

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 10, 2003
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 2:12 p.m. The meeting was adjourned by Mayor Murphy at 4:12 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Fyre-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present

- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Dr. Karl Westfall of the Bonita Wesleyan Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

01/13/2003

01/14/2003

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:14 p.m. - 2:14 p.m.)

MOTION BY INZUNZA TO APPROVE. Second by Madaffer. Passed by the following vote: Peters-yea, Zuchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: John Basilone Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-957 Cor. Copy) ADOPTED AS RESOLUTION R-297616

Honoring the memory of Marine Corp Sergeant John Basilone and urging the United States Post Office to issue a commemorative stamp for this heroic man so that his memory will live on and continue to inspire future generations;

Proclaiming February 19, 2003 to be "John Basilone Day" in the City of San Diego.

SUPPORTING INFORMATION:

United States Marine Corp Sergeant John Basilone was an American War hero during World War II where he demonstrated a continuous will to fight and an ability to inspire his fellow Marines. During the battle of Guadalcanal in the Pacific, and during every battle in which he fought, Sergeant Basilone defied the odds and was victorious for the American people while saving the lives of his fellow Marines. Sergeant Basilone returned from battle and became the first enlisted Marine in World War II to be awarded the Congressional Medal of Honor for his extraordinary heroism and bravery in combat. After achieving the Medal of Honor, Sergeant John Basilone volunteered to return to combat in the war.

On D-Day, February 19, 1945 in Iwo Jima, Japan, Sergeant Basilone was killed while leading his men in battle. After his death on D-Day, Sergeant Basilone was awarded the Navy Cross, our nation's second highest award for heroism in battle. Sergeant Basilone exemplified courageous actions of our Marines in battle and is one of the legends of the United States Marine Corp.

The City of San Diego should support Major Barry Ferich in his effort to secure the issuance of a commemorative stamp by the United States Post Office in honor of the United States Marine Corp Sergeant John Basilone.

Frye

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:14 p.m. - 2:28 p.m.)

MOTION BY FRYE TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: Children's Dental Health Month.

DEPUTY MAYOR INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-935) ADOPTED AS RESOLUTION R-297617

Proclaiming February 2003 as "Children's Dental Health Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:29 p.m. - 2:29 p.m.)

MOTION BY INZUNZA TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-50: Addition of One Council Representative Position in Council District One.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/28/2003. (Council voted 9-0):

(O-2003-100) ADOPTED AS ORDINANCE O-19147 (New Series)

Exempting a Council Representative I Position from the classified service for Council District One.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:35 p.m.)

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

* ITEM-51: Office Space Lease Amendment - Clairemont Community Service Center.

(Clairemont Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/28/2003 (Council voted 9-0):

(O-2003-87) THIS ITEM MOVED TO THE ADOPTION AGENDA DUE TO CONTINUANCE FROM THE MEETING OF JANUARY 28, 2003. SEE ITEM 201.

Authorizing the City Manager to execute a Third Amendment to Lease agreement with the State Teachers Retirement Board of Ohio for the Clairemont Community Service Center and Police Storefront Center at a monthly rent of \$4,375.

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$22,546 from the Community Service Center Fund 10170, Dept. 1702 for FY03 and \$12,600 from the Police Department Fund 100, Dept. 110 for FY03.

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:35 p.m.)

* ITEM-52: Cabrera II.

(Torrey Highlands Community Plan Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/28/2003. (Council voted 9-0):

(O-2003-103) ADOPTED AS ORDINANCE O-19148 (New Series)

Rezoning 7.6 acres located south of State Route 56, west of Camino Ruiz and north of Deer Canyon Road, within the Torrey Highlands Subarea Plan, in the City of San Diego, California, from the RM-3-8 multi-family residential zone into the RM-1-1 single-family zone and OP-2-1 open space zone, as defined by San Diego Municipal Code Sections 131.0406 and 131.0202; and repealing Ordinance Nos. 8858 (New Series) and 12657 (New Series), adopted July 18, 1963 and May 22, 1979 respectively (New Series), of the Ordinances of the City of San Diego insofar as the same conflict herewith.

FILE LOCATION: LUP-Cabrera II, 1/28/03 (65)

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:35 p.m.)

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

ITEM-53: Police Headquarters Building Energy Efficiency and Generation Project.

(Golden Hill Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/28/2003 (Council voted 9-0):

(O-2003-105) ADOPTED AS ORDINANCE O-19149 (New Series)

Authorizing the City Manger to execute a Fourth Amendment to the Master Energy Conservation Services Agreement of November 22, 1999, with Onsite Energy Corporation, for services in connection with the Police Headquarters Building Energy Efficiency and Generation Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:53 p.m. - 3:04 p.m.)

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

* ITEM-54: San Diego Fire & Life Safety Services Reorganization and Exempting Four (4) Positions from the Classified Service.

(See City Manager Report CMR-03-009; memorandum from Rich Snapper dated 1/22/2003.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-107) INTRODUCED, TO BE ADOPTED ON MONDAY,
FEBRUARY 24, 2003

Introduction of an ordinance exempting the positions of Assistant Fire Chief,

Medical Educations Manager, Fleet/Stores Manager, and Communications Manager from the classified service and declaring the positions to be in the unclassified service of the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The reorganization plan for Fire & Life Safety Services was developed at the conclusion of a comprehensive ten-week organizational review and assessment of all service areas. The plan was presented on January 15, 2003 to the Public Safety and Neighborhood Services (PS&NS) Committee, and was unanimously accepted by the Committee with direction to proceed with the reorganization and the department's name change to San Diego Fire-Rescue Department.

On January 9, 2003, the Civil Service Commission reviewed the duties and responsibilities of the following four positions and found that they met the intent of Charter Section 117. Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempted from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council".

Assistant Fire Chief - Operations Division was separated from Support Services Divisions to ensure effective formulation and administration of department policies and programs. The Assistant Fire Chief position will be responsible for assisting the Fire Chief with managing the day-to-day operations of the Support Services Divisions of San Diego Fire & Life Safety Services.

Communications Manager - This position will be responsible for the administration of the Fire Communications Center (FCC) and will replace a Deputy Fire Chief. This position will be responsible for managing the operations of FCC including response to all requests for emergency 9-1-1 calls for fire and medical service.

Fleet/Stores Manager - This position will be responsible for the administration of the Fleet and Stores operations and will replace a Deputy Fire Chief.

Medical Education Manager - This position will be responsible for the administration of medical education of all paramedics and emergency medical technicians (EMT).

FISCAL IMPACT:

These positions are included in the overall Fire & Life Safety Services Department

reorganization plan. The entire reorganization results in a \$30,000 savings in personnel expenditures.

Ewell/Bowman/PHN

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:35 p.m.)

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

* ITEM-100: Inviting Bids and Award of Contract for Point Loma Digesters N1/N2 and S1/S2
Cleaning Contract.

(See memorandum from Scott Tulloch dated 1/8/2003. Point Loma Community
Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-945) ADOPTED AS RESOLUTION R-297618

Authorizing the City Manager to award a contract to, and execute a contract with,
the low acceptable bidder that best meets the City requirements for digester
cleaning services (Cleaning Services) for Digesters N1, N2, S1, and S2 at the Point
Loma Wastewater Treatment Plant in an amount not to exceed \$4,230,000,
provided that the City Auditor and Comptroller first furnishes one or more
certificates certifying that the funds necessary for expenditure are, or will be, on
deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed
\$2,030,000 from Fund 41508, CIP-45-943.0, Point Loma - Grit Processing
Improvements to Fund 41509, CIP-46-218.0, Point Loma - Digester S1 and S2
Upgrades;

Authorizing the expenditure of a total amount not to exceed \$2,130,000 for the purpose of providing funds for Cleaning Services for Digesters S1 and S2, related costs, and contingencies of which \$2,030,000 is from Fund 41509, CIP-46-218.0, Point Loma - Digester S1 and S2 Upgrades for Cleaning Services, and related costs, and \$100,000 is from Fund 41509, CIP-46-502.0, Annual Allocation - Clean Water Pooled Contingency for contingencies, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,100,000 from Fund 41508, Department 771 for the purpose of providing funds for Digesters N1 and N2 Cleaning Services, related costs and contingencies, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/15/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The proposed contract will provide for the removal of sand, grit and debris from Digesters N1, N2, S1 and S2 located at the Point Loma Wastewater Treatment Plant (PLWTP). It is estimated that a maximum of eight million gallons of non-digestible material may have accumulated within the four digesters during the past three (3) years of operation of S1 and S2 and eight (8) years of operation of N1 and N2. Once the cleaning contract is awarded, the digesters will be dewatered sequentially and the actual material quantities will be determined. The final contract value will be based on these quantities. By removing sand, grit and debris in the digesters their capacity is increased, thus improving operations at the PLWTP and ensuring the City meets all federal regulations required for Class B Biosolids. The completion of this cleaning project will also prepare Digesters S1 and S2 for construction upgrades which will begin in the fall of 2003.

The digester cleaning work is projected to be completed via a purchasing services contract with half of the funds coming from the CIP budget and the other half coming from the Operations and Maintenance Division operating budget. CIP funding for this project will be transferred from FY2003 funding available in the Point Loma - Grit Processing Improvements project to the Point Loma Digester S1 and S2 Upgrade project.

This transfer is needed because the original schedule for the Point Loma - Digester S1 and S2

Upgrade CIP project did not anticipate the expenditure in FY2003 and projected construction costs for the Digester S1 and S2 Upgrades are estimated to be approximately \$700,000 higher than originally estimated. The final cost estimate for the digester S1 and S2 Upgrades is also expected to be higher because of higher construction insurance rates and the sole source equipment and engineering needed to install the automation systems. The sole source automation equipment and engineering are needed for compatibility with the automation system already installed in the Metro sewer system. Replenishment and/or rescheduling of the transferred funding will be analyzed and incorporated into the FY2004 budget proposal. This project has been reviewed and approved by the San Diego Metro Commission.

FISCAL IMPACT:

The total of this request is \$4,230,000 of which \$2,030,000 is available in Fund 41509, CIP-46-218.0, Point Loma - Digester S1 and S2 Upgrades for SI/S2 digester cleaning and related costs, \$100,000 is available in Fund 41509, CIP 46-502.0, Annual Allocation -Clean Water Pooled Contingency for project contingency; and \$2,100,000 is available in Fund 41508, Department 771 for NI/N2 digester cleaning and contingency.

Mendes/Tulloch/JAW

Aud. Cert. 2300794.

FILE LOCATION: W.O. 176020

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:35 p.m.)

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

- * ITEM-101: Principles of Understanding Between San Diego County Water Authority and the City of San Diego for Operation of the San Vicente Reservoir and Lake Hodges Facilities Implemented Under the Emergency Storage Project.

(See memorandum from Larry Gardner dated 11/7/2002; Preliminary Principles of Understanding.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-930) ADOPTED AS RESOLUTION R-297619

Authorizing the City Manager to execute the Preliminary Principles of Understanding Between San Diego County Water Authority and the City of San Diego for Operation of the San Vicente Reservoir and Lake Hodges Facilities Implemented Under the Emergency Storage Project [Principles of Understanding].

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/13/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The San Diego County Water Authority (CWA) and the City of San Diego (City) executed agreements in 1998 for the joint use of San Vicente and Lake Hodges Reservoirs for the proposed Emergency Storage Project. The agreements discussed land acquisition, design, construction, and operation of CWA's emergency storage in the reservoirs. However, the agreements did not discuss operations of the conveyance facilities that will connect the reservoirs to CWA system and only broadly discussed normal operation of the reservoirs and emergency storage. The agreements called for the joint development of reservoir regulating plans during design of the San Vicente and Lake Hodges projects.

As a result, these Principles of Understanding between CWA and the City for Operation of the San Vicente Reservoir and Lake Hodges Facilities were developed.

The purpose of these principles is to establish basic policies for development of the reservoir regulating plans contemplated by the previously executed agreements, clarify and refine the rights and obligation of the parties under the previously executed Agreements, and establish protocols for cooperation between the City and CWA during implementation of the Emergency Storage Project. The Board of Directors of the San Diego County Water Authority adopted these Principles of Understanding on June 27, 2002.

Adoption of the Principles will ensure operational compatibility between CWA and City systems while establishing clear priorities for City use of its facilities.

FISCAL IMPACT:

No fiscal impact is expected due to execution of the Principles. As reservoir regulating plans are developed, it is anticipated that CWA and the City will take advantage of discounted imported water purchase programs.

Mendes/Gardner/RM

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:35 p.m.)

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

* ITEM-102: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-751) ADOPTED AS RESOLUTION R-297620

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:35 p.m.)

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

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: (Time duration: 2:35 p.m. - 2:35 p.m.)

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

* ITEM-105: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-800) ADOPTED AS RESOLUTION R-297623

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L-State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:35 p.m.)

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

ITEM-150: San Diego Ethics Commission Audit Manual.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-954) ADOPTED AS AMENDED AS RESOLUTION R-297624

Approving the City of San Diego Ethics Commission Audit Manual.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 1/29/2003, RULES voted 5 to 0 (Councilmembers Peters, Maienschein, Madaffer, Inzunza and Mayor Murphy voted yea), as follows:

1 - Change paragraph 5, of page 5, of the condensed/strikeout version of the Ethics Commission's January 10, 2003, proposed Audit Manual to read as follows:

At the time of the random drawing, the Commission shall determine, by majority vote, the number of committee audits to conduct during that calendar year, and the number of committees to be selected from each audit pool. The Commission shall conduct a maximum of four committee audits for the 2002 election cycle and shall return to the City Council in future years with a proposal for the appropriate number of audits. Once this determination has been made, the City Clerk shall draw the committee names from the audit pools in a manner that ensures that the selections are made on a purely random basis. (Motion by Councilmember Inzunza; Second by Councilmember Madaffer)

2 - Change paragraph IIIA, of page 6, of the condensed/strikeout version of the Ethics Commission's January 10, 2003, proposed Audit Manual to read as follows:

The auditor shall make all reasonable efforts to minimize the time, effort, and expense required of the committee in complying with these audit procedures.

In the event that the committee has been selected for an audit by the California Fair Political Practices Commission [FPPC] during the same calendar year, the auditor shall audit the committee chosen during its random drawing based only on those local regulations that are not part of the FPPC's regulations. (Motion by Councilmember Inzunza; Second by Councilmember Peters)

3 - Approve the Ethics Commission's January 10, 2003, version of its proposed Audit Manual with the changes noted above. (Motion by Councilmember Inzunza; Second by Councilmember Peters).

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:05 p.m. - 4:11 p.m.)

MOTION BY INZUNZA TO ADOPT WITH THE FOLLOWING AMENDMENT AND CHANGES TO THE ETHICS COMMISSION AUDIT MANUAL:

1. THE RULES COMMITTEE AND THE CITY COUNCIL ARE TO DECIDE HOW MANY COMMITTEES WILL BE SELECTED FROM EACH AUDIT POOL WHEN THE ITEM COMES BACK BEFORE COUNCIL.
2. ON PAGE 6, DELETE PARAGRAPH 3.
3. ON PAGE 6, PARAGRAPH 4, LINE 4, AFTER THE WORDS "THE COMMISSION SHALL CONDUCT A MAXIMUM OF FOUR COMMITTEE AUDITS FOR THE 2002 ELECTION CYCLE," INSERT THE WORDS "ONE FROM EACH POOL."

Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: In the Matter of Naming the New Downtown Baseball Park "Petco Park."

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-958) ADOPTED AS RESOLUTION R-297625

Consenting to the name Petco Park for the new downtown baseball park;

Authorizing and directing the City Manager to take the necessary or appropriate actions, and execute any necessary or appropriate documents, to effectuate the intent and purpose of this resolution.

SUPPORTING INFORMATION:

In November of 1998, the electorate of the City, by an almost 60% margin, approved Proposition C, which authorized and directed the City Manager to execute on behalf of the City the Memorandum of Understanding [MOU] for the Downtown Ballpark and Redevelopment Project.

The MOU provided that the San Diego Padres would hold "naming rights" to the new downtown ballpark; the Padres would be able to negotiate with and select a naming rights partner for the ballpark, select the name that would be attached to the new ballpark, and retain all revenue from such an agreement. The MOU provided, however, that any name to be associated with the new ballpark would not be a cause for embarrassment to the City, and provided that the City would have the right to consent to the proposed name for the new ballpark. The City's consent cannot be unreasonably withheld or delayed. The City has no approval or consent rights regarding the terms of the agreement providing for the naming rights between the Padres and the naming rights partner. The Padres recently announced that they have reached an agreement with Petco to name the new ballpark "PETCO PARK." Petco was founded, and remains headquartered, in San Diego. The naming rights agreement provides that the ballpark will be named "PETCO PARK" for a period of 22 years.

Gwinn/Girard

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Time duration: 2:41 p.m. - 2:52 p.m.)

MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea,
Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

This item was inadvertently placed on the Consent Agenda, Item 51.

ITEM-201: Office Space Lease Amendment - Clairemont Community Service Center.

(Continued from the meeting of 1/28/2003, Item 55, at the request of the City Manager, for further review. Clairemont Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-87) CONTINUED TO MONDAY, FEBRUARY 24, 2003

Introduction of an Ordinance authorizing the City Manager to execute a Third Amendment to Lease agreement with the State Teachers Retirement Board of Ohio for the Clairemont Community Service Center and Police Storefront Center at a monthly rent of \$4,375.

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$22,546 from the Community Service Center Fund 10170, Dept. 1702 for FY03 and \$12,600 from the Police Department Fund 100, Dept. 110 for FY03.

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

CITY MANAGER SUPPORTING INFORMATION:

The City's Clairemont Community Service Center and Police Storefront have been occupying space at 4731 Clairemont Mesa Boulevard since July 15, 1997. The Landlord has consented to extend their existing leased space and public Community Room space. The City is proposing to extend the lease under the following basic lease terms:

EXTENSION TERM - Five (5) years, expiring August 31, 2007 for the CSC and Police Storefront. The leased space for the public Community Room will be extended for one (1) year, expiring August 31, 2003.

RENT - \$1.25 per square foot or \$4,375 per month for the CSC and Police Storefront space. The rent will remain flat throughout this extension term. No rent will be charged for the Community Room space. The rent is below market value compared to other space in the area.

USE - Community Service Center, Police Storefront, and community meeting usage.

SIZE - The CSC space is approximately 2,492 square feet. The Police Storefront is approximately 1,008 square feet, and the Community Room is approximately 1,500 square feet. Total square feet is 5,000.

FISCAL IMPACT:

An additional \$22,546 will be paid from the Community Service Center Fund 10170, Dept. 1702 for FY03 and \$12,600 will be paid from the Police Department Fund 100, Dept. 110 for FY03.

Herring/Griffith/DLM

Aud. Cert. 2300648.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:34 p.m. - 2:34 p.m.)

MOTION BY FRYE TO CONTINUE, AT THE REQUEST OF THE CITY MANAGER IN ORDER TO PROVIDE LEASE AGREEMENTS. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: **Notice** of Pending Final Map Approval - Mission City Phase IV.

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 Mission City Phase IV, T.M. No. 96-0544, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the northwesterly of Friars Road and Fenton Parkway in the Mission Valley Community Plan Area in Council District 6. 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: Notice of Pending Final Map Approval - Torrey Highlands Village Center.

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 "Torrey Highlands Village Center," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Torrey Highlands Community Plan Area northwesterly of proposed Highway 56 and Camino Ruiz in Council District 1. 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-252: **Notice** of Pending Final Map Approval - Cabrera II.

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 Cabrera II, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located southwesterly of Torrey Santa Fe Road and Camino Ruiz in the Torrey Highlands Community Plan Area in Council District 1. 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-253: **Notice** of Pending Final Map Approval - "Shaw Property Unit 1" and "Shaw Property Unit 2".

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on those certain final maps entitled "Shaw Property Unit 1" and "Shaw Property Unit 2", T.M. No. 99-0518, copies of which are available for public viewing at the office of the San Diego City Clerk. Said projects are located adjacent to the Proposed Highway 56 westerly of Camino Ruiz in the Torrey Highlands Community Plan Area in Council District 1.

Specifically, the City Engineer has caused the maps to be examined and has made the following findings:

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

Said maps 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 maps or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

* ITEM-S400: Reappointment of Mr. Thomas Day to the Local Enforcement Agency Hearing Panel.

(See memorandum from Mayor Murphy dated 2/4/2003 with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-979)

ADOPTED AS RESOLUTION R-297626

Council confirmation of the reappointment by the Mayor of Thomas Day (Public at Large) to serve as a member of the Local Enforcement Agency Hearing Panel, for a term ending January 1, 2005.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:35 p.m.)

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

* ITEM-S401: Reappointments to the San Diego County Water Authority Board of Directors.

(See memorandum from Mayor Murphy dated 2/5/2003 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-978) ADOPTED AS RESOLUTION R-297627

Council confirmation of the following reappointments by the Mayor to serve as members of the San Diego County Water Authority Board of Directors, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Mike Madigan (Small Business Owner)	March 5, 2009
Javier Saunders (Small Business Owner)	March 5, 2009
Yen C. Tu (Small Business Owner)	January 30, 2009

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:35 p.m.)

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

* ITEM-S402: Proposition 50 Water Bond: Development of Priority Local Projects.

(See memorandum from Governmental Relations Department dated 2/5/2003.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-971) ADOPTED AS RESOLUTION R-297628

Adopting the proposed project lists for all Proposition 50 programming during Calendar Year 2003 as set forth in the Memorandum of the Governmental Relations Department dated February 5, 2003;

Directing the Governmental Relations Department to communicate these priorities to the Governor and members of the State Legislature, and to negotiate for the inclusion of these projects in any authorizing legislation.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:35 p.m.)

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

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:12 p.m. in honor of the memory of:

Patricia Barns as requested by Mayor Murphy and Council Member Atkins.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 4:09 p.m.- 4:12 p.m.)