

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JUNE 11, 2002  
AT 9:00 A.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 10:06 a.m. Mayor Murphy recessed the meeting at 10:58 a.m. to convene the Housing Authority and thereafter a short break. Mayor Murphy reconvened the meeting at 11:36 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 12:05 p.m. to be reconvened at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:05 p.m. with Deputy Mayor Stevens and Council Member Madaffer not present. Mayor Murphy recessed the meeting at 4:07 p.m. for the purpose of a break. The meeting was reconvened at 4:16 p.m. by Mayor Murphy with Council Member Inzunza not present. Mayor Murphy recessed the meeting at 5:10 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:16 p.m. with Deputy Mayor Stevens and Council Member Madaffer not present. The meeting was recessed at 6:10 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:20 p.m. with Council Member Peters not present. Mayor Murphy announced that the budget portion of the meeting will trail to Monday, May 17, 2002. Mayor Murphy adjourned the meeting at 6:33 p.m.

**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 Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour/Fishkin (er/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour 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 Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell thanked the Council for their vigilance by questioning City staff regarding the increase in the dollar amounts on projects.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A060-091.)

PUBLIC COMMENT-2:

Al Strohlein commented regarding the abuse of alcohol in Pacific Beach and requested that the City not issue a license or permit for the block party in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A098-134.)

PUBLIC COMMENT-3:

Beverly Walker commented regarding two full-time positions for the City's ADA Special Services Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A138-176.)

PUBLIC COMMENT-4:

Noel Nudeck commented regarding the installation of sidewalks and curb ramps.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A177-213.)

PUBLIC COMMENT-5:

Gary Smith commented regarding the budget process, trains, and a central park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A215-245.)

PUBLIC COMMENT-6:

Pat Granger commented regarding City policy and accountability in regard to land use.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A243-294.)

PUBLIC COMMENT-7 :Referred to the City Manager

Gilda Mulette commented regarding an on-going problem with Code Enforcement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A295-318.)

PUBLIC COMMENT-8:

Barbara MacKenzie commented regarding the destruction of medical marijuana plants by police officers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A326-374.)

PUBLIC COMMENT-9:

Mike Aguirre commented regarding the Chargers and the stadium.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A375-424.)

PUBLIC COMMENT-10:

Nick Moffit commented regarding inconsistencies in an accident report by the Fire Department and the paramedics when he was injured in an accident involving a storm drain.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A426-482.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins acknowledged staff member John Latimer for his participation in an Iron Man Competition.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A483-518.)

COUNCIL COMMENT-2: **Referred to City Manager**

Council Member Peters expressed his concerns regarding the trenching of a La Jolla street for the purposes of installing underground utilities.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A519-550.)

COUNCIL COMMENT-3:

Council Member Madaffer announced that he attended a ground breaking ceremony at Foster Elementary School for the construction of a new library which was a joint effort between the Schools and the City. Mr. Madaffer also announced

the completion of fields at Hurst Elementary School and the intention to building 100 more libraries at elementary school sites, which will be an effort by the Schools and the City.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A551-582.)

**COUNCIL COMMENT-4:**

Council Member Stevens announced that there will be a ribbon cutting ceremony for the Wall of Excellence on Thursday, June 13, 2002 at 12:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A583-610.)

**CITY ATTORNEY COMMENT:**

None.

**CITY MANAGER COMMENT**

City Manager Uberuaga announced that Patricia Hightman would be leaving employment with the City of San Diego and moving to China. Mr. Uberuaga acknowledge Ms. Hightman for her years of service to San Diego and wished her well in her new endeavor.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A611-685.)

- \* ITEM-50: Logan Heights Branch Library Lease Agreement - 28<sup>th</sup> Street and Ocean View Boulevard.

(Barrio Logan Community Area. District-8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/28/2002 (Council voted 9-0):

(O-2002-143 Cor. Copy)      ADOPTED AS ORDINANCE O-19069 (New Series)

Authorizing the City Manager to execute a ground lease agreement for the development of the future Logan Heights Branch Library with the San Diego Unified School District of San Diego County, in support of the City's application for a California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Proposition 14) Grant.

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

**FILE LOCATION:**              LEAS - Logan Heights Branch Library

**COUNCIL ACTION:**              (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-51: San Ysidro Library at Las Americas.

(San Ysidro Community Area. District-8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/28/2002 (Council voted 9-0):

(O-2002-145) ADOPTED AS ORDINANCE O-19070 (New Series)

Approving the Amendment to the Public Use Lease (Parcel A);

Authorizing the City Manager to execute the Amendment to the Public Use Lease Agreement (Parcel A), with International Gateway Associates.

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

**FILE LOCATION:** LEAS - International Gateway Associates

**COUNCIL ACTION:** (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-100: Two actions related to Inviting Bids and Award of Contract for Sewer Replacement Group 692.

(North Park, South Park, and University Heights Community Areas.  
District-3.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2002-1577) ADOPTED AS RESOLUTION R-296641

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for Sewer Replacement Group Job No. 692 (Project) on Work Order Number 175281;

Authorizing the City Manager to establish contract funding phases and to execute a construction contract with the lowest responsible and reliable bidder for the Project, provided that the City Auditor and Comptroller first furnishes one or

more certificates certifying that the funds necessary for such expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,453,447.07 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for such expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02224C)

Subitem-B: (R-2002-1578) ADOPTED AS RESOLUTION R-296642

Certifying that Mitigated Negative Declaration LDR-41-0754/41-0926 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Sewer Replacement Group Job 692;

Approving Mitigated Negative Declaration LDR-41-0754/41-0926;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 4/3/2002 NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer Group Job 692 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. The sewer mains being replaced in this project were constructed as early as 1927 and are approaching the end of their useful service life. This project is located in the North Park, South Park, and University Heights communities and consists of replacing approximately 7,497 linear feet (1.42 miles) of existing 6-inch, 8-inch, and 10-inch concrete sewer mains by 7,059 linear feet (1.34 miles) of 8-inch new sewer main and rehabilitation of 839 linear feet of existing 6-inch and 8-inch concrete sewer mains.

Also, this project includes the construction of 57 curb ramps and resurfacing of impacted streets. The streets affected by construction operations within this project are Dwight Street, Upas Street, Redwood Street, Palm Street, Boundary Street, Thorn Street, Gregory Street, the alley block between Bancroft Street and 33<sup>rd</sup> Street from Dwight Street to Myrtle Street, the alley block between 33<sup>rd</sup> Street and Felton Street from Upas Street to Landis Street, the alley between Felton Street and Boundary Street from Upas Street to Boundary Street, and the alley between Felton Street and Gregory Street from Redwood Street to Upas Street.

This project was presented two times to the Greater North Park community by the Engineering and Capital Projects Department and future presentations will be given to them prior to construction. Residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of notices. The contractor will be required to provide traffic control plans for the entire project area to the City of San Diego's Traffic Signal Design and Traffic Control Section for approval prior to starting construction to minimize traffic and community impact.

**FISCAL IMPACT:**

The total estimated costs of this project is \$2,453,447.07. Funds of this amount are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer main Replacement, for this purpose. This project is scheduled to be phase funded in FY2003.

Loveland/Belock/HR

WWF-02-590.

FILE LOCATION: CONT - Cass Construction, Inc.; W.O. 175281

COUNCIL ACTION: (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-101: Advertise and Award of Contract for Sewer Pump Station No. 59 Improvements.

(See memorandum from Frank Belock dated March 25, 2002. University Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1580) ADOPTED AS RESOLUTION R-296643

Approving the plan specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for Pump Station 59 Improvements in Work Order No. 176161;

Authorizing the City Manager to establish contract funding phases and to execute a construction contract with the lowest responsible and reliable bidder for the project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of not to exceed \$1,397,345 from Sewer Fund 41506, CIP-46-106.0, Annual Allocations - Sewer Pump Station Restorations, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure under established contract funding phases are, or will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02225C)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On April 3, 2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer Pump Station No. 59 is located at 8434 Miramar Place in the University City community area. This project was presented to the community during design. The goal of this project is to improve the reliability of the pump station and bring it up to current standards and regulations. This project proposes the upgrade of existing Sewer Pump Station No. 59. Work includes the rehabilitation of the wet well/valve vault, construction of new pumps and mechanical equipment, along with the upgrade of electrical controls that includes conversion of existing propane emergency generator to run on natural gas. The existing wet well will be retained for emergency purposes. Project also includes building a new 178 square foot structure to house a back-up generator and electrical components, and the construction of an approximately 330 linear foot secondary 4-inch force main beginning at the pump station and going south to the intersection of Marindustry Drive and Miramar Road. During construction, the existing fence around the pump station will remain intact. The contractor will be required to provide traffic control plans for the project to the San Diego's Traffic Signal Design & Traffic Control Section for approval. During the construction phase of the project, the contractor will be working between 8:30 a.m. and 3:30 p.m., Monday to Friday. Surrounding property owners, businesses, and residents will be notified by mail at least one month before construction begins by the City's Engineering & Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution.

**FISCAL IMPACT:**

The total estimated cost of the project is \$1,515,007. Funds of \$1,397,345 are available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations, for this purpose. This project is scheduled to be phase-funded over FY 2003 and FY 2004.

Loveland/Belock/HR

WWF-02-587.

FILE LOCATION: W.O. 176161

COUNCIL ACTION: (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-102: Pump Station 1 and 2 Instrumentation Upgrade - Inviting Bids and Award of Contract.

(See memorandum from Scott Tulloch dated 2/6/2002.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-1627) ADOPTED AS RESOLUTION R-296644

Approving the plans and specifications for furnishing all labor, material, tools, equipment, transportation, and other expense necessary or incidental and inviting bids for Pump Stations 1 and 2 Instrumentation Upgrades Project on Work Order No. 195060;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for this project, provided that the City Auditor and Comptroller first 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 expenditure of an amount not to exceed \$1,840,000 to provide funds for the project, to be expended as follows, and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City treasury:

\$1,600,000 from CIP-45-920.0, Wastewater Operations Management Network, for project construction, installation and related costs;

\$160,000 from CIP-45-920.0, Wastewater Operations and Management Network, for project contingency; and

\$80,000 from CIP-45-920.0, Wastewater Operations and Management Network, for other related costs;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department. (BID-K-02109)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 2/13/2002 NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

This request is for the authorization to advertise for bids and award a contract to the lowest responsible bidder for the instrumentation upgrade at Pump Station 1 and Pump Station 2. When first build in the early 1960s, the volume of sewage being processed through Pump Station 1 and Pump Station 2 was approximately 60 MGD (million gallons per day). Currently, approximately 180 MGD of sewage is being processed through the two facilities on a daily basis. The last major upgrade performed by the City at either of the two facilities was in the late 1980s. These upgrades were mostly mechanical in nature and consisted of two engine driven pumps at Pump Station 2 and an additional electrically-driven pump at Pump Station 1.

The instrumentation upgrade at Pump Stations 1 and 2 will allow the Metropolitan Wastewater Department (MWWD) to modernize the controls for the pumping units at the two facilities. Modernizing the controls will enable the Operations and Maintenance (O&M) staff to run the two facilities more efficiently and effectively. This work is also part of the overall Central Operations and Management Network (COMNET) implementation. The COMNET hardware and software portion of the work associated with this project will be provided by the Westinghouse Company.

This work under additional services by Westinghouse has been approved previously by the City Council by Resolution R-291866 adopted on June 28, 1999. Furthermore, the implementation of COMNET will allow MWWD to operate Pump Station 1 remotely from Pump Station 2. The fiber optic network constructed between the two facilities supports this upgrade. This will allow MWWD to monitor and, if necessary, control all of its treatment facilities and large pump stations from the Central Operations Management Center (COMC) located at the Metro Operations Center (MOC II) in Kearny Mesa.

**FISCAL IMPACT:**

The estimated total cost of this action is \$1,840,000 to be funded from the Fiscal Year 2003 CIP Budget for COMNET CIP-45-920.0.

Mendes/Tulloch/CR

FILE LOCATION: CONT - The Ryan Company; W.O. 195060

COUNCIL ACTION: (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-103: Renewal of Lease Agreement - Dolphinshire L.P.

(Uptown Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1596) ADOPTED AS RESOLUTION R-296645

Authorizing a first amendment to the Cabrillo Plaza Lease Agreement with Dolphinshire L.P., commencing on May 1, 2002, and expiring on April 30, 2007, at an initial monthly rent of \$3,075;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$6,458 from the General Fund - Police Department Budget, for lease costs from May 1, 2002 to June 30, 2002.

**CITY MANAGER SUPPORTING INFORMATION:**

The Police Department's Professional Standards Unit (Department) leases 2,197 square feet of office space at 3990 Old Town Avenue. The lease expired on April 30, 2002 and the Department is requesting to renew the lease for an additional five years. The current location of the Department is in close proximity to Police headquarters and at the same time is off-site from any other Police facility, which is required by nature of the Department's work. The existing office has efficient administrative floor plan and its location provides easy freeway access. In addition, a substantial amount of money has been invested into telephone and data infrastructure at the current location. Any relocation of the Department would be costly.

The basic terms and conditions of the new lease:

Premises - 2,197 square feet office

Use - Police Department Professional Standards Unit

Term - Five (5) years, commencing on May 1, 2002 and expiring on April 30, 2007

Rent - \$3,075 per month (\$1.40 per square foot) with five cent (\$0.05) annual increases, plus utilities

Maintenance - Landlord is responsible for all maintenance of the leased premises throughout the term

Staff conducted a rental survey of similar properties which confirmed that the proposed rental rate (\$1.40 per square foot) is below the market for this area.

**FISCAL IMPACT:**

Rent for May and June 2002 in the amount of \$6,458 (\$6,150 base rent plus \$308 utilities) will be paid from the Police Department Budget. The rent and utilities for the remainder of the term would be paid after annual Council approval of the budget.

Herring/Griffith/VEB

Aud. Cert. 2201118.

FILE LOCATION: LEAS - Dolphinshire L.P.

COUNCIL ACTION: (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-104: Proposal for California Office of Traffic Safety "Traffic Safety Network" Grant.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1659) ADOPTED AS RESOLUTION R-296646

Authorizing the Chief of Police to apply for and, if selected, to accept and expend a grant from the California Office of Traffic Safety (OTS) called "Traffic Safety Network," to provide vehicle passenger, pedestrian and bicyclist safety education, training, incentives and assistance;

Authorizing the Chief of Police to accept and administer the funds for this program, and that the authorization shall include all aspects of grant acceptance, operation, expenditures, and certification that the City will comply with all applicable statutory or regulatory requirements related to the program;

Authorizing the Chief of Police to execute any amendments, extensions, renewals, or future funding for this program for a period of up to five years, provided funding is made available by the State of California;

Declaring that any liability arising out of our performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the City of San Diego. The State of California and the California Office of Traffic Safety disclaim responsibility for any such liability;

Declaring that the grant funds and/or resources received shall not be used to supplant expenditures controlled by Council, and that the personnel positions funded are not subject to local hiring freezes.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Office of Traffic Safety accepts grant applications only from units of government. However, they encourage partnerships with Community Agencies to provide services. For 12 years, SDPD has sponsored the OTS Safe Communities and Buckle Up San Diego grants, vehicle passenger safety programs which have been subcontracted to David Thompson and Louise Nichols. Mr. Thompson will retire at the end of the current grant term. He has established a partnership with Pacific Safety Council (PSC-formerly the San Diego County Safety Council) and is assisting them in partnering with SDPD to continue similar activities.

Traffic Division management has conferred with Pacific Safety Council representatives, and concurs that they are the appropriate entity to provide this vehicle safety program in San Diego. It will be advantageous to SDPD and citizens of San Diego for the City to sponsor PSC in continuing and expanding the existing program through an OTS grant. Briefly, they plan to focus on:

- Occupant Protection: vehicle restraints, DUI, youthful speeding, and driving distractions;
- Pedestrian Safety: driver awareness, street crossing behavior, and school site safety;
- Bicycle Safety: helmet usage by children and adults;
- Injury Prevention Center: reduce duplication of services and assist the community through coordination of injury prevention services and development of a hard copy and internet accessible Resource Guide.

**FISCAL IMPACT:**

The proposal requests \$924,206 for a two-year grant from the California Office of Traffic Safety, but if selected, that amount is likely to be reduced. There is no requirement for matching funds, and no requirement to continue grant operations, expenses, or contractual relationship with PSC after grant funds are terminated. OTS allows the City to charge 3 percent for administrative costs, which is appropriate for the work involved in serving as sponsor.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-105: Settlement of Personal Injury Claim of Kathy Marie Bangart, City File No. AX01-0110-1187.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1695) ADOPTED AS RESOLUTION R-296647

A Resolution approved by the City Council in Closed Session on Tuesday, May 28, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-not present; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$17,500 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. GIC770901, Kathy Bangart v. Donna Jennes, et al., resulting from the personal injuries to Kathy Bangart.

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$17,500 made payable to Kathy Bangart and her attorneys of record Daniel MacLeod and Andria Catalano, in full settlement of the lawsuit and of all claims; that said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

**CITY MANAGER SUPPORTING INFORMATION:**

This constitutes the complete and final settlement of the Personal Injury Claim of Kathy Marie Bangart against the City of San Diego, its agents and employees, as a result of an incident which occurred on October 14, 2000.

Lexing/Lopez/MG

Aud. Cert. 2201163.

**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: A012-053.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-106: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1680) ADOPTED AS RESOLUTION R-296648

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER'S SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L - Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Tape location: B045-108.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

\* ITEM-107: Playground Partners Day.

**COUNCILMEMBER PETER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1587) ADOPTED AS RESOLUTION R-296649

Proclaiming June 13, 2002, to be "Playground Partners Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-108: Summerquest Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1696) ADOPTED AS RESOLUTION R-296650

Recognizing the fifth anniversary of Summerquest, and commending the organizers, sponsors, volunteers and patrols for their commitment to raise much-needed funds to help those living with HIV/AIDS;

Proclaiming June 8, 2002 to be "Summerquest Day" in the City of San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-109: John Bryson Chane Day.

**COUNCILMEMBER ATKIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1681) ADOPTED AS RESOLUTION R-296651

Commending John Bryson Chane for his service to San Diego's ecumenical community, and congratulating him on his new responsibilities as Bishop of Washington;

Proclaiming June 1, 2002, to be "John Bryson Chane Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-110: Alvarado Water Treatment Plant Day.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1687) ADOPTED AS RESOLUTION R-296652

Recognizing the Alvarado Water Treatment Plant as a significant historic resource in San Diego, and supporting the exemplary efforts of the Water Department in its preservation;

Declaring May 31, 2002, to be "Alvarado Water Treatment Plant Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Twelve actions related to Off-Leash Areas for Dogs: Locations, Funding, Regulations, Procedures, Ordinances and Fees.

(See City Manager Reports CMR-02-130, 01-085, 01-002, 98-235, 98-141.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1699) ADOPTED AS RESOLUTION R-296657

Establishing a one year trial Off-Leash area for dogs at Doyle Community Park in University City;

Declaring that the Off-Leash area is described as approximately 0.90 acres in the eastern portion of the unimproved area of Doyle Community Park between the ballfield and Cargill Street, and will include a perimeter fence and separation fence between the two sub-areas;

Directing the City Manager to implement the Off-Leash area at Doyle Community Park and to post signs within University City parks informing the community of areas where dogs may be Off-Leash and where they must be leashed;

Amending the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-29-601.0, Doyle Community Park Off Leash Area;

Amending the Fiscal Year 2002 Capital Improvements Budget by increasing CIP-29-601.0, Doyle Community Park Off Leash Area, in the amount of \$11,315 from Fund No. 11480, University Park Service District Fees;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$11,315 from CIP-29-601.0, Doyle Community Park Off Leash Area, from Fund No. 11480, University Park Service District Fees.

Subitem-B: (R-2002-1700) ADOPTED AS RESOLUTION R-296658

Establishing a one year trial Off-Leash area for dogs at Torrey Highlands Maintenance Assessment District Park in Carmel Valley;

Declaring that the Off-Leash area is described as approximately 1.00 acre in the southern portion of Torrey Highlands Maintenance Assessment District Park, including both turf and eucalyptus grove, constructed with a perimeter fence and mow curb;

Directing the City Manager, or designee, to implement the Off-Leash area at Torrey Highland Maintenance Assessment District Park and to post signs within Carmel Valley parks informing the community of areas where dogs may be Off-Leash and where they must be leashed;

Amending the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-29-602.0, Torrey Highlands Maintenance Assessment District Park Off Leash Area;

Amending the Fiscal Year 2002 Capital Improvements Budget by increasing CIP-29-602.0, Torrey Highlands Maintenance Assessment District Park Off Leash Area, in the amount of \$14,500 from Fund No. 79002, Carmel Valley Facilities Benefits Assessment;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$14,500 from CIP-29-602.0, Torrey Highlands Maintenance Assessment District Park Off Leash Area, from Fund No. 79002, Carmel Valley Facilities Benefit Assessment, consistent with 2002 Carmel Valley Public Facilities Financing Plan, adopted by Council on February 12, 2002, by Resolution R-296077, for the purpose of constructing an Off-Leash area for dogs at Torrey Highlands Maintenance Assessment District Park.

Subitem-C: (R-2002-1701) ADOPTED AS RESOLUTION R-296659

Establishing a one year trial Off-Leash area for dogs at Dusty Rhodes Neighborhood Park in Mission Bay Park;

Declaring that the Off-Leash area is described as approximately 1.00 turfed acre in the northeast area of Dusty Rhodes Neighborhood Park, adjacent to the parking lot located off of Nimitz Boulevard, avoiding the area of the park with poor drainage, and will include a perimeter fence;

Directing the City Manager to implement the Off-Leash area at Dusty Rhodes Neighborhood Park and to post signs in Mission Bay Park and Ocean Beach, informing the community of areas where dogs may be Off-Leash and where they must be leashed;

Amending the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-29-604.0, Dusty Rhodes Neighborhood Park Off Leash Area;

Authorizing the City Manager, or designee, to apply to The San Diego Foundation for \$5,350 in Mission Bay Park Endowment Funds for the purpose of constructing an Off-Leash area for dogs at Dusty Rhodes Neighborhood Park;

Amending the Fiscal Year 2002 Capital Improvements Budget by increasing CIP-29-604.0, Dusty Rhodes Neighborhood Park Off Leash Area, in the amount of \$5,350 from Fund No. 10365, Park and Recreation Matching Funds, from the Mission Bay Park Endowment Fund, contingent upon The San Diego Foundation's approval of the City's funding application, and from Fund No. 10365, Park and Recreation Matching Funds, in the amount of \$5,350, contingent upon City Council appropriation of a sufficient Fiscal Year 2003 Matching Fund budget for this purpose;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$10,700 from CIP-29-604.0, Dusty Rhodes Neighborhood Park Off Leash Area, from Fund No. 10365, Park and Recreation Matching Funds, in the amount of \$5,350, from Mission Bay Park Endowment Fund, contingent upon San Diego Foundation's approval of the City's funding application; and from Fund No. 10365, Park and Recreation Matching Funds, in the amount of \$5,350, contingent upon City Council appropriation of a sufficient Fiscal Year 2003 Matching Fund budget for this purpose.

Subitem-D: (R-2002-1702) ADOPTED AS RESOLUTION R-296660

Establishing a one year trial Off-Leash area for dogs at Kearny Mesa Community Park in Linda Vista;

Declaring that the Off-Leash area is described as approximately 1.00 turfed acre north of athletic fields numbers nine and ten at Kearny Mesa Community Park, and will include a perimeter fence;

Directing the City Manager, or designee, to implement the Off-Leash area and to post signs within Kearny Mesa and Linda Vista parks informing the community of areas where dogs may be Off-Leash and where they must be leashed;

Amending the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-29-605.0, Kearny Mesa Community Park Off Leash Area;

Amending the Fiscal Year 2002 Capital Improvements Budget by increasing CIP-29-605.0, Kearny Mesa Community Park Off Leash Area, in the amount of \$1,107 from Fund No. 11430, Kearny Mesa Park Service District Fees;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,107 from CIP-29-605.0, Kearny Mesa Community Park Off Leash Area, from Fund No. 11430, Kearny Mesa Park Service District Fees.

Subitem-E: (R-2002-1703 Cor Copy 6/4/02) ADOPTED AS RESOLUTION R-296661

Establishing a one year trial Off-Leash area for dogs at Cabrillo Heights Neighborhood Park;

Declaring that the Off-Leash area is described as two areas located in the northeast corner of Cabrillo Heights Neighborhood Park, with an asphalt road on the north side and the school fence on the east side; Area "A," which is approximately 0.29 acres of walk-on-bark, and Area "B," which is approximately 0.22 acres of walk-on-bark, and will include a perimeter fence for each area;

Directing the City Manager to implement the Off-Leash area at Cabrillo Heights Neighborhood Park and to post signs within Serra Mesa parks informing the community of areas where dogs may be Off-Leash and where they must be leashed;

Authorizing amendment of the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-29-606.0, Cabrillo Heights Neighborhood Park Off-Leash Area.

Subitem-F: (R-2002-1704) ADOPTED AS RESOLUTION R-296662

Authorizing development of an Off-Leash area for dogs at Rancho Bernardo Community Park;

Declaring that the proposed Off-Leash area is approximately 2.5 acres;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$270,000 from CIP-29-598.0, Rancho Bernardo Community Park Acquisition and Development from Fund No. 38129, California Park Bond Per Capita Fund/Rancho Bernardo Community Park Acquisition and Development, for the purpose of designing and subsequently constructing a fenced Off-Leash area for dogs;

Declaring that the expenditure is contingent upon receipt of a fully executed grant agreement for Park Bond Per Capita Funds;

Declaring that construction of the Off-Leash area is contingent upon a final certified environmental document and approval of an appropriate development permit;

Directing the City Manager to post signs within areas of Rancho Bernardo Community Park, at the time of the Off-Leash area is constructed, notifying park users of the location of the Off-Leash area;

Directing the City Manager, or designee, to implement the Off-Leash area for dogs at the Rancho Bernardo Community Park.

Subitem-G: (R-2002-1708) ADOPTED AS RESOLUTION R-296663

Designating an Off-Leash area for dogs at Maddox Neighborhood Park in Mira Mesa;

Declaring that the Off-Leash area is described as approximately 0.65 acres in the Maddox Neighborhood Park, which includes the original 0.43-acre trial Off-Leash area and also includes Mira Mesa Dog group's requested expansion of the area by 0.22 acres, and will include a perimeter fence and mow curb;

Directing the City Manager to implement the Off-Leash area at Maddox Neighborhood Park and to post signs in Mira Mesa parks, informing the community of areas where dogs may be Off-Leash and where they must be leashed;

Authorizing amendments of the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-29-607.0, Maddox Neighborhood Park Improvements;

Approving the Agreement between the City and Mira Mesa Recreation Council (MMRC) regarding the transfer of funds between the City and MMRC for the purpose of constructing an Off-Leash area for dogs in Maddox Neighborhood Park;

Approving the transfer of \$5,000 to MMRC from Fund No. 10529, Council District Five Infrastructure Fund, for the purpose of constructing an Off-Leash area for dogs at Maddox Neighborhood Park;

Declaring that the total amount the City will provide MMRC under the terms of the Agreement shall not exceed \$5,000 from Fund No. 10529, Council District Five Infrastructure Improvement Fund;

Authorizing the City Manager to execute the Agreement with MMRC;

Authorizing amendment of the Fiscal Year 2002 Capital Improvements Program Budget by increasing CIP-29-607.0, Maddox Neighborhood Park Improvements, in the amount of \$43,980 from the following funds:

Fund No. 10529, Council District Five Infrastructure Improvement Fund, in the amount of \$5,000;

Fund No. 10365, Park and Recreation Matching Funds, in the amount of \$1,290 (from Mira Mesa Dog);

Fund No. 10365, Park and Recreation Matching Funds in the amount of \$6,290;

Fund No. 11210, West Mira Mesa Park Service District Fees, in the amount of \$1,400; and

Fund No. 79006, Mira Mesa Facilities Benefit Assessment, in the amount of \$30,000;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$43,980 from CIP-29-607.0, Maddox Neighborhood Park Improvements, from the following funds:

Fund No. 10529, Council District Five Infrastructure Improvement Fund, in the amount \$5,000;



Directing the City Manager to implement the Off-Leash area at Cadman Community Park and to post signs at Clairemont parks, informing the community of areas where dogs may be off-leash and where they must be leashed.

Subitem-I: (R-2002-1716 Cor. Copy 6/4/02) ADOPTED AS RESOLUTION R-296665

Continuing the April 12, 1999, Council action to retain Fiesta Island in Mission Bay Park as a Off-Leash Area, pending future public hearing at the time funding is available for design and initial development of the island;

Approving the “Advisories and Rules and Regulations for Posting at Off-Leash Areas;”

Directing the City Manager to amend posted advisory/rules/regulation signs at Dog Beach in Ocean Beach and at Fiesta Island in Mission Bay Park, in accordance with the “Advisories and Rules and Regulations for Posting at Off-Leash Areas;”

Accepting the City Manager’s status reports on Nates Point Off-Leash Area and Morley Field Off-Leash Area, and directing the City Manager to return the items to the Land Use and Housing Committee, if necessary;

Directing the City Attorney to prepare any necessary ordinances amending the San Diego Municipal Code in accordance with actions relating to Off-Leash areas;

Directing the City Manager to include in the adopted Park and Recreation Department Fee Schedule, fees for Park Use Permits for Off-Leash Dog Agility Trials/Flyball/Frisbee Practice Sessions;

Approving the “Procedure for Deciding Off-Leash Area Status at End of One Year Trial and Modifying/Revoking Off-Leash Area Status at Any Time,” and directing the City Manager to implement the new procedure;

Approving the “Procedure for Considering Initiating New One Year Trial Off-Leash Areas at Sites that are Already Developed and in Use as Parks,” and directing the City Manager to implement the new procedure;

Approving the "Procedure for Considering Designating New Off-Leash Areas at Sites other than those that are Already Developed and in Use as Parks," and directing the City Manager to implement the procedure;

Approving the "Procedure for Permitting Off-Leash Areas for Special Activities," and directing the City Manager to implement the procedure;

Accepting the City Manager's status reports on Enforcement and on Public Noticing.

Subitem-J: (R-2002-1717) ADOPTED AS RESOLUTION R-296666

Designating an Off-Leash area for dogs at Grape Street Park in Balboa Park;

Declaring the Off-Leash area is described as the existing Grape Street Off-Leash area, which is approximately 5.4 acres of an unfenced, turfed area, subject to specified hours of use;

Declaring the described Off-Leash area at Grape Street Park is available as an Off-Leash area during the following hours:

Monday-Friday            7:30 am - 10:00 am  
   4:00 pm - 9:00 pm

Saturday, Sunday,  
and holidays                9:00 am - 11:00 am  
   4:00 pm - 9:00 pm

Directing the City Manager to implement the Off-Leash area at Grape Street Park;

Amending the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-29-608.0, Grape Street Park Improvements;

Amending the Fiscal Year 2002 Capital Improvements Budget by increasing CIP-29-608.0, Grape Street Park Improvements, in the amount of \$8,200 from Fund No. 105051, Environmental Growth Fund/Balboa Park Fund;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$4,610 from CIP-21-860.0, Balboa Park Road and Parking Lot Repair, Fund No. 63023, Balboa Park/Mission Bay Park Deferred Maintenance, to CIP-29-608.0, Grape Street Park Improvements;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$12,810 from CIP-29-608.0, Grape Street Park Improvements, from Fund No. 105051, Environmental Growth Fund/Balboa Park Fund, in the amount of \$8,200; and from Fund No. 63023, Balboa Park/Mission Bay Park Deferred Maintenance, in the amount of \$4,610 for the purpose of constructing park improvements at Grape Street Park.

Subitem-K: (R-2002-1710) ADOPTED AS RESOLUTION R-296667

Authorizing development of an Off-Leash area for dogs at Capehart Park in Pacific Beach;

Declaring that the proposed Off-Leash area is approximately 1.0 acre of the approximately 4.5-acre site, bounded on the east by Soledad Mountain Road and on the south by Felspar Street, and constructed with three fully fenced sub-areas for off-leash dogs;

Declaring that construction of the Off-Leash area is contingent upon a final certified environmental document and approval of an appropriate development permit;

Directing the City Manager to post signs within areas of Pacific Beach and La Jolla parks, at the time the Off-Leash area is constructed, notifying park users of the location of the Off-Leash area;

Directing the City Manager, or designee, to implement the Off-Leash area for dogs at Capehart Park.

**For Subitem L the City Manager recommends that City Council consider public input and take either action:**

A) To remove the park from consideration as an Off Leash Area.

**Or**

B) Initiate One Year Trial Kate O. Sessions Neighborhood Park Off Leash Area.

Subitem-L: (R-2002-1711 Cor. Copy 6/4/02) FILED

Establishing a one year trial Off-Leash area for dogs at Kate O. Sessions Neighborhood Park in Pacific Beach;

Declaring the Off-Leash area is described as approximately 1.8 turfed acres in the southwest area of Kate O. Session Neighborhood Park, and will include a perimeter fence except in one area where a natural shrub barrier is dense enough to be considered an impermeable barrier;

Directing the City Manager to implement the Off-Leash area at Kate O. Sessions Neighborhood Park;

Amending the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-29-609.0, Kate O. Sessions Neighborhood Park Off Leash Area;

Amending the Fiscal Year 2002 Capital Improvements Budget by increasing CIP-29-609.0, Kate O. Sessions Neighborhood Park Off Leash Area, in the amount of \$1,591 from Fund No. 11510, Pacific Beach Park Service District Fees;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,591 from CIP-29-609.0, Kate O. Sessions Neighborhood Park Off Leash Area, from Fund No. 11510, Pacific Beach Park Service District Fees.

Aud. Cert. 2201178

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B610-C356; D009-I371.)

**SUBITEMS A-H:**

MOTION BY WEAR TO ADOPT THE RESOLUTIONS, SUPPORTING STAFF'S RECOMMENDATION ON THE DESIGNATION OF THOSE AREAS, WITH THE AMENDMENT FOR THE DUSTY RHODES NEIGHBORHOOD PARK TO HAVE A SLIGHTLY DIFFERENT CONFIGURATION IN THE SAME GENERAL VICINITY OF THE LEASH AREA THAT WAS SPECIFIED, WHICH TIGHTENS THE ONE

AREA INTO THE CORNER INSTEAD OF BEING A RECTANGLE, AS NOTED ON THE REVISED MAP THAT WAS DISTRIBUTED TO COUNCIL DURING THE MEETING. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**SUBITEM I:**

MOTION BY WEAR TO ADOPT AS AMENDED TO: 1) ELIMINATE THE DIGGING RESTRICTIONS AT DOG BEACH AND FIESTA ISLAND; AND 2) EXEMPT FIESTA ISLAND AND DUSTY RHODES FROM THE PROHIBITION OF DOG TRAINING CLASSES. ACCEPT COUNCIL MEMBER FRYE'S RECOMMENDATION TO: 1) EXEMPT DOG BEACH FROM THE PROHIBITION OF DOG TRAINING CLASSES; 2) ELIMINATE THE SIGNS POSTED IN PARKS THAT ARE NOT LEASH-FREE, SENDING THEM TO AN AREA THAT IS LEASH-FREE; AND 3) UNDER NUMBER 7, "AMENDING THE RULES AND REGULATIONS," ADD WHISTLE AND HAND-SIGNAL TO VOICE CONTROL TO READ: "DOGS MUST BE UNDER VOICE, WHISTLE OR HAND-SIGNAL CONTROL." ACCEPT COUNCIL MEMBER FRYE'S RECOMMENDATION THAT AFTER A YEAR, COUNCIL REVIEW AT LU&H, THE PROCESSES FOR CONSIDERING NEW OFF LEASH SITES AND ISSUING PERMITS, TO SEE HOW THEY ARE WORKING AND WHETHER WE NEED TO MAKE ADJUSTMENTS. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**SUBITEM J:**

MOTION BY ATKINS TO ADOPT, CONTINUING CADMAN COMMUNITY PARK AS AN OFF LEASH AREA AND MAKING IT PERMANENT, AND TO CONTINUE THE STATUS QUO. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**SUBITEMS K & L:**

MOTION BY WEAR TO ADOPT SUBITEM K TO CONTINUE SUPPORTING CAPEHART PARK AND OFFICIALLY DESIGNATING IT AN OFF LEASH AREA AND FILE SUBITEM L AND REMOVE KATE SESSIONS NEIGHBORHOOD PARK FROM CONSIDERATION AS AN OFF LEASH AREA. Second by Madaffer. Passed by the following vote:

**VOTE TO REMOVE KATE SESSION NEIGHBORHOOD PARK FROM  
CONSIDERATION:**

Peters-not present, Wear-yea, Atkins-nay, Stevens-yea, Maienschein-yea, Frye-nay,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**VOTE TO OFFICIALLY DESIGNATE CAPEHART PARK:**

Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: **Notice** of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled Spruce Canyon Townhomes, TM-99-0799, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Uptown Community Plan Area in Council District 2. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If

you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-251: SUBMISSION OF BALLOT PROPOSALS**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/24/02	165	Last Date (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/05/02	153	Rules Committee review of ballot proposals
Monday	6/17/02	141	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	6/24/02	134	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	Through 7/22/02	to 106	
Monday	7/29/02	99	Council adopts ordinances prepared by City Attorney
Friday	8/09/02	88	Last day for City Clerk to file with Registrar of Voters all elections material

Thursday 8/22/02 75 Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4025.

ITEM-330: Two actions related to Mira Mesa FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report 02-090; Public Facilities Financing Plan and FBA, Fiscal Year 2002, January 2002 Draft. Mira Mesa Community Area. District-5.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2002-1481) ADOPTED AS RESOLUTION R-296653

Designating an area of benefit in Mira Mesa and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Mira Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2002-1482) ADOPTED AS RESOLUTION R-296654

Declaring that the assessment fee schedule contained in the Mira Mesa Public Facilities Financing Plan, Fiscal Year 2002, as adopted and approved on May 14, 2002, by Resolution No. R-296491, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Mira Mesa Community Planning Area;

Declaring that the Docket Supporting Information and the text contained in the Mira Mesa Public Facilities Financing Plan are incorporated by reference into this

resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

FILE LOCATION: STRT - FB-12-02 (33)

COUNCIL ACTION: (Tape location: B110-119.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

\*ITEM-S500: Appointments and Reappointments to the Historical Resources Board.

(See memorandum from Mayor Murphy dated June 3, 2002 with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1741) ADOPTED AS RESOLUTION R-296655

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Historical Resources Board, for terms ending as indicated:

<b><u>Reappointments</u></b>	<b><u>Term Ending</u></b>
Homer Delawie	March 1, 2004
Marsha Sewell	March 1, 2004
Lloyd A. Schwartz	March 1, 2003
Laura Burnett	March 1, 2003
Lynne E. Christenson, Chairperson	March 1, 2003
Larry P. Malone	March 1, 2003
Delores A. McNeely, Vice Chairperson	March 1, 2003
James H. Ahern	March 1, 2003
Harry A. Sherr	March 1, 2003

<b><u>Appointments</u></b>	<b><u>Term Ending</u></b>
Juan Ulloa (replaces Caryl Iseman, whose term has expired)	March 1, 2004
P. David Marshall (replaces Paul L. Bishop, whose term has expired)	March 1, 2004
Gary Lee Edwards (replaces Cynthia Furlong, whose term has expired)	March 1, 2003
John T. Brooks (replaces Harold Riley, Jr., whose term has expired)	March 1, 2004
Louis Otto Emme (replaces Jeffrey L. Sykes, whose term has expired)	March 1, 2004
Li-Rong Lilly Cheng (replaces Jan Percival Lipscomb, whose term has expired)	March 1, 2004

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\*ITEM-S501: Authorizing Transfer of Funds and Agreements with Dana Middle School, Peninsula YMCA, San Diego Lifesaving Association, and the Historic Old Town Community Foundation.

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1738) ADOPTED AS RESOLUTION R-296656

Authorizing the City Manager to enter into, for and on behalf of the City, agreements with Dana Middle School for \$20,000, Peninsula YMCA for \$50,000; San Diego Lifesaving Association for \$100,000, and the Historic Old Town Community Foundation for \$15,000 as governed by Council Policy 100-03;

Authorizing the City Manager to incorporate into these agreements that there will be no on-going fiscal impact to the city for maintenance or improvements of the non-City facilities or programs;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$185,000 in CDBG Funds (\$165,000 from Fund 18537, Dept. 4247, Org. 4702, and \$20,000 from Fund 18537, Dept. 4234, Org. 3403) to the Bayview Terrace Elementary School Joint-Use Facility Project, CIP-29-836.0, Fund 18527;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$185,000 from CIP-29-836.0, Capital Outlay-Sales Tax Funds, to the General Fund to be used as follows: \$70,000 to be expended from Department 042 for the Dana Middle School and Peninsula Family YMCA agreements; \$115,000 to be reallocated to TOT Fund 10220 to be expended for the San Diego Lifesaving Association and Historic Old Town Community Foundation agreements.

**SUPPORTING INFORMATION:**

\$185,000 of District 2 FY 2002 CDBG funds have been identified to be allocated to the Bayview Terrace Elementary School Joint-Use Facility Project, CIP-29-836.0. As a result of this action, \$185,000 is available for reallocation. This action would allocate funds in the following manner: \$20,000 to Dana Middle School for the refurbishment of the auditorium floor, \$50,000 to Peninsula YMCA for upgrade of pool filter room and construction of therapy pool, \$100,000 to San Diego Lifesaving Association for the 2002 USLA Nationals competition, and \$15,000 to Historic Old Town Community Foundation for the 2002 Cinco de Mayo festival.

**FISCAL IMPACT:**

\$185,000 will be reallocated from CIP-29-836.0, Fund 30245.

Wear/Ewell/JVD

Aud. Cert. 2201141.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A012-053.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 6:33 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: I378.)