

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, MAY 06, 2003  
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 10:12 a.m. The meeting was recessed by Mayor Murphy at 11:20 a.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 11:30 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 12:03 p.m. for the noon break to be reconvened at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:11 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 2:54 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:06 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:14 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 4:14 p.m. with all Council Member present. Mayor Murphy recessed the meeting at 5:13 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:26 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 7:02 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 7:03 p.m. with Council Member Peters not present. Mayor Murphy recessed the meeting at 7:03 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 7:24 p.m. with Council Member Peters not present. Mayor Murphy adjourned the meeting at 7:35 p.m. into Closed Session immediately following the regular meeting in the twelfth floor conference room to discuss existing and pending litigation matters.

**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 Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour (gs/ek)

FILE LOCATION: MINUTES

ITEM-300: 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

ITEM-10: INVOCATION

Invocation was given by Chuck Abdelnour, City Clerk for the City of San Diego.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Madaffer.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on taxes for employees who work in public service.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. - 10:54 a.m.)

PUBLIC COMMENT-2:

Sharon Beach and Donald Evans expressed their concerns on the City of San Diego Employees' retirement trust fund.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. - 10:55 a.m.)

PUBLIC COMMENT-3:

Peggy Finch commented on the relocation fund that helps low-income families.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. - 10:58 a.m.)

**PUBLIC COMMENT-4:      REFERRED TO THE CITY MANAGER**

Joyceline Tarr commented on the condition of the sidewalks around the San Diego Hotel.

FILE LOCATION:              AGENDA

COUNCIL ACTION:              (Time duration: 10:58 a.m. - 11:01 a.m.)

**PUBLIC COMMENT-5:**

Jarvis Ross commented on a previous item heard at Council regarding historical preservation.

FILE LOCATION:              AGENDA

COUNCIL ACTION:              (Time duration: 11:01 a.m. - 11:04 a.m.)

**PUBLIC COMMENT-6:**

Maggie Valentine expressed her concerns surrounding the dangers with the redesign of Rosecrans Street in Point Loma.

FILE LOCATION:              AGENDA

COUNCIL ACTION:              (Time duration: 11:04 a.m. - 11:07 a.m.)

**PUBLIC COMMENT-7:**

Bert Decker commented on an article which involved the use of public money for lucrative salaries.

FILE LOCATION:              AGENDA

COUNCIL ACTION:              (Time duration: 11:07 a.m. - 11:10 a.m.)

PUBLIC COMMENT-8:

Kathleen Blavatt commented on a quote in an article where an unnamed Council Member used inappropriate language.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:10 a.m. - 11:12 a.m.)

PUBLIC COMMENT-9:

Steven McWilliams commented on the need for medical marijuana and relating legal issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:12 a.m. - 11:16 a.m.)

PUBLIC COMMENT-10:

Shizhang Chen expressed his concern for the persecution of citizens following “Falun Gong” in Yantai, China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:16 a.m. - 11:19 a.m.)

PUBLIC COMMENT-11:

Noel Neudeck commented on the violation of ADA requirements by holding an off-site Council meeting at a location with no teleconferencing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:19 a.m. - 11:20 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins announced there were special guests today observing the City Council meeting. Ms. Atkins introduced Jackie O'Conner of the El Cajon Blvd. Business Improvement Association and several students from Lewis Junior High.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:34 a.m. - 11:37 a.m.)

COUNCIL COMMENT-2:

Council Member Lewis announced the great work done by the Graffiti Strike Force since its implementation on April 1, 2003. Mr. Lewis stated that 9 teenagers were arrested for tagging fences on Friday. Council Member Lewis invited job seekers to a job fair on Thursday, May 8, 2003, at the Martin Luther King Recreation Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:37 a.m. - 11:39 a.m.)

COUNCIL COMMENT-3:

Council Member Madaffer announced the introduction of a new service which will allow people to investigate crimes being committed in a certain area. This system can automatically e-mail the individual with important information at no charge. Mr. Madaffer stated the address for interested citizens is [ewatch.sandiego.gov](http://ewatch.sandiego.gov). Mr. Madaffer welcomed home the troops on the USS Abraham Lincoln who arrived in San Diego on Friday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:40 a.m. - 11:43 a.m.)

COUNCIL COMMENT-4:

Mayor Murphy announced that the American Lung Association presented the City of San Diego with the "Golden Lung Award." This award recognizes local governments which have achieved a compliance rating of 85 percent or higher with the California's Smoke-Free Workplace Act.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:43 a.m. - 11:44 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

City Attorney Gwinn reminded the public of the big event coming to San Diego this week hosting Billy Graham. Mr. Gwinn invited everyone out to Qualcomm Stadium this Thursday, Friday, Saturday, or Sunday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:39 a.m. - 11:40 a.m.)

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

4/01/2003

4/07/2003  
4/08/2003  
4/14/2003 - Adjourned  
4/15/2003 - Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:14 a.m. - 10:14 a.m.)

MOTION BY MAIENSCHIN TO APPROVE. 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-31: Arthritis Awareness Month.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1203) ADOPTED AS RESOLUTION R-297912

Recognizing the efforts of the Arthritis Foundation, San Diego Area Chapter, to educate and help individuals and families affected by arthritis in our community;

Proclaiming May 2003 to be "Arthritis Awareness Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:31 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. 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: Mingei International Museum 25<sup>th</sup> Anniversary Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1211)                      ADOPTED AS RESOLUTION R-297913

Congratulating Mingei International Museum on its 25<sup>th</sup> anniversary and commending its efforts to increase the understanding and appreciation of international art of the people;

Proclaiming May 5, 2003 to be "Mingei International Museum 25<sup>th</sup> Anniversary Day" in the City of San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Time duration: 10:31 a.m. - 10:35 a.m.)

MOTION BY ATKINS TO ADOPT. 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-50: Amending the San Diego Municipal Code Relating to Periodic Temporary Park Closures.

(Navajo Community Area. District-7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/21/2003. (Council voted 8-0. Councilmember Peters not present):

(O-2003-49 Cor. Copy)                      ADOPTED AS ORDINANCE O-19175 (New Series)

Amending Chapter 6, Article 3, Division 1, of the San Diego Municipal Code by adding new Section 63.0130, relating to periodic temporary park closures.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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.

\* ITEM-51: Amendment to Chapter 6, Article 5, Division 2 of the San Diego Municipal Code Relating to Maintenance Assessment Districts.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/21/2003 (Council voted 8-0. Councilmember Peters not present.):

(O-2003-129) ADOPTED AS ORDINANCE O-19169 (New Series)

Amending Chapter 6, Article 5, Division 2, of the San Diego Municipal Code by amending Sections 65.0201, 65.0202 by renumbering Section 65.0206 to Section 65.027; and creating a new Section 65.0206, all relating to maintenance assessment districts.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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.

\* ITEM-52: Constitutionality of the City's Regulation of "For Sale" Signs on Parked Vehicles.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/21/2003. (Council voted 8-0. Councilmember Peters not present):

(O-2003-102 Cor. Copy) ADOPTED AS ORDINANCE O-19170 (New Series)

Amending Chapter 8, Article 6, of the San Diego Municipal Code by amending Section 86.23 relating to Use of Streets for Storage, Service, or Sale of Vehicles, or for Habitation in Vehicles.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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.

\* ITEM-53: Indemnification for Loan Board for the San Diego Regional Revolving Loan Fund.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/21/2003. (Council voted 8-0. Councilmember Peters not present):

(O-2003-139) ADOPTED AS ORDINANCE O-19171 (New Series)

Authorizing that the San Diego Regional Revolving Loan Fund (SDRRLF) Board Members be indemnified from personal liability when serving within the scope of their duties.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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.

- \* ITEM-54: Prohibitions Against Consumption of Alcoholic Beverages by Minors and Allowing or Hosting Gatherings Where Minors are Consuming Alcoholic Beverages.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/21/2003 (Council voted 8-0. Councilmember Peters not present.):

(O-2003-114) ADOPTED AS ORDINANCE O-19172 (New Series)

Amending Chapter 5, Article 6, of the San Diego Municipal Code by adding Sections 56.60, 56.61, 56.62, and 56.63, relating to Prohibitions Against Consumption of Alcoholic Beverages by Minors and Allowing or Hosting Gatherings Where Minors are Consuming Alcoholic Beverages.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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.

\* ITEM-55: Amend Billboard Ordinance Regulating Alcohol Advertising.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/21/2003 (Council voted 8-0. Councilmember Peters not present.):

(O-2003-80) ADOPTED AS ORDINANCE O-19173 (New Series)

Amending Chapter V, Article 8, Division 5, of the San Diego Municipal Code by amending Sections 58.0501, 58.0502, 58.0503, and 58.0504, all pertaining to Restricting the Advertising of Alcoholic Beverages to Youth.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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.

\* ITEM-56: Crossroads Redevelopment Project.

(College and Mid-City (City Heights and Eastern) Community Plan Areas. Districts-4 & 7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/22/2003. (Council voted 8-1. Councilmember Frye voted nay):

(O-2003-125) ADOPTED AS ORDINANCE O-19174 (New Series)

Approving and adopting the Redevelopment Plan for the Crossroads Redevelopment Project.

FILE LOCATION: LAND - College and Mid-City Communities, Crossroads  
Redevelopment Project (10)

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

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

\* ITEM-100: Two actions related to Inviting Bids and Award of Contract for the Construction  
of Sewer Group 719 Project.

(See memorandum from Frank Belock, Jr., dated 2/11/2003. Ocean Beach  
Community Area. District-2.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2003-844) ADOPTED AS RESOLUTION R-297914

Approving the plans and specifications for the construction of Sewer Group 719  
[Project] on Work Order No. 175611;

Authorizing the City Manager to establish contract funding phases and to award  
the Project contract to the lowest responsible and reliable bidder in an amount not  
to exceed \$4,470,390, provided that the City Auditor and Comptroller first  
furnishes one or more certificates certifying that the funds necessary for  
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 \$4,470,390 from Sewer  
Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the  
purpose of providing funds for the Project and related costs, contingent upon the  
passage of the Fiscal Year 2004 Capital Improvement Program and Appropriation

Ordinance Budgets, and 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 City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K03507C)

Subitem-B: (R-2003-845) ADOPTED AS RESOLUTION R-297915

Certifying that the Mitigated Negative Declaration LDR-3795 and LDR-2942 have 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 thereto (California Code of Regulations Section 15000 et seq.), that the declarations reflect the independent judgment of the City of San Diego as Lead Agency and that the information contained in the reports, together with any comments received during the public review process have been reviewed and considered by this Council in connection with the approval of the Construction of Sewer Group 719;

Declaring that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the initial studies and approving the Mitigated Negative Declarations;

Adopting the Mitigation Monitoring and Reporting Programs, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file Notices of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

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

On 2/19/2003, NR&C voted 4 to 0 to approve. (Councilmembers Lewis, Frye, Madaffer, and Inzunza voted yea. Councilmember Zucchet not present.)

**SUPPORTING INFORMATION:**

This project is part of the City's concrete sewer replacement program. Sewer Group 719 will replace approximately 12,625 linear feet of existing 6-inch and 8-inch concrete sewer mains with new 8-inch sewer mains. This replacement will include the sewer main north of Voltaire Street, which was originally part of Group Job 717 and for which the Mitigated Negative Declaration is included. The existing facilities were installed approximately in 1917 and are undersized, deteriorated, and are in need of replacement. This project will provide a more reliable sewage collection system for the service area. In addition, thirty-six (36) new pedestrian ramps will be constructed and the streets within the project will be slurry sealed from curb-to-curb.

This project lies in the Ocean Beach Community Planning area, on Bacon Street from Cape May Avenue to Long Branch Avenue; Ebers Street from Saratoga Avenue to Brighton Avenue; the alley between Saratoga Avenue and Cape May Avenue from Cape May Place to Venice Street; the alley between Cape May Avenue and Brighton Avenue from Cable Street to Santa Barbara Street; the alley between Brighton Avenue and Long Branch Avenue from Abbott Street to Bacon Street; and in the alley between Voltaire Street and Greene Street from Abbott Street to Froude Street. Residents will be notified by mail at least one month before construction begins by the City and again ten days before construction begins by the contractor through hand distribution of flyers.

The contractor will be required to provide traffic control plans for City approval and will be required to preserve/relocate existing historical stamps. This project has been presented to the Ocean Beach Community Planning Committee.

**FISCAL IMPACT:**

The total estimated cost of this project is \$4,470,390. Of this amount, \$705,162 is for engineering services and related cost, \$3,593,812 for construction, and \$171,416 for contingencies. Funds of \$4,470,390 are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement. This project is scheduled to be phase funded over FY 2004 and FY 2005.

Loveland/Belock/HR

WWF-03-630.

FILE LOCATION: CONT - Orion Construction Corp.; W.O. 175611

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

\* ITEM-101: Environmental Services Contract for the Metropolitan Wastewater Department 2003-2006.

(See memorandum from Scott Tulloch dated 2/26/2003 and memorandum from Ann Sasaki dated 2/27/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1251)                      ADOPTED AS RESOLUTION R-297916

Authorizing the City Manager to execute an Agreement for Professional Services with David Evans and Associates, Inc. (The Agreement) to perform environmental services on an as-needed basis for the Metropolitan Wastewater Department for a period of three years;

Authorizing the expenditure of an amount not to exceed \$750,000 from Funds No. 41506, 41508, and 41509, for the purpose of funding the Agreement, 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 3/26/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

The Metropolitan Wastewater Department (MWWD) proposes to enter into an agreement with David Evans and Associates, Inc., to provide as-needed environmental consulting services. The agreement would be for a duration of three years and at a not-to-exceed amount of \$750,000. MWWD's current contract for environmental services is nearing completion, and MWWD anticipates continued need for environmental consultant services in support of the Department.

MWWD advertised and requested proposals in August 2002. Eight proposals were received. A selection committee was convened in compliance with MWWD guidelines, and four companies were short-listed. The companies gave presentations to the committee, and David Evans and Associates was selected as the most qualified firm overall.

The Environmental Services Consultant will work with MWWD to implement the City's sewer inspection, cleaning, and maintenance program in an effort to meet the City's established goal of reducing sewer spills and assist MWWD in complying with the United States Environmental Protection Agency's Administrative Order.

MWWD's ongoing Canyon Sewer Cleaning Program is focused on cleaning approximately 253 miles of non-right-of-way sewer pipelines, many of which are located within canyons or other environmentally sensitive areas. In many cases, adequate maintenance access through these environmentally sensitive lands does not exist. In these cases, the creation of temporary or permanent access paths has resulted in the need for biological, archaeological, and general environmental expertise to evaluate and minimize environmental impacts and satisfy regulatory requirements.

The consultant would also assist with other ongoing Capital Improvement Projects. Work to be performed under this contract requires environmental regulatory expertise to satisfy the California Environmental Quality Act, the National Environmental Protection Act, and local and regional environmental and land use statutes. MWWD anticipates ongoing needs for biological surveys; archaeological surveys; environmental impact evaluations; preparation of mitigation, monitoring, and reporting programs; revegetation plans; preliminary environmental constraints analyses; water quality reports; construction monitoring; traffic analyses; acoustical analyses; paleontological monitoring; geotechnical investigations; GIS mapping; and overall environmental document preparation. These tasks must be completed in a timely manner to meet required schedules and satisfy regulatory conditions.

Certified Subconsultants:

MBE                      Ninyo and Moore, Inc., and Katz, Okitsu & Associates

Due to the nature of the as-needed contracts, the percentage use of the above-mentioned MBE subconsultants is dependent upon the task authorized by the City and the type of work required as part of those tasks.

**FISCAL IMPACT:**

The total expenditure associated with this Agreement is \$750,000. Funding for this Agreement would be available from Sewer Revenue Funds 41506, 41508, 41509.

Mendes/Tulloch/RPG

Aud. Cert. 2301098.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

\* ITEM-102: Participation Agreement for Otay Mesa Potable Water Facilities.

(See memorandum from Larry Gardner dated 4/1/2003. Otay Mesa, Otay Mesa-Nestor and SanYsidro Community Areas. District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1268) ADOPTED AS RESOLUTION R-297917

Authorizing the City Manager to execute a phase funded participation agreement with Stowe-Passco Development, Inc., for the construction of the Otay Mesa Potable Water Facilities;

Authorizing the City Auditor and Comptroller to transfer \$280,173 from Water Fund 41500, CIP-73-216.0, Black Mountain Reservoir Rehabilitation, to Water Fund 41500, CIP-73-249.0, South San Diego Pipeline No. 2;

Authorizing the expenditure of \$1,162,216 from Water Fund 41500, CIP-73-249.0, South San Diego Pipeline No. 2, for the purpose of funding the Agreement and related in-house engineering costs, 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 that Phase 1 of the Agreement and related costs in the amount of \$474,260, 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 City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

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

On 4/9/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

This request is for the approval of the Otay Mesa Potable Water Facilities Participation Agreement, which will authorize Stowe-Passco Development, Inc. (Developer) to perform the construction activities necessary to complete the South San Diego Pipeline No. 2.

In June 1998, the City entered into a Participation Agreement with the Developer for the design and construction of the South San Diego Pipeline No. 2 (SSDPL#2). This agreement authorized preliminary studies and designs for the new pipeline. On January 19, 1999 and November 19, 2001, the City authorized Amendments No. 1 and 2 to the Agreement. These amendments approved design and construction of 11.5 miles of potable water pipeline and a new pump station. When completed, the SSDPL#2 will provide the South San Diego/Otay Mesa area with a redundant supply of potable water. Currently this area is serviced by only one major pipeline.

The SSDPL#2 is approximately 91% complete. However, during the course of performing the work, the City identified additional improvements that were necessary to complete the project. These improvements were added to the Developer's scope of services during the City design review process and include storm water pollution prevention activities, telemetry, and valve replacements on certain pipeline segments and the demolition and replacement of an existing pressure reducing station (PRS). Design of the PRS was completed under the original

Agreement, however, funds were not available to complete its construction within the time frame of that Agreement. The Otay Mesa Potable Water Facilities Participation Agreement will reimburse the Developer for additional work performed on the pipeline segments, and fund the construction of the new Alaquinas Pressure Reducing Station.

The proposed approval of the Participation Agreement is exempt from CEQA. Impacts associated with project components are covered under several Environmental Impact Reports (EIR); Segments G, H, J, and B are addressed in the South San Diego EIR (LDR-98-0043); Segment C is covered under the Dennery Ranch EIR (DEP No. 88-0785); and Segments P, Q, and R (Princess Park Pump Station) are covered under the Remington Hill EIR (DEP No. 93-0140). The Mitigation Monitoring Reporting Programs (MMPR) for these documents address potential environmental impacts associated with the project.

**FISCAL IMPACT:**

The total cost of the South San Diego Pipeline Project is \$34,696,966, of which \$33,534,750 has been previously authorized. The additional funding of \$1,162,216 for the Otay Mesa Potable Water Facilities Participation Agreement (\$1,117,216) and related in-house engineering costs (\$45,000) will be funded in FY 2003 and FY 2004. Funds for FY 2003 are available from the South San Diego Pipeline No. 2 and Black Mountain Reservoir budgets. Additional funds have been budgeted in the South San Diego Pipeline No. 2 budget in FY 2004.

Mendes/Gardner/MAS

Aud. Cert. 2301106.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

\* ITEM-103: Reappointment to the San Diego Housing Commission.

(See memorandum from Mayor Murphy dated 4/18/2003 with resume attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1255)                      ADOPTED AS RESOLUTION R-297918

Council confirmation of the reappointment by the Mayor of Tyler W. Cramer to serve as a member of the San Diego Housing Commission, for term ending January 2, 2007.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

\* ITEM-104: Montgomery Field Perimeter Fencing and Access Control Improvements.

(Kearny Mesa Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1238)                      ADOPTED AS RESOLUTION R-297919

Authorizing the City Manager, or his designee, to make application to the FAA for \$750,000 in AIP Grant Funds and application to the State of California for \$37,500 in State matching funds, for Phase II of the Montgomery Field Perimeter Fence and Access Control Project;

Authorizing the City Manager, or his designee, to take all necessary actions to secure funding from the FAA and the State of California for the Montgomery Field Perimeter Fence and Access Control Project;

Authorizing the City Auditor and Comptroller to appropriate and expend funds, if the grant funding is secured;

Authorizing the Auditor and Comptroller to establish special interest-bearing funds for the grant monies if such funding is secured;

Authorizing an increase of \$787,500 to the Fiscal Year 2003 Capital Improvement Program budget in CIP-31-339.0, Montgomery Field Perimeter Fencing, from the FAA and State of California grants;

Authorizing the City Auditor and Comptroller to appropriate and expend \$1,634,022 from CIP-31-339.0, Montgomery Field Perimeter Fencing, contingent upon receipt of fully executed grant agreements from the FAA and State of California;

Authorizing the City Manager, or his designee, to execute a Second Amendment to the Agreement with P&D Consultants, Inc., in an amount not to exceed \$111,000, for the preparation of construction documents for the Montgomery Field Perimeter Fence and Access Control Project;

Authorizing the expenditure of \$1,634,022 from CIP-31-339.0 for the Montgomery Field Perimeter Fence and Access Control Project;

Authorizing the City Manager, or his designee, to execute a contract with the lowest responsible bidder for the construction of the fencing and access control points for the Montgomery Field Perimeter Fence and Access Control Project.

**CITY MANAGER SUPPORTING INFORMATION:**

The Perimeter Fence and Access Control Project at Montgomery Field was originally approved on October 23, 2000 (R-294018). On November 12, 2002 (R-297268) the First Amendment to the original Consultant Agreement with P&D Consultants Inc. was also approved by Council. On September 11, 2002, Airports Division received a new Grant Offer from the Federal Aviation Administration indicating the allocation of an additional award of \$750,000 under FAA Fiscal Year 2002, Airport Improvement Program (AIP), for further development of Montgomery Field Airport, specifically, to acquire approximately 8,200 LF of perimeter fencing and 24 gates as Phase II of the on going project.

The increase in the budget would allow the City of San Diego, Airports Division, to expand the scope of work to incorporate replacement of existing damaged fences and add additional gates. This change and increased construction costs dictates a Second Amendment to the Consultant Agreement with P&D Inc.

P&D Inc. will perform all necessary work to revise the current bid documents to show a stand-alone keypad access control system for ten automatic vehicle gates. The addendum will also include revisions on fencing improvements to show additional new fencing and to replace existing fence repair with removal and replacement with new eight-foot high fence. The addendum will also include the elimination of Bid Additive Alternate No. 2 which included a wireless centralized access control system. FAA determined that the access control system for general aviation reliever airports is ineligible for reimbursement under AIP. The design will include all necessary plans, specifications and construction cost estimates. P&D Inc. will attend all necessary meetings with the City, FAA, and others as necessary in order to accomplish the work.

**FISCAL IMPACT:**

The current total project budget for CIP-31-339.0, Montgomery Field Security Fence is \$846,522. This action will increase the budget by \$787,500 to \$1,634,022. Funding consists of \$1,300,000 in Federal Aviation Administration grants, \$65,800 in State of California grants, and \$246,000 from Annual Allocation - Montgomery and Brown Field Airports, \$22,222 from Fund 41100 fund balance.

Herring/Griffith/TM

Aud. Cert. 2301093.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

\* ITEM-105: Adams Avenue Roots Festival 30<sup>th</sup> Anniversary Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1263)

ADOPTED AS RESOLUTION R-297920

Recognizing the 30<sup>th</sup> anniversary of the Adams Avenue Roots Festival and commending the Adams Avenue Business Association Board of Directors and festival music curator, Lou Curtiss, for their efforts and dedication to their community;

Proclaiming Saturday, April 26, 2003 to be "Adams Avenue Roots Festival 30<sup>th</sup> Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

\* ITEM-106: 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-2003-1018)

ADOPTED AS RESOLUTION R-297921

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: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

\* ITEM-107: 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-2003-805) ADOPTED AS RESOLUTION R-297922

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: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

- \* ITEM-108: 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-2003-1129)

ADOPTED AS RESOLUTION R-297923

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: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Inzunza. 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-109: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1118)                      ADOPTED AS RESOLUTION R-297924

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION:                      GEN'L - State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION:                      (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

ITEM-200: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property:                      Qualcomm Stadium

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket **only** for public testimony.

**There is no Council discussion of this item. The City Council's actions are:**

**HEARING CLOSED, REFERRED TO CLOSED SESSION ON TUESDAY,  
MAY 06, 2003**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on May 6, 2003.

**NOTE:** Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

**FILE LOCATION:** MEET (61)

**COUNCIL ACTION:** (Time duration: 11:44 a.m. - 11:44 a.m.)

ITEM-201: Special Hearing - FY 2004 Social Service Program Funding.

(See City Manager Report CMR-03-083.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1256) ADOPTED AS RESOLUTION R-297939, WITH DIRECTIONS

1. Approving the funding recommendations for the Fiscal Year 2004 Social Service Programs, contingent upon certification of funds availability by the City Auditor and Comptroller.
2. Approving the funding appropriations from the General Fund, Community Development Block Grant Program, Emergency Shelter Grant, Housing Opportunities for People with AIDS Grant, San Diego County, and the Housing Commission for Fiscal Year 2004 Social Service Programs, contingent upon the adoption of the FY 2004 budget and contingent upon certification of funds availability by the City Auditor and Comptroller.

3. Authorizing the City Manager to negotiate and execute agreements with all programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 11:51 a.m. - 12:03 p.m.; 2:11 p.m. - 2:54 p.m.)

MOTION BY ATKINS TO ADOPT, WITH DIRECTION FROM COUNCIL MEMBER INZUNZA THAT NEXT YEAR, IF MORE FUNDING IS AVAILABLE FOR THE CDBG PROGRAM AS WELL AS FROM THE BUDGET, THAT THE CITY MANAGER LOOK TO MAKE SOCIAL SERVICES PROGRAMS WHOLE. DETERMINE WHETHER THERE WILL BE INCREASED FUNDING THAT PERMITS THE RESTORATION OF THE 10 PROGRAMS THAT ARE THE SUBJECT OF THIS ITEM. THIS MAY MEAN THAT POSSIBLY NO NEW PROGRAMS WILL RECEIVE FUNDING. 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-250: **Notice** of Pending Final Map Approval - "Hidden Trails, Unit 1".

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 "Hidden Trails, Unit 1", TM-89-0739, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Otay Mesa Community Plan Area, southeasterly of Ocean View Hills Parkway and Palm Avenue in Council District 8. 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-330: Appeal of Tie-down Fee Increases at Montgomery Field Airport.

(See City Manager Report CMR-03-087. Kearny Mesa Community Plan area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Deny the Appeal and approve the fee increases to market rates for City Airports.

**TODAY'S ACTION IS:**

Adopt **either** Subitem-A denying the appeal **or** Subitem-B granting the appeal:

Subitem-A: (R-2003-1252) CONTINUED TO TUESDAY, JUNE 3, 2003

Resolution denying appeal of City Airports Tie-Down and Fuel Fee Increases.

**OR**

Suibitem-B: (R-2003-1253) CONTINUED TO TUESDAY, JUNE 3, 2003

Resolution granting appeal of City Airports Tie-Down and Fuel Fee Increases.

**SUPPORTING INFORMATION:**

The City of San Diego owns and operates two General Aviation Airports, Montgomery and Brown Field. The Airports Division operates as a user-funded enterprise system, receiving no general fund subsidy. All revenues from airport rates charges and fees are used to support the

operating, capital, and other cost associated with Montgomery and Brown Field. The City of San Diego Administrative Regulation No. 95.25 provides for an annual review of the fees and charges that the City departments may administer to recover the cost of providing services. City Municipal Code Section 68.0119 grants the City Manager authority to charge and collect fees associated with the City Airports. Council Policy 100-5 formalized the process of notifying the public when changes to fee structures are made.

The Final Policy Regarding Airport Rates and Charges (Federal Register/Vol. 61. No. 121) requires airports to maintain a fee and rental structure for the facilities and services at the airports to make them as self-sustaining as possible. The Final Policy also requires that all revenues generated by the airports, including monthly aircraft parking rents and aviation fuel flowage fees, be expended by it for the operating and capital costs of the airports.

The last time airport fees were brought to market rate was in 1999. Fuel flowage fees were increased from 4 cent to 5 cent per gallon with no appeal requested. Monthly tiedown fees were proposed to be increased from \$50 to \$85 for a single engine aircraft and from \$65 to \$100 for twin engine aircraft. In addition, a new fee structure of 8 cents per square foot was proposed for larger aircraft occupying over 1050 square feet. An appeal of the tiedown fees was requested. The City Council denied the appeal and directed staff to implement the increase over two years since an adjustment had not occurred for 10 years. Staff was also directed to review rates annually. After review in 2001, fees were not increased as the aviation industry was experiencing the impacts of the September 11 terrorist attacks. As evidenced by the number of based aircraft, annual operations and demand for aircraft parking, City Airports have since recovered. At Montgomery Field during calendar year 2002, annual aircraft operations increased 13% over 2001. In addition, there were no parking vacancies, and there was a waiting list for aircraft parking. At Brown Field during the same reporting period, the number of based aircraft increased, a new fuel provider began operations, and total aircraft operations increased 14%.

Stakeholders and users were properly noticed regarding the currently proposed fee increases. The proposed increase directly effect 98 aircraft at Montgomery Field, and the five fuel service providers that deliver fuel to the two City airports. On March 21, 2003 and March 25, 2003, letters were sent to the effected parties. The increases were discussed at the March 4, 2003 and April 1, 2003 Airports Advisory Committee (AAC) meetings. As of April 15, 2003, four letters appealing the increases were received and acknowledged.

**FISCAL IMPACT:**

Total fiscal impact associated with this action will increase the Airports Enterprise Fund by approximately \$98,000 annually.

Herring/Griffith/TLM

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:45 a.m. - 11:45 a.m.)

MOTION BY INZUNZA TO CONTINUE TO TUESDAY, JUNE 3, 2003, THE DAY COUNCIL DISCUSSES COST RECOVERY FEES, AT THE REQUEST OF THE CITY MANAGER. 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-331: Two actions related to Proposed Disposition and Development Agreement with Barrio Logan Properties, LLC - Barrio Logan Redevelopment Project.

(See City Manager Report RA-030-13/CMR-03-070. Barrio Logan/Harbor Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2003-1281) ADOPTED WITH DIRECTION AS  
RESOLUTION R-297925

Approving the Disposition and Development Agreement for the Logan Avenue Revitalization Project in the Barrio Logan Redevelopment Project area; approving the sale and/or lease of property in the Barrio Logan Redevelopment Project area pertaining thereto; and making certain findings with respect to the Disposition and Development Agreement and the sale and/or lease.

Subitem-B: (R-2003-1282) ADOPTED AS RESOLUTION R-297926

Certifying that the Redevelopment Agency has reviewed and considered information contained in the Final Master Environmental Impact Report for the Barrio Logan Redevelopment Project and making certain findings and determinations regarding the environmental impacts of the Logan Avenue Revitalization Project.

**NOTE:** See the Redevelopment Agency agenda of 5/6/2003 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 11:45 a.m. - 11:50 a.m.)

MOTION BY INZUNZA TO ADOPT WITH DIRECTION TO INCLUDE ENVIRONMENTAL HEALTH COALITION IN THE DISCUSSIONS WITH THE CITY MANAGER AND THE DEVELOPER. DISCUSSIONS SHOULD INCLUDE THE THREE POINTS THAT ARE LISTED BELOW REFERENCED IN THE LETTER BY ENVIRONMENTAL HEALTH COALITION: 1) PROTECT CHILDREN AND FAMILIES' HEALTH; 2) BUILD HOUSING THAT LOGAN RESIDENTS CAN AFFORD; AND 3) TIE NEW DEVELOPMENT TO COMPREHENSIVE PLANNING. 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-332: Three actions related to Liberty Station Maintenance Assessment District.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2003-1242) ADOPTED AS RESOLUTION R-297940

Resolution to form the Liberty Station Maintenance Assessment District.

Subitem-B: (R-2003-1243) ADOPTED AS RESOLUTION R-297941

Resolution approving the City Engineer's report submitted in connection with the Liberty Station Maintenance Assessment District.

Subitem-C: (R-2003-1241 Cor. Copy)      ADOPTED AS AMENDED AS  
RESOLUTION R-297942

Resolution of Intention to levy and collect Fiscal Year 2004 annual assessments on  
Liberty Station Maintenance Assessment District.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes the Fiscal Year 2004 assessment for the Liberty Station Maintenance Assessment District (District). The District is located in the Peninsula Community Planning Area west of the boat channel in an area bounded by Laning Road, Rosecrans Street, and Lytton Street and east of the boat channel bounded by North Harbor Drive and McCain Road. The purpose of the District is to fund the maintenance and electrical costs of ornamental light poles and fixtures through assessment of the property owners to provide lighting in public rights-of-way and dedicated easements within the boundaries of the District. All costs beyond the City standard for streetlighting is considered to be Special Benefit; these costs would be assessed to the proposed District.

The Fiscal Year 2004 proposed maintenance costs for the District are as follows:

<b><u>DESCRIPTION</u></b>	<b><u>FY 2004</u></b>		
<b>BEGINNING BALANCE</b> (Reserve)		\$	0.00
<b>REVENUE:</b>			
Assessments	\$ 47,305.00		
Interest	<u>393.00</u>		
<b>TOTAL REVENUE</b>	\$ 47,698.00		
<b>EXPENSE:</b>			
Contractual	\$ 20,989.00		
Incidental	\$ 20,014.00		
Utilities	\$ <u>6,302.00</u>		
<b>TOTAL EXPENSE</b>	\$ 47,305.00		
<b>ENDING BALANCE</b> (Reserve)		\$	393.00

The maximum property owner assessments are proposed as follows: \$62.17/EDU in Zone A, \$17.26/EDU in Zone B, \$5.17/EDU in Zone C, \$1.56/EDU in Zone D, \$0.82/EDU in Zone E, \$16.27/EDU in Zone F, and \$1.92/EDU in Zone G. The maximum assessment will be increased annually by the factor published in the San Diego Urban Consumer Price Index (SDCPI-U). It is estimated that the District will ultimately contain a total of 13,248.88 EDUs: 209.00 EDUs in Zone A, 237.02 EDUs in Zone B, 4,374.90 EDUs in Zone C, 521.63 EDUs in Zone D, 812.50 EDUs in Zone E, 271.91 EDUs in Zone F, and 5,820.92 EDUs in Zone G (which overlaps Zones A, B and C).

The property owner assessments to be levied for Fiscal Year 2004 are as follows: developed properties in Zones A, B, C and G will be assessed the maximum rates, undeveloped properties will be assessed \$61.05, \$16.99, \$3.15 and \$1.89/EDU, respectively; undeveloped properties in Zones D will be assessed \$0.61/EDU (there are no developed properties anticipated); there will be no costs or assessments in Zone E, and Zone F developed properties will be assessed \$14.69/EDU.

**FISCAL IMPACT:**

All costs are assessed to the property owners within the District. Several parcels are owned by the City of San Diego or related City entities. The estimated assessment Fiscal Year 2004 annual amounts for these parcels are: General Fund (Fund 100, Dept 601, Org 2600, JO 002600): \$1,313 for a park; Metropolitan Wastewater Department (Fund 41509, Dept 779, OA 4146, JO 191830): \$967 for a laboratory; and Redevelopment Agency (Fund 10530, NTC Leaseholder Special Revenue Fund): \$13,989 for various parcels in the proposed district. Funds will be included in the respective department Fiscal Year 2004 Operating Budgets to cover this cost. Redevelopment Agency assessments in Fiscal Year 2005 and beyond will be funded through lease payments. All general benefit streetlights proposed for this district would cost \$15,069 and would be paid from the Street Division as part of their Fiscal Year 2004 Operating Budget. All Maintenance Assessment District formation costs were paid by the developer.

Herring/Oppenheim/AWF

FILE LOCATION: SUBITEMS A, B & C: STRT-M-425-04 (34)

COUNCIL ACTION: (Time duration: 3:07 p.m. - 4:12 p.m.)

MOTION BY ZUCCHET TO ADOPT AS AMENDED THE CITY MANAGER'S PROPOSED COSTS FOR THE DISTRICT, PROVIDING THAT THE \$13,989 ASSESSMENT BE PAID ONLY FROM THE REDEVELOPMENT AGENCY NTC INTERIM LEASE REVENUE FUND AND THE DEVELOPER FUND. IF ANY OTHER SOURCE FOR FUNDING IS NEEDED, DIRECT THE CITY MANAGER TO BRING THE MATTER BEFORE COUNCIL FOR APPROVAL. ACCEPT COUNCIL MEMBER FRYE'S REQUEST THAT THERE BE ENOUGH MONEY IN THE OVERALL FUND SO THAT, AFTER TWO YEARS, THE ASSESSMENT CAN STILL BE FUNDED AND WILL NOT BE DRAWN DOWN ON OR OBLIGATED IN ANY OTHER WAY. 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-333: Two actions related to Naval Training Center - General Development Plan.

(See City Manager Report CMR-03-026. Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2003-1036) ADOPTED AS AMENDED AS RESOLUTION R-297943

Approving the General Development Plan for the NTC Park.

Subitem-B: (R-2003-1037) ADOPTED AS RESOLUTION R-297944

Certifying that Mitigated Negative Declaration LDR-42-0574 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 applicable State guidelines (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment 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 this Council in connection with the approval of the General Development Plan for the NTC Park;

Declaring that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

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 regarding the General Development Plan for the NTC Park.

**NOTE:** See the Redevelopment Agency Agenda of 5/6/2003 for a companion item.

FILE LOCATION: SUBITEMS A & B: MEET (67)

COUNCIL ACTION: (Time duration: 4:14 p.m. - 5:30 p.m.)

MOTION BY ZUCCHET TO ADOPT AS AMENDED TO ACCEPT THE GENERAL PLAN OF THE PARK BUT TO AMEND THE PLAN BY THE ELIMINATION OF THE WATER FEATURES CONTEMPLATED FOR THE PARK. DIRECT THAT THESE COST SAVINGS AND ANY OTHER SAVINGS ON THE PROJECT BE PUT TOWARD THE AQUATIC CENTER IN THE PHASE II IMPROVEMENTS. THE MOTION INCLUDES ONLY THE FIRST CONDITION BROUGHT FORWARD BY THE HISTORIC RESOURCES BOARD, THAT THE PROPOSED WATER FEATURES SHOULD BE ELIMINATED. REQUEST THAT THE DOLLAR AMOUNT IN SAVINGS BE DETERMINED BY MUTUAL AGREEMENT BETWEEN MCMILLIN AND CITY STAFF, THIS NUMBER TO BE TAKEN OUT OF THE \$14.8 MILLION TOTAL COST AND PLACED IN A SEPARATE PHASE II FUND, AND THAT THE PARK WILL BE COMPLETED WITH THE REMAINDER. 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-S500: The American Institute of Architects Week.

**COUNCILMEMBER ZUCCHET'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1313) ADOPTED AS RESOLUTION R-297927

Recognizing the American Institute of Architects for its efforts to increase quality of life through design excellence;

Proclaiming May 6, 2003 to be "AIA Architecture Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. - 10:40 a.m.)

MOTION BY ZUCCHET TO ADOPT. 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-S501: Breast Cancer Awareness Day.

**COUNCILMEMBER LEWIS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1305)                      ADOPTED AS RESOLUTION R-297928

Commending McDonald's for their commitment to the community and to cancer research;

Proclaiming May 6, 2003, to be "Breast Cancer Awareness Day" in the City of San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Time duration: 10:41 a.m. - 10:45 a.m.)

MOTION BY LEWIS TO ADOPT. 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-S502: SHARE Day in the City of San Diego.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1126)                      ADOPTED AS RESOLUTION R-297929

Recognizing that the charitable activities made possible by the contribution of City of San Diego employees to the SHARE program benefit the citizens of the City of San Diego and are in the public interest;

Designating May 6, 2003, as SHARE Day in the City of San Diego;

Authorizing the City Manager to designate the Campaign Chair for SHARE's 2003 UW/CHAD Campaign.

**SUPPORTING INFORMATION:**

On January 25, 1956, the employees of the City of San Diego formed the Municipal Employees Civic Responsibility Organization (MECRO) to provide financial support for charitable organizations. MECRO is now known as the City Employee SHARE Program (SHARE), and has supported local and national charities for more than 47 years, helping City employees to donate more than \$275,000 annually to charities, primarily through payroll deductions.

The SHARE Board of Directors (Board) is composed of 15 City employees who volunteer their time to serve on the Board.

The United Way of San Diego (UW) is a local volunteer-directed effort that has been supporting charitable programs in San Diego since 1920. The UW is partnering for its annual fund-raising campaign (Campaign) with the Combined Health Agencies Drive (CHAD). CHAD represents local chapters of national health agencies dedicated to supporting research, providing education, and client and community services programs to San Diegans. Each year, the UW/CHAD campaign-supported agencies provide services to more than one million San Diego County residents. The Campaign provides a great benefit to the City and the efforts put forth by City employees in support of the Campaign beneficially affect the City at large.

Beginning April 2003, the UW's online pledging system, known as United e-Way, will provide a unique workplace giving website developed specifically for City employees, and will allow SHARE to instantly communicate information about local charities in an effort to increase contributions.

The City Manager is authorized to designate a City employee as a dedicated Campaign coordinator and the Vice President of SHARE. This individual will coordinate the Campaign for all City Departments, to help ensure that SHARE'S 2003 Campaign is a success.

Madaffer

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. - 10:50 a.m.)

MOTION BY MADAFFER TO ADOPT. 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-S503: Gloria Penner Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1288) ADOPTED AS RESOLUTION R-297930

Commending Gloria Penner for her continued commitment as a political correspondent for providing in-depth programming to inform San Diegans on City and County issues and government stances.

Proclaiming April 24, 2003 to be "Gloria Penner Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

\*ITEM-S504: Solid Waste Local Enforcement Agency (LEA) Application for LEA Grant.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1302)

ADOPTED AS RESOLUTION R-297931

Authorizing the City Manager to submit an application to the California Integrated Waste Management Board (CIWMB) for a Local Enforcement Agency Grant and, if awarded, accept and expend the grant funds;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including but not limited to applications, grant agreements, amendments, payment requests, which may be necessary to carry out and administer the obligations, responsibilities, and duties of the City of San Diego Solid Waste LEA under the terms of the grant;

Authorizing the City Auditor and Comptroller to establish a separate fund for the grant monies.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Integrated Waste Management Board (CIWMB) is accepting applications for their Local Enforcement Agency (LEA) Grant program. Funds totaling \$1.5 million are to be disbursed from the CIWMB to certified LEAs. Pursuant to Public Resources Code Section 43230, these grant awards are to be used solely for support of LEAs' Solid Waste Facilities Permit and Inspection Programs. The City of San Diego Solid Waste LEA was certified in August 1999, by the CIWMB, to carry out the duties and responsibilities associated with permitting, inspections, and enforcement at solid waste sites.

The City of San Diego LEA proposes to request grant funds to retain consulting services, purchase a computer, office and technical equipment, and fund additional training for LEA staff to carry out their regulatory mandates. Based on the CIWMB allocation formula, the City of San Diego Solid Waste LEA is eligible for approximately \$27,300 during this grant cycle.

**FISCAL IMPACT:**

If awarded, the City would receive approximately \$27,300. No matching funds are required.

Ewell/Christiansen/RLL

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

\*ITEM-S505: North Torrey Pines Road Bridge over San Diego Northern Railway (Bridge No. 57C-207).

(Torrey Pines Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1280) ADOPTED AS RESOLUTION R-297932

Authorizing the City Manager, or his duly designated representative, to execute and comply with all grant requirements in connection with the North Torrey Pines Road Bridge over San Diego Northern Railway, Bridge No. 57C-207 (the Project);

Authorizing the City Manager, or his duly designated representative, to accept Program Supplement No. 084, to the Local Agency-State Agreement for Federal-Aid Project Number 11-5004 (010) and its modification for a total amount of \$600,000 for the Project into CIP-52-557.0, Fund 38737;

Authorizing the City Auditor and Comptroller to appropriate a total amount not to exceed \$600,000 from CIP-52-557.0, Fund 38737, for Project design costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds are, or will be, on deposit with the City Treasurer, and to expend an amount not to exceed \$600,000 from CIP-52-557.0, Fund 38737 to reimburse Project design costs expended from CIP-52-557.0, Fund 30300;

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

**CITY MANAGER SUPPORTING INFORMATION:**

Up until November 27, 2000, the North Torrey Pines Road Bridge over San Diego Northern Railway (Bridge #57C-207) was under the jurisdiction of both the City of San Diego and the City of Del Mar. It was identified by Caltrans as a structurally deficient bridge and qualified for Federal funding to be replaced. The City of San Diego, as a lead agency, proceeded with the preliminary design and preparation of the environmental document. However, due to the disagreement with the City of Del Mar as to the number of lanes on the bridge, the environmental document was never certified. Subsequent to the City of Del Mar's non-concurrence with the bridge widening, the bridge project was changed from a replacement project to a seismic retrofit in an effort to address seismic safety in a more timely manner.

In addition, further analysis by the City of San Diego concluded that a retrofit project would be less favorable than the replacement alternative, based on the age and condition of the bridge. Subsequently, the transfer of bridge ownership to City of Del Mar was completed on 1/27/2000. This action provides a means to seek reimbursement for the design and preparation of the environmental document of the replacement project.

**FISCAL IMPACT:**

Funds below are available and programmed for the reimbursement

Program Supplement No. 084 :	\$100,000
Modification to Program Supplement (FNM-76):	\$500,000

Total project cost will remain unchanged. A new funding source has been identified through the grant funds identified above. Transnet funds will be released and deappropriated reserves in an amount equal to the new funding source.

Loveland/Belock/PB

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

\*ITEM-S506: Proposition 50 Funding of Water Projects.

(See memorandum from Andrew Poat dated 4/2/2003; memorandum from Andrew Poat, Larry Gardner, Ernie Anderson, and Gail Goldberg dated 2/5/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1261) ADOPTED AS RESOLUTION R-297933

Authorizing the City Manager and/or the Water Department Director to apply for, accept, and expend funds from the State of California under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, Proposition 50, to facilitate implementation of the City of San Diego's Water projects;

Authorizing the City Manager and/or the Water Department Director to negotiate and execute Proposition 50 grant and loan contracts and any amendments or change orders thereto, and to certify disbursement on behalf of the City of San Diego.

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

On 4/9/2003, NR&C voted 5 to 0 to approve recommendations. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

On November 5, 2002, California voters passed Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, which authorized the state to sell \$3.44 billion in general obligation bonds for a variety of water related programs. This proposition generated funds that will be distributed by means of grants and loans to municipalities throughout California for the planning, design, and construction of variety of water projects. Funds will be administered through various state agencies, including but not limited to State Water Resources Control Board (SWRCB), Department of Health Services (DHS) and State Department of Water Resources (DWR).

The SWRCB has a grant application requirement for participating cities to adopt a resolution by the governing body allowing the City Manager or his designee, the Water Department Director, to apply for Proposition 50 grants and loans. This resolution is intended for inclusion in all Proposition 50 grant and loan applications submitted by the Water Department.

It is anticipated that the City of San Diego will apply for grants and loans for various projects as noted in the Water Department Director 's memorandum to Council dated February 5, 2003. The recommended project list was adopted on February 10, by the City Council through Resolution No. 297628.

Projects under the following categories are potential candidates for funding:

- Reclaimed Water Distribution System.
- Water Treatment Plant Upgrades.
- Watershed Management Planning and Implementation.
- Water Security for Water Treatment Plants, Distribution Systems, and Reservoirs

Adoption of this resolution does not commit the City to any expenditures; it only authorizes the City to apply for Proposition 50 funded grants and loans to support Water Department projects that will be individually executed by the City Manager and City Council by subsequent actions. Upon adoption of this resolution, staff will submit grant/loan applications to the SWRCB, and other state agencies for individual projects. Each SWRCB grant will cover 25% of the City's project costs (with a \$5 million cap per project). City expenditures would be limited to 75% of

the total cost of each project supported by Proposition 50 grant. Contract agreements for expenditures of City funds for each grant/loan funded project will be the subject of subsequent Council action. An Auditor's Certificate will be secured for each individual project to authorize any expenditure of City funds. Any such individual projects will be subject to prevailing wages and a labor compliance program.

**FISCAL IMPACT:**

None.

Mendes/Gardner/MAS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

\*ITEM-S507: Amendment No. 2 to Agreement with ADS Environmental Services for Flow Monitoring.

(See memorandum from Scott Tulloch dated 2/26/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1221) ADOPTED AS RESOLUTION R-297934

Authorizing the City Manager to execute Amendment No. 2 to the Agreement, in an amount not to exceed \$310,000, 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 \$50,000 from Fund 41509 Unallocated Reserve, Department 777, Org. 445, Object Account 4903 to Fund 41506, Department 773, Org. 410, Object Account 4222;

Authorizing the expenditure of an amount not to exceed \$65,000 from Fund 41508, Department 771, Org. 160, \$195,000 from Fund 41508, Department 771, Org. 110, and \$50,000 from Fund 41506, Department 773, Org. 410, solely and exclusively for the purpose of providing funds for the Amendment No. 2 to the Agreement and related costs, 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 City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

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

On 3/26/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

ADS Environmental Services provides sewage flow monitoring equipment, maintenance and repair services to the City of San Diego. There are currently 130 permanent ADS sewage flow monitoring installations in San Diego's Metropolitan Sewerage System, which includes the City and 15 Participating Agencies. The Regional Wastewater Disposal Agreement requires the City to meter Participating Agency and City sewage flows for billing purpose.

The original ADS agreement, dated June 30, 1998, was authorized for the amount of \$2,500,000 for the period from July 1, 1998 through June 30, 2001.

Amendment No. 1 was authorized for the amount of \$2,193,285 and extended the agreement from July 1, 2001 through June 30, 2003 to provide ongoing support and maintenance for the system's network of permanent ADS flow meters and for the Flow Metering Alarm System which provides an early warning system against sewer spills.

This request is to amend ADS's contract for an amount not to exceed \$310,000, which includes \$260,000 for the purchase of four (4) new real-time wastewater flow monitoring systems and

\$50,000 for use of ten (10) temporary flow meters. The real-time monitoring systems will be installed upstream of Pump Station 1 and Pump Station 2. The monitoring systems will transmit real-time data of sewage levels at critical locations on the Metro Interceptor system to the pump stations. The data will be utilized to improve the pump stations operation in the event of a mechanical/electrical failure, or during maintenance operations that may reduce the conveyance capacity of the pump stations. Real-time monitoring data also allows the utilization of in-system storage available in the Metro Interceptor system during extremely wet weather flow events in which the pump station capacity could be exceeded. The ten (10) temporary flow meters will be installed on semi-critical trunk sewers to collect flow data that will be used for trunk sewer modeling and capacity evaluations. These meters will also be used to identify inflow and infiltration problems in the sewer systems.

**FISCAL IMPACT:**

The total estimated cost of this action is \$310,000 which is available in the Sewer Fund for Fiscal Year 2003 expenditure.

Mendes/Tulloch/HTN

Aud. Cert. 2301044.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

\*ITEM-S508: Appointment and Reappointment to the San Diego County Water Authority.

(See memorandum from Mayor Murphy dated 4/21/2003 with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1289)

ADOPTED AS RESOLUTION R-297935

Council confirmation of the following appointment and 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>
Fern M. Steiner (Replacing Michael Madigan, who resigned effective April 15, 2003)	March 5, 2009
Nora N. Jaeschke (Reappointment)	May 2, 2009

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER 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.

ITEM-S509: Proposal to Support/Oppose Certain 2003 State Legislation.

(See memorandums from Andrew Poat dated 3/28/2003 and 4/29/2003.)

(Continued from the meeting of 4/28/2003, Item 110, at the request of the City Manager, for further review.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1236) CONTINUED TO TUESDAY, MAY 20, 2003

Approving the recommendations contained in the Governmental Relations Department's March 28, 2003 report, with the following changes:

4. Change AB 136 from “Oppose” to “Watch”, until the City receives additional information.
5. Change ACA 10 from “Watch” to “Support as Priority.”
6. Add AB 361 as a “Watch.”
7. Add language that seek amendments to any relevant current legislation to allow the Mayor to appoint an alternate representative to the San Diego River Conservancy.
8. Change AB 1690 from “Support” to “Watch.”
9. Change AB 222 from “Support” to “Strong Support.”
10. Change SB 40 from “Support” to “Strong Support.”

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

On 4/2/2003, Rules voted 3 to 0 to approve the recommendations contained in the Governmental Relations Department’s March 28, 2003 report with the following changes:

1. Take no position on AB 136 until we get further information (move from “Oppose” to “Watch”).
2. Support as a priority ACA 10 (move from “Watch” to “Support as Priority”).
3. Add AB 361 as a “Watch.”
4. Add language that seek amendments to any relevant current legislation to allow the Mayor to appoint an alternate representative to the San Diego River Conservancy.
5. Change AB 1690 from “Support” to “Watch.”
6. Indicate strong support for AB 222.
7. 8Indicate strong support for SB 40.

(Councilmembers Peters, Madaffer, and Mayor Murphy voted yea. Councilmember Inzunza not present. Councilmember Maienschein abstain.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 5:28 p.m. - 5:28 p.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, MAY 20, 2003 FOR FURTHER REVIEW. 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.

ITEM-S510: Five actions related to Naval Training Center Redevelopment project.

(See City Manager Report RA-03-12/CMR-03-088. Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2003-1265)                      **ADOPTED AS RESOLUTION R-297945, WITH  
DIRECTIONS**

Authorizing the City Manager, or his designee, to apply to HUD for a Section 108 Loan of \$5.91 million to assist the NTC Foundation and to set forth the legal authority and certifications necessary for such an application;

Authorizing the City Manager, or his designee, to accept the funds, to conduct all negotiations related to the loan, and to execute and submit all documents related to the processing of such a loan;

Authorizing the City Auditor and Comptroller to transfer an amount up to \$5.85 million in proceeds to the Agency, which shall expend the funds, contingent on receipt of an Auditor's Certificate to do so, for the rehabilitation of certain buildings in the area of the Historic Core designated for the Civic, Arts and Cultural Center;

Authorizing the Redevelopment Agency to expend approximately \$564,000 annually in tax increment from the project Area to repay the 108 loan over 20 years, and authorizing the use of proceeds of the Brownfields Economic Development Initiative (BEDI) grant for interest only payments for up to three years;

Authorizing the City Manager to pledge Community Development Block Grant (CDBG) annual allocations as additional security should there be insufficient tax increment revenue for the Agency to make the annual payments;

Authorizing the City Manager to amend the CDBG 2003 Action Plan to reflect the use of HUD Section 108 loan funds for the rehabilitation of certain buildings in the NTC Civic, Arts and Cultural Center.

Subitem-B: (R-2003-1266)                      ADOPTED AS RESOLUTION R-297946, WITH DIRECTIONS

Authorizing the City Manager, or his designee, to apply to HUD for a Brownfields Economic development Initiative (BEDI) grant of \$1.065 million to assist the NTC Foundation and to set forth the legal authority and certifications necessary for such an application;

Authorizing the City Manager, or his designee, to accept the funds; to conduct all negotiations related to the grant; and to execute and submit all documents related to the processing of such a grant;

Authorizing the City Auditor and Comptroller to transfer \$1.065 million in grant proceeds to the Agency, which shall expend the funds, contingent on receipt of an Auditor's Certificate to do so, for interest only payments on the HUD 108 loan for up to three years.

Subitem-C: (R-2003-1279)                      ADOPTED AS RESOLUTION R-297947, WITH DIRECTIONS

Declaring that Council finds that the Redevelopment Plan for the Naval Training Center Redevelopment Project is consistent with the City of San Diego's Progress Guide and General Plan, including the housing element, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.

Subitem-D: (R-2003-1264) CONTINUED TO TUESDAY, JUNE 3, 2003

Declaring that Council finds and determines that the publicly owned infrastructure improvements for which the Agency proposes to pay are of benefit to the Naval Training Center Redevelopment Project, that no other reasonable means for financing the proposed publicly owned infrastructure improvements are available to the community, and that the proposed publicly owned infrastructure improvements will assist in eliminating one or more blighting conditions inside the Project area;

Declaring that Council finds and determines that the proposed publicly owned infrastructure improvements are consistent with the Implementation Plan adopted for the Project by the Redevelopment Agency pursuant to California Health and Safety Code Section 33490;

Subitem-E: (R-2003-1267) CONTINUED TO TUESDAY, JUNE 3, 2003

Approving all the terms and conditions in the proposed Memorandum of Understanding;

Authorizing the City Manager, or designee, to execute the Memorandum of Understanding with the NTC Foundation;

Authorizing the City Manager, or designee, to expend an amount not to exceed \$2.7 million in City TOT funds, contingent on the receipt of an Auditor's Certificate to do so, to assist the NTC Foundation with its share of the CAM fees;

Authorizing the City Manager, or designee, to sign all documents necessary and appropriate to carry out and implement the Memorandum of Understanding and to administer the City's obligations, responsibilities and duties to be performed under the Memorandum of Understanding.

**NOTE:** See the Redevelopment Agency Agenda of 5/6/2003 for a companion item.

**FILE LOCATION:** SUBITEMS A, B & C: MEET (67)  
SUBITEMS D & E: NONE

**COUNCIL ACTION:** (Time duration: 5:31 p.m. - 7:34 p.m.)

MOTION BY ZUCCHET TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B AND C TO ACCEPT THE MANAGER'S RECOMMENDATION, WITH THE EXCEPTION OF APPROVING THE MEMORANDUM OF UNDERSTANDING WITH THE NTC FOUNDATION AND THE THIRD IMPLEMENTATION AGREEMENT OF THE DDA. REQUEST THAT THE NTC FOUNDATION MEETINGS BE OPEN TO THE PUBLIC, THAT THEIR MEETINGS BE NOTICED EXCEPT WHERE THERE IS A CASE OF LITIGATION OR NEGOTIATION THAT WOULD BE EXEMPTED UNDER THE BROWN ACT, WHICH WOULD ENSURE THAT THE PUBLIC WILL VIEW AND COMMENT ON ALL ACTIONS THAT THE BOARD TAKES. REQUEST THAT THE BOARD INCLUDE SOMEONE FROM THE CITY TO BE PRESENT AT BOARD MEETINGS IN AN EX OFFICIO CAPACITY. THIS WILL NECESSITATE A CHANGE IN THE REHABILITATION GRANT AGREEMENT TO ACCOMMODATE THIS CONDITION. Second by Madaffer. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY MADAFFER TO CONTINUE SUBITEMS D AND E TO TUESDAY, JUNE 3, 2003 FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S511: Four actions related to Salary Ordinance for FY 2003-2004 and Resolutions relating to FY 2004 Salary Ordinance.

**CITY MANAGER'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B, C, and D:

Subitem-A: (O-2003-147) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
MAY 20, 2003

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2003-2004.

Subitem-B: (R-2003-1276) ADOPTED AS RESOLUTION R-297936

Establishing overtime eligibility of classifications in the Classified Service.

Subitem-C: (R-2003-1277) ADOPTED AS RESOLUTION R-297937

Amending Employee Representation Units to add new classifications and remove deleted classifications from existing appropriate units as established in the Fiscal Year 2002-2003 Salary Ordinance.

