

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 5, 2001
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:08 p.m. The meeting was adjourned by Mayor Murphy at 5:18 p.m. into Closed Session on Tuesday, February 6, 2001 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 Murphy-present
 - (1) Council Member Peters-present
 - (2) Council Member Wear-present
 - (3) Council Member Atkins-present
 - (4) Council Member Stevens-present
 - (5) Council Member Maienschein-present
 - (6) Council District-vacant
 - (7) Council Member Madaffer-present
 - (8) Council District-vacant
- Clerk-Abdelnour (er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council District-vacant
- (7) Council Member Madaffer-present
- (8) Council District-vacant

ITEM-10: INVOCATION

Invocation was given by Reverend Richard Freeman of the Chula Vista United Church of Christ.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Madaffer.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

1/15/2001 Adjourned
1/16/2001

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A050-056.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-31: Museum Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1065) ADOPTED AS RESOLUTION R-294500

Proclaiming February 1 through 28, 2001 to be "Museum Month" in San Diego and encouraging all San Diegans to join in this worthwhile effort.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A058-096.)

MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-32: Monique Henderson Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1087) ADOPTED AS RESOLUTION R-294501

Commending Monique Henderson for her efforts and accomplishments;

Proclaiming February 5, 2001 to be "Monique Henderson Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A104-148.)

MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-33: City Access Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1077) ADOPTED AS RESOLUTION R-294502

Commending and thanking the staff of City Access and proclaiming February 5, 2001 to be "City Access Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A149-234.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on federal income tax.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A241-285.)

PUBLIC COMMENT-2:

William E. Claycomb commented on energy alternatives.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A286-336.)

PUBLIC COMMENT-3:

Lupita Jimenez commented on the energy crises and offered her ideas such as decreasing the demand and using alternative sources of power in the form of water, wind, and solar energy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A337-395.)

PUBLIC COMMENT-4:

Muriel Adams urged Council to consider a municipal utility district.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A414-428.)

PUBLIC COMMENT-5:

Jim Bell spoke on behalf of the Coalition for Affordable Public Power. Mr. Bell stated that the solution to the energy crisis is the efficient use of renewable power. He announced that there will be a meeting of the Association of Energy Engineers on February 15th at 7:00 p.m. at the Holiday Inn Select in Mission Valley. Mr. Bell stated that he will be the guest speaker and the subject will be “Creating an Affordable, Plentiful, Secure, and Clean Energy Future in the San Diego/Tijuana Region.”

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A429-477.)

PUBLIC COMMENT-6:

Bernie Levy urged the City to cease business negotiations with San Diego Gas and Electric and create a municipal power authority.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A495-548.)

PUBLIC COMMENT-7:

Derek Casady commented that he would like San Diego to have a municipal power district.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A550-615.)

PUBLIC COMMENT-8:

Petra E. Barajas commented on issues regarding the District 8 elections.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A618-696.)

PUBLIC COMMENT-9:

Steve McWilliams commented on the subject of medical marijuana and his concerns regarding the City Attorney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B051-100.)

PUBLIC COMMENT-10:

Jacquelyn Meshack expressed her dissatisfaction with various public services such as public transportation, pot holes that have not been fixed, incorrect public information printed in the Voice and View Point, and committee appointments by the Mayor.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B104-141.)

PUBLIC COMMENT-11:

Robert Ruffalo commented on the crime-free status of De Anza Cove Community and urged the City to allow residents to remain beyond the date the lease will expire.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B160-183.)

PUBLIC COMMENT-12:

Dustin Johnston commented on the energy crisis and alternative sources of energy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B184-220.)

PUBLIC COMMENT-13:

Barbara King commented on the energy crisis and the basic human right to sustainable and affordable energy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B222-265.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Wear announced that LAFCO addresses the subject of the energy crisis and public utility district on their website at www.sdlafco.com.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B271-286.)

COUNCIL COMMENT-2:

Council Member Atkins announced that the San Diego Blood Bank needs blood donations. She encouraged everyone to donate blood.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B287-302.)

COUNCIL COMMENT-3:

Council Member Madaffer commented on the energy crisis. He suggested that power that is generated in San Diego should stay in San Diego and should not be sold to other areas. He stated that it is important to work toward energy self sufficiency.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B304-357.)

COUNCIL COMMENT-4:

Council Member Stevens announced that February is City-wide Donor Month for the Summer Day Camp Fund. This fund is for families who cannot afford to send their children to summer day camp. Each donation will be matched dollar-for-dollar. Those desiring to make a donation should call 533-6434 or for information call 236-5555.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B358-379.)

* ITEM-100: Recess of the City Council for the week of March 12, 2001 to March 16, 2001.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1088) ADOPTED AS RESOLUTION R-294503

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2001 through December 31, 2001 to add a legislative recess for the week of March 12 through 16, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C031-086.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-101: Easement Acquisitions - Blueridge/Rachael Storm Drain.

(Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1082) ADOPTED AS RESOLUTION R-294504

Authorizing the City Manager to purchase the property rights for the Blueridge/Rachael Storm Drain Project;

Authorizing and approving the expenditure of not to exceed \$7,000 from Fund 30244, CIP-18-001.0 (Annual Allocation, Cooperative Storm Drain Projects), for the acquisition of the required property rights, title, escrow and miscellaneous costs.

CITY MANAGER SUPPORTING INFORMATION:

The pre-existing storm drain system in the subject area was insufficient to properly handle street drainage, and waters overflowed and flooded private property during rainy periods. Within the Cooperative Storm Drain Project's schedule, this specific project was given priority due to an on-going flooding problem causing damage to two private properties. On the merits of Temporary Work Permits granted by the impacted property owners, the project was completed. This action will allow for the acquisition of permanent easements from these owners, whereby the City will obtain the right, in perpetuity, to maintain and/or repair the storm drain system as needed.

FISCAL IMPACT:

Funds in the amount of \$7,000 are available in Fund 30244, CIP-18-001.0, Annual Allocation, Cooperative Storm Drain Projects.

Herring/Griffith/SLG

Aud. Cert. 2100807.

FILE LOCATION: DEED - F-7958

COUNCIL ACTION: (Tape location: C031-086.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-102: Settlement of the Personal Injury Claim of Dominic Montisano, et al.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1053) ADOPTED AS RESOLUTION R-294505

A Resolution approved by the City Council in Closed Session on Tuesday, January 16, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-not present; Maienschein-yea; Stallings-yea; Madaffer-yea; District 8-vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$400,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Dominic Montisano, et al. (Superior Court Case No. GIC740401, Debra Montisano, et al. v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$400,000 made payable to Plaintiffs Dominic Montisano, Debra Montisano, Cara Montisano, William Stevens, Darryl Stevens and their attorney of record, Carla Nasoff, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Dominic Montisano et al., against the City of San Diego, its agents and employees, as a result of an incident which occurred on December 19, 1998.

Herring/Oliva/JE

Aud. Cert. 2100773.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in open session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C031-086.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-103: READ/San Diego Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1066) ADOPTED AS RESOLUTION R-294506

Recognizing the accomplishments of READ/San Diego and the many adults who have benefitted from their literacy program;

Proclaiming February 3, 2001 to be "READ/San Diego Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C031-086.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-104: Proclaiming February 17, 2001 to be "Total 'K' Day" in San Diego.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1078) ADOPTED AS RESOLUTION R-294507

Commending and thanking participating Kiwanis members and proclaiming February 17, 2001 to be "Total 'K' Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C031-086.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-105: Closing of an Alley South of Redwood Street.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1043) ADOPTED AS RESOLUTION R-294508

Closing to vehicular traffic the alley south of Redwood Street, parallel to 44th Street and Fairmount Avenue, beginning at a point 100 feet south of Redwood Street.

CITY MANAGER SUPPORTING INFORMATION:

This action closes to vehicular traffic an alley south of Redwood Street, parallel to 44th Street and Fairmount Avenue, beginning at a point 100 feet south of Redwood Street. One property facing 44th Street, south of Redwood Street, will retain vehicular access from the portion of the alley that will remain open. No properties take access from the portion of the alley that is proposed for closure. The subject alley is not paved and has been the site of criminal activity and dumping, according to the Police Department and the Swan Canyon Neighborhood Association. Closure of an alley for the protection or preservation of public safety and health is authorized by California Vehicle Code section 21102.1. This action is supported by the City Heights Area Planning Committee.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Belock/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C031-086.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-106: Mission Trails Regional Park Equestrian Staging Area Reimbursement Agreement.

(Mission Trails Regional Park. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1073) ADOPTED AS RESOLUTION R-294509

Authorizing the City Manager to execute a Reimbursement Agreement with Mission Trails Regional Park Foundation, Inc., for the construction of the Mission Trails Regional Park Equestrian Center;

Authorizing the appropriation and expenditure of an amount not to exceed \$150,000 from Mission Trails Regional Park Fund (Antenna Fund), Fund No. 10580, for the increase to CIP-20-101.3, Mission Trails Regional Park Equestrian Staging Area.

CITY MANAGER SUPPORTING INFORMATION:

Currently, there is a Council approved Master Agreement between the City and the Mission Trails Regional Park Foundation, Inc. governing the use of public funds which may become available to the Foundation for its public purposes. The Foundation is organized in accordance with non-profit Public Benefit Law for public and charitable purposes. Its public purpose is to

preserve, improve, develop and maintain Mission Trails Regional Park and to foster public appreciation and understanding of the Park.

This action provides for an agreement, in accordance with the Master Agreement, to allow the Foundation to act as the fiscal agent for the construction of the Equestrian Staging Area, and provides partial funding for the purpose of initiating the preparation of construction plans (Phase II). The City shall act as the project manager and shall have the lead responsibility for design and construction of the project. The Equestrian Center is a 12 acre site, located in the northeast corner of the Park, off Mast Boulevard. The proposed facility will consist of a multi-purpose building for visitors and rangers, parking facilities, picnic areas and multi-purpose arenas.

FISCAL IMPACT:

Phase I of the project, which includes the design plans and environmental review of the project, estimated to cost \$190,260, will be funded by FY 2001 Environmental Growth Fund monies, previously authorized by Council action. Funds in the amount of \$150,000 are available from the Mission Trails Regional Park Fund, Fund No. 10580, for Phase II. The balance of funding required for Phase II will be requested for appropriation from the Environmental Growth Fund during the Fiscal Year 2002 budget process,* and the State Grant Funds allocated by the State through the Fiscal Year 2001 State budget process to be available in the Summer of 2001.

* contingent upon approval of the Fiscal Year 2002 Annual Budget.

Loveland/McLatchy/DVW

Aud. Cert. 2100787.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C031-086.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-107: Mission City Parkway Bridge - Drainage Reimbursement Agreement.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-710) ADOPTED AS RESOLUTION R-294510

Authorizing the City Manager to execute a reimbursement agreement with H.G. Fenton Company for construction of drainage improvements for Mission City / Fenton Marketplace;

Authorizing the City Auditor and Comptroller to increase the FY2001 CIP Budget for CIP-53-053.0, Mission City Parkway Bridge, Fund No. 392201 by \$409,000;

Authorizing the expenditure of an amount not to exceed \$409,000 from CIP-53-053.0, Mission City Parkway Bridge, Fund No. 392201, contingent upon the full execution of the agreement with H.G. Fenton;

Authorizing the City 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 drainage improvements were required as a condition of the Mission City development agreement with H.G. Fenton Company and were constructed up to the southern edge of the Mission Valley Trolley (LRT) right-of-way. However, any further (south to the San Diego River) permanent drainage improvements at this location would conflict with the proposed Mission City Parkway Bridge CIP-53-053.0 work. This would require demolition and reconstruction of the newly installed drainage improvements as part of the CIP project. For these reasons it is proposed that H.G. Fenton Company reimburse the City for all costs (estimated with contingencies at \$409,000) necessary to incorporate the permanent drainage improvements into the CIP project work to be constructed concurrently with the bridge improvements in lieu of H.G. Fenton performing the work. In the interim, a temporary rip-rap lined channel has been constructed for use until the permanent concrete-lined channel is constructed.

FISCAL IMPACT:

None. All costs for this action will be reimbursed by the developer under the agreement provisions.

Belock/Boekamp/HR

Aud. Cert. 2100474.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C031-086.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-108: Office Space Lease Amendment - Made In Mexico, Inc.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1064) ADOPTED AS RESOLUTION R-294511

Authorizing the City Manager to execute the Second Amendment to Lease with Made in Mexico, Inc., for a leasehold area of 2,870 square feet, at the base rent of \$3,510 per month;

Depositing the total annual rent paid to the City of San Diego for the first year of the Second Amendment to Lease, in the amount of \$42,120, into the General Fund 100.

CITY MANAGER SUPPORTING INFORMATION:

Made In Mexico, Inc., has been leasing space from the City in the World Trade Center Building, located at 1250 Sixth Avenue, Suite 1100, since December 1, 1994. The leased space consists of approximately 2,744 square feet of office space and approximately 126 square feet of storage space for a total of 2,870 rentable square feet. The tenant will be leasing the space under the following basic lease terms:

TERM - For three (3) years commencing January 1, 2001 and terminating December 31, 2003.

RENT- \$3,510 per month or approximately \$1.22 per square foot. The rental rate is at market value compared to similar space in the downtown area. The base rent shall be adjusted annually by a fixed 5% increase.

USE - General office usage.

SIZE - 2,870 square feet.

FISCAL IMPACT:

\$42,120 will be deposited into the General Fund 100 for the first year of this lease amendment.

Loveland/Griffith/DLM

FILE LOCATION: LEAS-Made in Mexico, Inc.

COUNCIL ACTION: (Tape location: C031-086.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-109: Renewal of Nonexclusive Use and Operating Permit for City of San Diego's Peninsula Tennis Court.

(Mission Bay and Pacific Beach Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1063) ADOPTED AS RESOLUTION R-294512

Authorizing the Park and Recreation Director to execute a five-year Nonexclusive Use and Operating Permit with Peninsula Tennis Club.

CITY MANAGER SUPPORTING INFORMATION:

All funds collected by the Tennis Club (Permittee) from the operation of the City of San Diego's tennis courts (Premises), shall be used to operate and maintain the Premises for the benefit of the general public. The City is not charging or receiving a fee from the general public nor from the Permittee, for the use of the Premises. The fees charged and collected by the Permittee per the Fee Schedule, are intended to cover maintenance and program operation.

FISCAL IMPACT:

None to the City. Fees collected from the use of the tennis courts are used to maintain the tennis courts and related programs deemed necessary by the Tennis Clubs.

Loveland/McLatchy/TM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C031-086.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-110: City's Internet Domain Name.

(See letter from Mayor Murphy dated 12/14/2000 and memorandum from Councilmember Madaffer dated 12/5/2000.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1089)ADOPTED AS RESOLUTION R-294513

Approving the registration of the Internet Domain names "sandiego.gov" and cityofsandiego.gov" as proposed in Mayor Murphy's letter dated December 14, 2000 to the General Services Administration.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 1/10/2001, RULES voted 5 to 0 to adopt the internet domain names proposed in Mayor Murphy's December 14, 2000 letter to the General Services Administration, and to forward these recommendations to the full Council. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C031-086.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-150: Update on Program to Assist Special Needs Homeless Population.

(See City Manager Reports CMR-01-012 and CMR-00-254.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1070)ADOPTED AS RESOLUTION R-294514 WITH DIRECTIONS

Authorizing the City Manager to direct City staff to continue working with the County of San Diego, the Centre City Development Corporation, the Housing Commission, developers and non-profit service providers to implement the Special Needs Homeless Program through locating outside local, state or federal funding and appropriate sites to provide programs and housing.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 11/20/2000 RULES voted to direct staff to continue working with the County of San Diego, the Centre City Development Corporation, the Housing Commission, developers and non-profit service providers to implement the Special Needs Homeless Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C090-334.)

MOTION BY MAIENSCHIN TO ADOPT ITEMS 150, 151, AND 152 WITH THE FOLLOWING DIRECTIONS: DIRECT THE CITY MANAGER AND THE CITY ATTORNEY TO CONTINUE TO WORK ON THE ISSUE OF BILLBOARD ADVERTISEMENT AS A WAY TO FUND THE SELF CLEANING TOILETS DOWNTOWN.

INCLUDE THE \$300,000 FOR THE SHERIFF, \$76,000 FOR THE CITY ATTORNEY'S OFFICE, AND THE NEED FOR ADDITIONAL HOSPITAL BEDS ON THE UNFUNDED-NEEDS LIST SO THAT THOSE ISSUES WILL BE ADDRESSED DURING THE BUDGET DELIBERATIONS.

REFER THE ISSUES OF THE SROs AND LOSS OF 400 UNITS TO RULES COMMITTEE FOR DISCUSSION ON HOW THESE ISSUES RELATE TO FEDERAL LEGISLATION AND PRIORITIES FOR THE CITY COUNCIL. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-151: Expansion of Serial Inebriate Program into Downtown.

(See City Manager Reports CMR-01-013 and CMR-00-254.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1072)ADOPTED AS RESOLUTION R-294515 WITH DIRECTIONS

Authorizing the City Manager to direct staff to expand the Serial Inebriate Program into the downtown area at a level of 40 arrests per month when funding, staffing and facilities issues are resolved;

Directing the staff to collaborate with the County Sheriff's Department and City Attorney's Office in obtaining state funds for expansion of the Serial Inebriate Program;

Directing the staff to continue working with the County Department of Alcohol and Drug Services and nonprofit service providers to obtain state and federal funding to create more capacity in alcohol treatment programs and beds to serve an expanded downtown program.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 11/20/2000 RULES voted to docket the issue of expansion of the Serial Inebriate Program into downtown for City Council consideration.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C090-334.)

MOTION BY MAIENSCHIN TO ADOPT ITEMS 150, 151, AND 152 WITH THE FOLLOWING DIRECTIONS: DIRECT THE CITY MANAGER AND THE CITY ATTORNEY TO CONTINUE TO WORK ON THE ISSUE OF BILLBOARD ADVERTISEMENT AS A WAY TO FUND THE SELF CLEANING TOILETS DOWNTOWN.

INCLUDE THE \$300,000 FOR THE SHERIFF, \$76,000 FOR THE CITY ATTORNEY'S OFFICE, AND THE NEED FOR ADDITIONAL HOSPITAL BEDS

ON THE UNFUNDED-NEEDS LIST SO THAT THOSE ISSUES WILL BE ADDRESSED DURING THE BUDGET DELIBERATIONS.

REFER THE ISSUES OF THE SROs AND LOSS OF 400 UNITS TO RULES COMMITTEE FOR DISCUSSION ON HOW THESE ISSUES RELATE TO FEDERAL LEGISLATION AND PRIORITIES FOR THE CITY COUNCIL. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-152: Initial Report of the East Village Redevelopment Homeless Advisory Committee.

(See City Manager Reports CMR-01-014 and CMR-00-206, and Ann Hix's 10/6/2000 memo.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1071)ADOPTED AS RESOLUTION R-294516 WITH DIRECTIONS

Adopting the recommendations of the East Village Redevelopment Homeless Advisory Committee with the following changes, and directing staff to:

- 1) Work with the Housing Commission and CCDC to review funding for homeless shelters and low-income housing in the City, and with the Mayor and Council Districts on allocation of CDBG funding;
- 2) Continue to work on the legal and funding issues associated with implementing a self-cleaning toilet program in the downtown area;
- 3) Analyze the availability of funding to extend the seasonal shelter program to May 30 and explore alternative locations, and report back in early 2001;
- 4) Work with the Police Department to locate suitable space to reopen the HOT team downtown office;

5) Work with the Police Department, City Attorney's Office, Sheriff, County Health and Human Services and the Courts to explore the feasibility of expanding the current Police Western Division Serial Inebriate Program to the downtown area; continue to work with Volunteers of America and other drug and alcohol treatment providers, and the County Health and Human Services Agency to explore the costs and funding options for expanding drug and alcohol detox and treatment beds; work with the City Attorney's Office, the Police Department and VOA on the feasibility and legal issues of expanding involuntary hours at the Inebriate Reception Center from four to just under 24 hours;

6) Work with the City Attorney's Office, Police Department and courts to determine the feasibility of implementing a community court in the downtown area;

7) Work with the Homeless Services Coordinator to better publicize that office's functions, and to increase the Coordinator's role as a clearinghouse for homeless issues;

8) Continue to work closely with San Diego County on collaborative projects to address homeless issues and obtain outside funding from state, federal and private sources.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/11/2000 LU&H voted 4 to 0 to approve the City Manager's recommendation and support the work of the San Diego Housing Commission to obtain information from the General Services Administration regarding the possible loss of Single Room Occupancy rooms in downtown. (Councilmembers Wear, Kehoe, Stevens and Blair voted yea. Councilmember McCarty not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C090-334.)

MOTION BY MAIENSCHIN TO ADOPT ITEMS 150, 151, AND 152 WITH THE FOLLOWING DIRECTIONS: DIRECT THE CITY MANAGER AND THE CITY ATTORNEY TO CONTINUE TO WORK ON THE ISSUE OF BILLBOARD ADVERTISEMENT AS A WAY TO FUND THE SELF CLEANING TOILETS DOWNTOWN.

INCLUDE THE \$300,000 FOR THE SHERIFF, \$76,000 FOR THE CITY ATTORNEY'S OFFICE, AND THE NEED FOR ADDITIONAL HOSPITAL BEDS ON THE UNFUNDED-NEEDS LIST SO THAT THOSE ISSUES WILL BE ADDRESSED DURING THE BUDGET DELIBERATIONS.

REFER THE ISSUES OF THE SROs AND LOSS OF 400 UNITS TO RULES COMMITTEE FOR DISCUSSION ON HOW THESE ISSUES RELATE TO FEDERAL LEGISLATION AND PRIORITIES FOR THE CITY COUNCIL. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-153: Street Design Manual.

(See City Manager Report CMR-00-51 and Draft Street Design Manual dated January 2001.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1080)RETURNED TO THE CITY MANAGER

Adopting the revised Street Design Manual, Document No. 769844, for the purpose of establishing uniform policies and guidelines to carry out the City's street design functions, and to provide information and guidance to City staff and professionals in the private design sector who are responsible for the design of the City's streets.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 3/15/2000, LU&H voted 3 to 0 to approve the City Manager's recommendation. The City Manager is to return to the Land Use and Housing Committee in 60-90 days with an examination of long-term cost impacts of concrete versus asphalt streets. (Councilmembers Wear, Stevens, McCarty voted yea. Councilmembers Kehoe and Warden not present.)

CITY MANAGER SUPPORTING INFORMATION:

Over the past several years, City staff has been conducting an in-depth revision of the Street Design Manual which is used to establish guidelines for the civil design of all components of streets. This lengthy process included gathering input from the public, other agencies, private engineers, developers, utility companies, City staff of various disciplines, and other concerned groups.

The results of this process have been presented to both the Planning Commission and the Land Use and Housing Committee (LU&H) several times, with the last LU&H meeting being held on March 15, 2000. Since this meeting, the few remaining comments have been carefully considered, including reporting back to LU&H on questions about concrete streets. In some cases, this has included contacts with the various stakeholders involved with each issue. The comments from these public meetings have now been addressed and the manual has been revised.

Belock/Boekamp/HR

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B382-396.)

MOTION BY PETERS TO RETURN TO THE CITY MANAGER AT HIS REQUEST TO MAKE REVISIONS TO THE STREET DESIGN MANUAL. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-154: 2000 City of San Diego Urban Water Management Plan.

(See City Manager Report CMR-01-007 and The 2000 Urban Water Management Plan.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-888 Cor. Copy) ADOPTED AS RESOLUTION R-294518

Approving the 2000 City of San Diego Urban Water Management Plan;

Authorizing the City Manager to submit the approved 2000 Urban Water Management Plan to the California Department of Water Resources.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/17/2001, NR&C voted 3 to 0 to accept the Year 2000 City of San Diego Urban Water Management Plan. (Councilmembers Peters, Stallings and Madaffer voted yea. Councilmember Wear not present. District 8 vacant.)

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has prepared a 2000 Urban Water Management Plan (Plan) in response to the Urban Water Management Planning Act, Water Code Sections 10610 through 10656. The Act requires "every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, to prepare and adopt an urban water management plan."

The Act also specifies that the Plan be filed with the California Department of Water Resources (DWR) every five years. In compliance with the Act, the City of San Diego has filed prior plans with DWR in 1985, 1990, and 1995. DWR has given all submitting agencies until December 31, 2000, to adopt and submit a 2000 Plan. The City's 2000 Plan will be used by the City as a water resources planning tool to ensure the citizens of San Diego a safe and adequate water supply through the year 2020. San Diego relies mostly upon imported water from Northern California and the Colorado River. Careful water resource planning has been the cornerstone in meeting future water demand. The City is committed to maximizing its current systems and facilities through an aggressive capital improvements project, conserving potable water through its varied water conservation programs, maximizing the use of reclaimed water to replace potable water use, and investigating new alternative sources of water (i.e. desalting, water transfers, graywater use, groundwater storage management). The 2000 Plan describes these current and planned efforts that help diversify San Diego's sources of water and consequently improve water supply reliability. The draft Plan was presented to the Water Department Citizen's Advisory Board last September for review and comments, and those comments have been incorporated into the Plan.

Belock/Gardner/LSG

_____ FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D336-345.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-200: Hazard Center Drive Extension Cost Reimbursement District.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1074)ADOPTED AS RESOLUTION R-294519 WITH DIRECTIONS

Authorizing the initiation of proceedings for the formation of a Cost Reimbursement District for the Hazard Center Drive Extension;

Authorizing the City Manager to execute a Formation Cost Agreement with Hazard Center Associates;

Authorizing the City Auditor and Comptroller to establish interest bearing funds for the formation (Fund 72025) and monitoring (Fund 720251) of the Hazard Center Drive Extension Cost Reimbursement District;

Authorizing the City Manager to execute a consultant agreement with Fraser Engineering, Inc., in the amount of \$52,992, to provide cost reimbursement engineering services;

Accepting a cash advance in the amount of \$72,992 from Hazard Center Associates and authorizing the appropriation and expenditure of funds to pay for consultant services in the amount of \$52,992 and for City administrative costs of \$20,000.

CITY MANAGER SUPPORTING INFORMATION:

In 1992, the City Council adopted the Cost Reimbursement District Procedural Ordinance (O-17725). This ordinance provides developers who are required to construct certain public improvements above and beyond what is normally required to support their development, a mechanism to seek reimbursement from other benefitting property owners. Hazard Center Associates submitted an application requesting that the City initiate proceedings for the formation of the Hazard Center Drive Extension Cost Reimbursement District (CRD). The public improvements for which the developer is seeking reimbursement include the extension of road under SR-163 to connect Hazard Center Drive from the east with Hazard Center Drive in Fashion Valley. Upon initiation of the CRD, Fraser Engineering, Inc. (engineering consultant) will evaluate the improvements to determine their eligibility for reimbursement. City staff and the engineering consultant will also meet with property owners potentially affected by the proposed establishment of the CRD. The purpose will be to: provide information regarding the developer's application for the CRD; describe the improvements proposed for inclusion in the CRD; explain the methods used by the engineer for spreading costs; and describe the process for creating the proposed CRD. A public hearing will follow and all affected property owners will be noticed prior to the hearing. If the CRD is established at the public hearing, a lien will be recorded against the land of the affected property owners, based upon benefit, in order to pay the costs of these improvements. All liens would be payable upon recordation of a final map or issuance of a building permit. In general, payment shall not be required for building permits having a total improvement value of \$20,000 or less. Permits for modifications or additions to existing single family homes are not subject to liens.

FISCAL IMPACT:

None. The developer will advance \$20,000 for City administrative services. Also, an additional \$52,992 will be advanced upon approval of the Formation Agreement, for the payment of Engineering Consultant services.

Loveland/Halbert/JET

Aud. Cert. 2100785.

FILE LOCATION: STRT-CR-29 (50)

COUNCIL ACTION: (Tape location: B412-462; D348-E303.)

MOTION BY WEAR TO ADOPT WITH DIRECTIONS TO THE CITY MANAGER AND CITY ATTORNEY TO RECONCILE DISPUTES AS PART OF THE PROCESS. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivision:

SUBDIVISION

Carmel Mountain Ranch Unit No. 23B-2
Tonawanda Terrace

COMMUNITY AREA

Carmel Mountain Ranch
Skyline/Paradise Hills

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-251: Settlement of the Personal Injury Claim of Ethel Grossman.

(R-2001-1075)

Adopted as Resolution R-294481.

A Resolution approved by the City Council in Closed Session on Tuesday, January 23, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Stallings-yea; Madaffer-yea; District 8-vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$25,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Ethel Grossman (Superior Court Case No. GIC742222, Ethel Grossman v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$25,000 made payable to Ethel Grossman and her attorney of record, Scott W. Sonne, in full settlement of the lawsuit and all claims, as a result of an incident which occurred on January 26, 1999.

Aud. Cert. 2100790.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-252: Settlement of the Property Damage Claim of Petar Artukovich Construction Company, Inc.

(R-2001-1068)

Adopted as Resolution R-294480.

A Resolution approved by the City Council in Closed Session on Tuesday, January 23, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Stallings-yea; Madaffer-yea; District 8-vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$240,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of Petar Artukovich Construction Company, Inc. (Superior Court Case No. GIC 732511, Petar Artukovich Construction Company, Inc. v. City of San Diego.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$240,000, made payable to Petar Artukovich Construction Company, Inc. and William J. Braun, Esq., attorney of record, in full settlement of all claims;

Declaring that the settlement is payable as follows: \$97,981.48 from Sewer Fund No. 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacements and \$28,773.35 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements.

Aud. Cert. 2100802.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:18 p.m. in honor of the memory of Dr. Ernest Casares as requested by Council Member Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E310-332).