumption phraseology that was of concern which would give us an assumption of being discriminatory without proof, include administrative law, and the sworn testimony. Debarment is already included. Second by Mathis.

Motion by McCarty to continue this item until after the discussion on the convention center. No second.
Substitute motion by Harvey to state on Page 4 of 7, "Contractor shall not discriminate against employees or applicants for employment on the basis prohibitive by law. Contractor shall provide equal opportunity in all employment practices." Second by McCarty. Failed by the following vote: Yeas-2,7. Nays-1,3,4,5,6,8,M. Not Present-None.
Restated motion by Warden to approve today's ordinance with the following changes: keep in the Work Force Report on Page 3 of 7, keep in either Work Force or Equal Employment Opportunity Plan on Page 5 of 7, add to policies and procedures the sworn statement on discrimination, add administrative law on page 5 of 7 Sec. D, keep in debarment on Page 6 of 7, add presumption of discrimination. Second by Mathis. Failed by the following vote: Yeas-1,5,6,M. Nays-2,3,4,7,8. Not Present-None.

Trailed as Unfinished Business to Tuesday, April 18, 1995.

ITEM-203: REFERRED TO CLOSED SESSION

SUBJECT: In the matter of discussing marketing Eastgate
Technology Park.

Pursuant to Government Code Section 54956.8, the City Council is going to Closed Session to hear a presentation by Rick Sparks of Coldwell Banker regarding negotiations with Pyxis and Langford and Associates for Lots in Unit 3.
(District-1.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from any members of the public who wish to address the Council on this subject, then refer the matter to Closed Session on April 18, 1995, pursuant to Government Code Section 54956.8.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A360-369.)

MOTION BY MATHIS TO REFER THE MATTER TO CLOSED SESSION.
Second by Stallings. Passed by the following vote: Mathis-
yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:
None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 7:28 p.m. in honor of the memory of Rebecca Lytle as requested by Mayor Golding, and in memory of Santa L. Schiappa as requested by Council Member Harvey.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H441).