

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 5, 1993
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 10:11 a.m. The meeting was recessed by Mayor Golding at 10:37 a.m. to meet in Closed Session in the 12th floor conference room to discuss initiating litigation, pending litigation and meet and confer matters. Mayor Golding reconvened the meeting at 11:40 a.m. with Deputy Mayor Behr and Council Members Roberts, Stevens and Stallings not present. Mayor Golding adjourned the meeting at 11:43 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-excused by R-282853 (attended 1993 APTA meeting & Expo in New Orleans)
- (3) Council Member Hartley-present
- (4) Council Member Stevens-excused by R-282945 (participated in District activities)
- (5) Council Member Behr-excused by R-282852 (attended NAFTA related meeting in Washington, D.C.)
- (6) Council Member Stallings-excused by R-282764 (out-of-town City business)
- (7) Council Member McCarty-present

(8) Council Member Vargas-present
Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

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

PUBLIC COMMENT:

None .

COUNCIL COMMENT:

None .

ITEM-100:

SUBJECT: Awarding contracts for one 14,500 GVW Crane Truck and one Emergency Rescue (Crane) Truck.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-294) ADOPTED AS RESOLUTION R-282739

Awarding contracts for the purchase of two crane trucks as follows:

1. Fuller Ford for one 14,500 GVW Crane Truck (Ford Super Duty with body and crane).
2. Dion International Trucks, Inc. for one Emergency Rescue (Crane) Truck (IHC Model 4800 (4x4) with service body and crane).

Authorizing the expenditure of not to exceed \$207,789.41 from Department No. 50033, Organization Nos. 8203 and 2803, Object Account No. 6013, and Job Order Nos. 88081 and 88082;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-C3948/94)

FILE LOCATION: CONT - Purchase - Fuller Ford; Dion International Trucks, Inc. CONTFY94-2

COUNCIL ACTION: (Tape location: A019-026.)

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 100 AND 101. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-not present, Behr-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-101:

SUBJECT: Awarding a Contract for a Multi-Purpose Excavator.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-209) ADOPTED AS RESOLUTION R-282740

Awarding a contract to Carde Pacific Corp. for one multi-purpose excavator, for a total actual cost of \$342,165.51, including tax;

Authorizing the expenditure of not to exceed \$342,165.51 from Fund No. 50033, Department No. 8203, Object Account No. 6013, Job Order No. 88083;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-B3918/93)

Aud. Cert. 9400277.

FILE LOCATION: CONT - Purchase - Carde Pacific Corp.
CONTFY94-1

COUNCIL ACTION: (Tape location: A019-026.)

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 100 AND 101. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-not present, Behr-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-106:

SUBJECT: Palisades Building Roof Repairs.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-333) ADOPTED AS RESOLUTION R-282741

Rejecting all bids received on August 12, 1993, and readvertising for bids for Construction of Palisades Building Roof Repairs on Work Order No. 119269;

Authorizing the execution of a contract with the lowest responsible bidder. (BID-K3614/93B)

CITY MANAGER SUPPORTING INFORMATION:

The Palisades Building is located at 2130 Pan American Plaza in Balboa Park. It is just north of the Automobile Museum. This contract will replace the roof on the entire building. Bids for the Palisades Building Roof Repairs project were received on August 12, 1993. The low bid of \$156,146 was submitted by Morrison-Hope Roofing Company. This company failed to demonstrate its good faith effort in complying with the City's MBE/WBE Program goals. Therefore, it is recommended that all bids be rejected.

FILE LOCATION: W.O. 119269 CONT - Baldan Construction
CONTFY94-1

COUNCIL ACTION:

(Tape location: A368-389.)

MOTION BY HARTLEY TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-not present, Behr-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Actions related to implementation of The Cable Television Consumer Protection and Competition Act of 1992 (Cable Act of 1992).

(See City Manager Report CMR-93-271.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-326 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-282742

Designating the City Public Utilities Advisory Commission ("CPUAC") to serve as the advisory hearing body concerning proposed cable television customer service obligations and requesting the CPUAC to establish appropriate hearing procedures for this issue, conduct hearings, and report its recommendations to the City Council;

Authorizing the City Manager and City Attorney to notify the City of San Diego's cable television franchisees of the City's intention to enforce customer service obligations adopted by the Federal Communications Commission ("FCC") as an interim measure;

Adopting the initial findings required by "The Cable Television Consumer Protection and Competition Act of 1992" for certification to regulate basic cable service rates and authorizing the City Manager and City Attorney to apply to the FCC for certification;

Directing the cable franchisees within the City to

present evidence to establish reasonableness of rates set for basic cable service within the time called for in the FCC regulations;

Authorizing the City Manager and City Attorney to work with the County of San Diego to determine if there are opportunities to consolidate cable television regulation efforts.

COMMITTEE ACTION: Reviewed by Rules on 9/13/93. Recommendation to accept in concept the Manager's recommendations; schedule a special Council meeting for September 27, 1993 to hear public testimony; refer to Council on/or before October 12, 1993 for final action following the meeting of September 27. Districts 2,3,6 and Mayor voted yea. District 5 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A029-328.)

MOTION BY McCARTY TO ADOPT AS AMENDED TO INCLUDE COUNCIL MEMBER WOLFSHEIMER'S RECOMMENDATION TO ONLY AUTHORIZE FUNDING IN THE AMOUNT OF \$50,000. STAFF IS DIRECTED TO REPORT BACK TO COUNCIL WHEN THE COST TO THE CITY REACHES THAT AMOUNT FOR FURTHER REVIEW. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-not present, Behr-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: CONTINUED TO OCTOBER 12, 1993

SUBJECT: Two actions related to San Ysidro Boulevard - Smythe Avenue to Border Village Road Condemnation.

(See City Manager Report CMR-93-279. San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-428)

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION.

Determining and declaring that the public interest,
convenience and necessity of the City of San Diego
require the construction, operation and maintenance of

a public street or streets with right-of-way for the right of ingress and egress over, under, along, and across, portions of parcels lying between San Ysidro Boulevard (formerly Tijuana Boulevard) and Bolton Hall Road;

Declaring that the public interest, convenience and necessity demand the acquisition of fee title to the property for right-of-way required for construction of San Ysidro Boulevard - Smythe Avenue to Border Village Road;

Declaring the intention of the City of San Diego to acquire the property under eminent domain proceedings;

Directing the City Attorney to commence an action in the Superior Court of the State of California, for the purpose of condemning and acquiring the property and easements.

Subitem-B: (R-94-85)

Authorizing the expenditure of not to exceed \$496,922 from CIP-52-166.1, San Ysidro Boulevard - Smythe Avenue to Border Village Road, Prop. A Fund 30300, as contingency funds for condemnation and related costs of litigation;

Declaring that the funds are a reallocation of a portion of the funds previously authorized for the project by Resolution R-282048, adopted June 1, 1993.

Aud. Cert. 9400044.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A351-367.)

MOTION BY WOLFSHEIMER TO CONTINUE TO OCTOBER 12, 1993. THIS ITEM REQUIRES SIX AFFIRMATIVE VOTES FOR ADOPTION AND ONLY FIVE COUNCIL MEMBERS WERE PRESENT. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-not present, Behr-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None .

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 11:43 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A391.)