

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 14, 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. Mayor Murphy recessed the meeting at 3:06 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:17 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 4:41 p.m. into Closed Session at 9:00 a.m. on Tuesday, July 15, 2003, in the twelfth floor conference room to discuss existing and anticipated litigation.

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 (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 Reverend Don Lagerway of
Trinity Fellowship Christian Reformed Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Deputy Mayor Inzunza.

FILE LOCATION: MINUTES

ITEM-30: Ian Campbell Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-59) ADOPTED AS RESOLUTION R-298164

Recognizing Ian Campbell for his remarkable 20-year career as General Director of San Diego Opera and his service to promote music and the arts in San Diego;

Proclaiming July 14, 2003 to be "Ian Campbell Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:29 p.m. - 2:34 p.m.)

MOTION BY INZUNZA 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-31: Prosecutor of the Year 2003 Award.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-34) ADOPTED AS RESOLUTION 298165

Recognition and presentation of Prosecutor of the Year 2003 Award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:16 p.m. - 2:28 p.m.)

MOTION BY LEWIS TO ADOPT THE RESOLUTION RECOGNIZING MAKINI HAMMOND TO BE THE RECIPIENT OF THE PROSECUTOR OF THE YEAR 2003 AWARD. 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-32: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

May 26, 2003 Adjourned
June 9, 2003
June 10, 2003
June 16, 2003
June 17, 2003

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:16 p.m. - 2:16 p.m.)

MOTION BY MADAFFER TO APPROVE. 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-50: Sixth Amendment to Agreement with MTDB for Taxicab Regulation.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/24/2003 (Council voted 9-0):

(O-2003-157) ADOPTED AS ORDINANCE O-19195 (New Series)

Authorizing the City Manager to execute a Sixth Amendment to Agreement with Metropolitan Transit Development (MTDB), to continue the administration of taxicabs and other private for-hire vehicle regulations, for a five-year period beginning July 1, 2003.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-51: Wholesale Food Warehouse Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/30/2003 (Council voted 8-0. Councilmember Inzunza not present):

(O-2003-164) ADOPTED AS ORDINANCE O-19196 (New Series)

Amending Chapter 4, Article 2, of the San Diego Municipal Code by adding new Division 14, Sections 42.1401, 42.1402, 42.1403, 42.1404, 42.1405, 42.1406, 42.1407, 42.1408, 42.1409, 42.1410, 42.1411, 42.1412, 42.1413, 42.1414, 42.1415, 42.1416, 42.1417, 42.1418, 42.1419, 42.1420, 42.1421, 42.1422, 42.1423, 42.1424, 42.1425, 42.1426, 42.1427, 42.1428, 42.1429, 42.1430, 42.1431, 42.1432, 42.1433, 42.1434, 42.1435, 42.1436, 42.1437, 42.1438, 42.1439, 42.1440, 42.1441, 42.1442, 42.1443, 42.1444, 42.1445, 42.1446, 42.1447, 42.1448, and 42.1449, relating to Food and Housing.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-52: Companion Unit Ordinance.

(Citywide.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/30/2003. (Council voted 7-2. Councilmembers Lewis and Maienschein voted nay):

(O-2003-163 Cor. Copy, Rev. 2) ADOPTED AS ORDINANCE O-19197
(New Series)

Amending Chapter 10, Article 3, Division 1, of the San Diego Municipal Code by amending Section 103.0105; amending Chapter 12, Article 6, Division 3, by amending Section 126.0303; and Division 7, by amending Section 126.0704; amending Chapter 13, Article 1, Division 4, by amending Section 131.0422; and amending Chapter 14, Article 1, Division 3, by amending Section 141.0302, all relating to companion units.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:57 p.m. - 3:02 p.m.)

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-nay, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-53: Parking Meter Rate and Parking Citations Structure.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/30/2003 (Council voted 7-2. Councilmembers Atkins and Maienschein voted nay):

(O-2003-162 Rev.) ADOPTED AS ORDINANCE O-19198 (New Series)

Amending Chapter 8, Article 6, Division 1, of the San Diego Municipal Code, by amending Section 86.11, to read as follows:

- a. The City Council may by ordinance establish and define parking meter zones and parking meter rates under the authority of Section 22508 of the California Vehicle Code.
- b. The Council hereby establishes a parking rate of \$1.25 per hour.
- c. In any parking meter zone, when any vehicle shall be parked in any space alongside of or next to which a parking meter is located in accordance with the provisions of this Chapter, the operator of said vehicle shall, upon entering said parking space, immediately cause to be deposited coins in the

appropriate denomination according to the time interval desired within the maximum limit and the posted parking rates;

Authorizing the installation of parking meters and the necessary signs and markings be made in the above described location.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

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

* ITEM-54: Crescent Heights Rezone.

(Mira Mesa Community Plan Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/1/2003 (Council voted 9-0):

(O-2004-1) ADOPTED AS ORDINANCE O-19199 (New Series)

Rezoning 188.63 acres, located north and south of Calle Cristobal, east and west of Camino Santa Fe, in the Mira Mesa Community Plan Area, from the AR-1-1 (previously referred to as the A-1-10) into the RX-1-2, RM-2-5, and OC-1-1 Zones, as defined by San Diego Municipal Code Sections 131.0404, 131.0406 and 131.0203.

FILE LOCATION: LUP-Crescent Heights Rezone, 07/01/03 (65)

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-55: Sunset Pointe Rezone.

(Mira Mesa Community Plan Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/1/2003. (Council voted 9-0):

(O-2004-2) ADOPTED AS ORDINANCE O-19200 (New Series)

Rezoning 37.32 acres, located at the southern terminus of Sunny Mesa Road, in the Mira Mesa Community Plan Area, from the AR-1-1 (previously referred to as the A-1-10) to the RS-1-14 and OC-1-1, as defined by San Diego Municipal Code Sections 131.0403 and 131.0203.

FILE LOCATION: LUP-Sunset Pointe, 07/01/03 (65)

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-100: Lease Approval - McGraw-Hill Broadcasting Company at Cowles Mountain.

(Mission Trails Regional Park Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1490) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to execute a five-year lease agreement with two five-year options to extend with McGraw-Hill Broadcasting Company for a telecommunications facility at the Cowles Mountain Communication Center, at an initial annual rate of \$14,184.

CITY MANAGER SUPPORTING INFORMATION:

McGraw-Hill Broadcasting Company, KGTV-TV Channel 10, is requesting a lease for the operation and maintenance of a communications facility at the City/County Cowles Mountain Communications Center. It consists of two (2) full rack spaces, one (1) 4' dish and one (1) omni whip antenna on the top, along with one (1) 6' dish on the side of the two story "County" building at the communications center. McGraw-Hill requires use of this site to relay their signal from their studios to the main broadcasting facility. McGraw-Hill Broadcasting Company has had a rental agreement with the City since January 1995 and has proved to be a reliable tenant.

Basic Terms of the agreement are as follows:

USE - Installations, maintenance, and operation of a communications facility.

TERM - Five (5) years, with two 5-year options to extend.

GROUND RENT - Rent is \$14,184 annually (\$1,182 per month) with annual 5% rent increases and reappraisal every five years. This value is based on a pricing matrix for this particular site determined by an independent fee appraisal dated January 27, 2003. The established rent per rack space is \$520 x 2 = \$1,040 plus \$57 for the 4' dish and \$85 for the 6' dish producing a total monthly rent of \$1,182. The omni whip is included in the rack fee.

Prior Approvals:

Mission Trails Regional Park Citizen's Advisory Committee
Mission Trails Regional Park Task Force
Park and Recreation Department
Information Technology and Communications Department
Development Services Department
San Diego County Board of Supervisors

FISCAL IMPACT:

The City will receive \$14,184 in the first year of the lease with 5% annual rent increases thereafter. Rental proceeds generated will be credited to the Mission Trails Regional Park Fund 10580.

Herring/Griffith/JPA

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:56 p.m. - 2:56 p.m.)

MOTION BY MADAFFER TO RETURN TO THE CITY MANAGER TO RECONCILE RATE DIFFERENCES. Second by Frye. 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: Lease Approval - McKinnon Broadcasting Company at Cowles Mountain.

(Mission Trails Regional Park Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1489) ADOPTED AS RESOLUTION R-298166

Authorizing the City Manager to execute a five-year lease agreement with two five-year options to extend with McKinnon Broadcasting Company for a telecommunications facility at the Cowles Mountain Communication Center, at an initial annual rent of \$6,600.

CITY MANAGER SUPPORTING INFORMATION:

McKinnon Broadcasting Company, KUSI-TV Channel 9, is requesting a lease for the operation and maintenance of a communications facility at the City/County Cowles Mountain Communications Center. It consists of one (1) "half " or "short" rack space and two (2) two-foot dish antennas both attached to a pole on the side of the two story "County" building at the

communications center. McKinnon requires use of this site to relay their signal from their studios to the main broadcasting facility. McKinnon Broadcasting Company has had a rental agreement with the City since December 1997 and has proved to be a reliable tenant.

BASIC TERMS of the agreement are as follows:

USE - Installation, maintenance, and operation of a communications facility.

TERM - Five (5) years, with two 5-year options to extend.

GROUND RENT - Rent is \$6,600 annually (\$550 per month) with annual 5% rent increases and reappraisal every five years. This value is based on a pricing matrix for this particular site determined by an independent fee appraisal dated January 27, 2003. The established rent for a half rack space is \$360 plus \$95 for each of the two 2' dish antennas producing a total monthly rent of \$550.

PRIOR APPROVALS:

Mission Trails Regional Park Citizen's Advisory Committee
Mission Trails Regional Park Task Force
Park and Recreation Department
Information Technology and Communications Department
Development Services Department
San Diego County Board of Supervisors

FISCAL IMPACT:

The City will receive \$6,600 in the first year of the lease with 5% annual rent increases thereafter. Rental Proceeds generated will be credited to the Mission Trails Regional Park Fund 10580.

Herring/Griffith/JPA

FILE LOCATION: LEAS-McKinnon Broadcasting Company

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-102: Temporary Detour of Carmel Valley Road.

(Pacific Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1509) ADOPTED AS RESOLUTION R-298163

Authorizing the City Manager to execute a Temporary Access Agreement with Pardee Construction Company, for the operation of a temporary street, open to the public for vehicular traffic while Carmel Valley Road is being constructed.

CITY MANAGER SUPPORTING INFORMATION:

Concurrent with the construction of State Route 56, the adjacent street network in the Pacific Highlands and Torrey Highlands Communities are undergoing extensive realignment and widening in order to accommodate the growth in these and adjacent communities. Carmel Valley Road, which currently is a two lane road, is planned to be realigned and widened to a four-lane road by the Pardee Construction Company as part of their development in Pacific Highlands. In order for this to occur, existing Carmel Valley Road will need to be put out-of-service in order to construct utilities; creating the need for a temporary detour road. This work is also critical to the July 2004 opening of State Route 56 as it will provide for a detour when Carmel Valley Road from Camino Santa Fe to Carmel Country Road is closed to allow for the construction of the north half of SR-56 where it meets Carmel Valley.

The sequencing of this is as follows: Sequence 1 (current condition): Carmel Valley Road continues to be the primary east/west roadway connection while SR-56 is being constructed. This includes the construction of the south half of SR-56 where it connects to Carmel Valley. Sequence 2: Construct and utilize a temporary roadway (detour) on Pardee property and reconstruct Carmel Valley Road/Camino Santa Fe in the area of the current roadway. Sequence 3: Open State Route 56. Close Carmel Valley Road where it connects to existing SR-56 in Carmel Valley. This allows for the north half of SR-56 in this area to be constructed. Sequence 4: Both north and south half of SR-56 are completed and open to traffic.

This agreement is necessary in order to Pardee not to assume any liability for allowing the use of a temporary public road on their property.

FISCAL IMPACT:

None.

Loveland/Belock

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-103: Agreement for Biological Consulting Services for the Metropolitan Wastewater Department.

(See memorandum from Scott Tulloch dated 5/21/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-44) ADOPTED AS RESOLUTION R-298167

Authorizing the City Manager to execute an Agreement for Biological Consulting Services with Merkel and Associates, Inc. (Agreement) to perform biological consulting 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 \$1,000,000 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;

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 5/28/2003, 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 Merkel & Associates, Inc. to provide biological consulting services for the Metropolitan Wastewater Department (MWWD) for a duration of three years and at a not-to-exceed amount of \$1,000,000. MWWD's current contract for biological services is nearing completion and a continued need for biological services in support of the department is required. MWWD advertised and requested proposals for the 2004-2006 Biological Services contract in January 2003. Four proposals were received. A selection committee in compliance with City Council Policy 300-7 was convened. All four companies were short listed and all gave presentations in April 2003. Merkel & Associates, Inc., a privately owned California corporation, was chosen as the most qualified firm.

The biological services consultant will work with MWWD to implement the City's sewer inspection, cleaning, televising, maintenance, and rehabilitation program in an effort to meet the Council's goal of reducing the number of sewer spills and releases to public waters by 25%, improving water quality, and reducing beach closings by 50%, and to comply with the Environmental Protection Agency's Administrative Order. In particular, MWWD's ongoing sewer cleaning program is focused on cleaning over 250 miles of sewer pipelines located in 263 canyons and other sensitive areas. Access for maintenance in these environmentally sensitive areas is often limited, requiring the need for biological expertise to help minimize or avoid impacts to sensitive habitats.

Work to be performed requires biological regulatory expertise to ensure that MWWD complies with the California Environmental Quality Act (CEQA), the Clean Water Act, Endangered Species Act, as well as other applicable federal, state, and local environmental regulations. The biological consultant will provide full biological technical support for operations and maintenance activities, canyon sewer redirection of flow studies, and assist with other ongoing Capital Improvement Projects. MWWD anticipates ongoing needs for general and species specific biological surveys, most which require the possession of specialty licenses such as gnatcatcher, least Bell's vireo, and Quino Checkerspon Butterfly expertise. Other tasks anticipated include preparation of biological impact reports; preparation of mitigation, monitoring, and reporting programs (MMRP's); revegetation and habitat restoration plans and specifications; preparation of preliminary biological constraints analyses and reports;

construction monitoring; and GIS mapping.

The use of a Biological Consultant affords MWWDD the ability to have access to licensed specialists on an as-needed basis, which allows a cost-effective, timely, and flexible approach in meeting any regulatory requirements.

FISCAL IMPACT:

\$1,000,000 in total for Fiscal Years 2004-2006 from Funds 41506, 41508, and 41509.

Mendes/Tulloch/CME

Aud. Cert. 2400022.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-104: Modification and Extension of Curbside Recyclable Material Processing Contract.

(See City Manager Report CMR-03-086.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1213) ADOPTED AS RESOLUTION R-298168

Authorizing the City Manager to execute a Second Amendment to the Agreement between the City of San Diego and IMS Recycling Services and Allan Company, for Processing, Transporting and Marketing Commingled Curbside Recyclables (Second Amendment), in the form of the Second Amendment;

Declaring that the revenue received under the Second Amendment shall be deposited into Recycling Fund No. 41210.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/30/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-105: Homeland Security Funding and Strategy.

(See City Manager Report CMR-03-110.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1507) ADOPTED AS RESOLUTION R-298193,
WITH DIRECTIONS

Authorizing the City Manager to direct staff to draft correspondence to both the Department of Homeland Security Director and California Governor expressing the following: a) opposition to passing Homeland Security funds through intermediary levels of government; b) eliminating or minimizing the percentage of funding withheld at the state or county level; c) adding criteria that emphasizes population centers or potential high threat areas; and d) adding flexibility to the guidelines that allow funding to be used for personnel and overtime expenses associated with planning, training, and exercising.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 6/4/2003, RULES voted 5 to 0 to accept the City Manager's recommendations to: Direct staff to draft correspondence to both the Department of Homeland Security Director and California

Governor expressing the following: a) Opposition to passing Homeland Security funds through intermediary levels of government, b) eliminating or minimizing the percentage of funding withheld at the state or county level, c) adding criteria that emphasizes population centers or potential high threat areas, d) adding flexibility to the guidelines that allow funding to be used for personnel and overtime expenses associated with planning, training, and exercising.

The City Manager and City Attorney were asked to report back on the status of the funding and the Joint Powers Authority. (Councilmembers Peters, Maienschein, Madaffer, Inzunza and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:52 p.m. - 2:56 p.m.)

MOTION BY ATKINS TO ADOPT WITH DIRECTION TO THE CITY MANAGER TO EVALUATE THE PROPOSAL OF A REGION-WIDE PLAN WHICH WOULD INCLUDE ALL OF THE UNINCORPORATED AREAS AND OTHER CITIES THAT ARE PART OF THE 18-CITY REGION, WITH THE CITY OF SAN DIEGO HAVING A PARTNERSHIP FOR THE ACCRUAL OF FUNDS THAT WOULD BENEFIT THE CITY.

ACCEPT MAYOR MURPHY'S REQUEST THAT THE CITY ATTORNEY, THE CITY MANAGER AND INTERGOVERNMENTAL RELATIONS DETERMINE IF ENABLING LEGISLATION ALLOWS THE CITY TO GO THROUGH SANDAG TO MAKE A CHANGE AND PUT A PLAN IN PLACE. DIRECT THAT THE CITY MANAGER THEN REPORT BACK TO THE CITY COUNCIL WITH HIS FINDINGS FOR THE NEED TO DEVELOP TANGIBLE CRITERIA FOR OBTAINING NEEDED FUNDS FOR THE CITY, THE BORDER CITIES AND THE MILITARY COMMUNITY. 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-106: Ski Beach Parking & Boat Ramp Improvements Phase II - Boat Dock Upgrade.

(Mission Bay Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1502) ADOPTED AS RESOLUTION R-298169

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$255,600 from CIP-20-013.0, Park & Recreation Grant Match Funding to CIP-21-857.3, Ski Beach Parking & Boat Ramp Improvements;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$255,600 from CIP-21-857.3, Ski Beach Parking & Boat Ramp Improvements Phase II - Boat Dock Upgrade, for the construction of this project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds necessary for expenditure 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.

Subitem-B: (R-2003-1510) ADOPTED AS RESOLUTION R-298170

Declaring that the information contained in Mitigated Negative Declaration LDR-96-7561, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the Ski Beach Parking & Boat Ramp Improvements Phase II - Boat Dock Upgrade, in the community of Mission Bay, to comply with the American with Disabilities Act (ADA) requirements;

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.

CITY MANAGER SUPPORTING INFORMATION:

The project is located on Vacation Isle, east of Ingraham Street in Mission Bay Regional Park. The proposed project includes removing and replacing the existing boat dock. The boat dock will be made accessible, to comply with accessibility requirements. The design of the boat dock was presented and approved by the Sub Committee for Removal of Access Barriers (SCRAB).

This project is in accordance with the Mission Bay Park Master Plan.

Ski Beach Boat Ramp and Parking Improvements - Phase I has been completed. However, to comply with Americans with Disabilities Act requirements, the scope of the Ski Beach Parking and Boat Ramp Improvements project has been expanded to include the boat dock upgrade. A portion of the funding, \$130,000 was previously authorized for Ski Beach Boat Ramp and Parking Improvements Phase II - Boat Dock Upgrade. This request for the \$255,600 completes the total estimated cost, \$385,600, associated with the work required to complete the Phase II Boat Dock Upgrade.

FISCAL IMPACT:

The estimated cost for Phase II of the project is \$385,600. Funds are available in CIP-21-857.3, Ski Beach Parking and Boat Ramp Improvements project, Fund No. 38191 (\$130,000), and CIP-20-013.0, Park & Recreation Grant Match Funding, Fund No. 102244 (\$255,600) for this purpose.

Loveland/Belock/AO

Aud. Cert. 2301273.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-107: Transfer of Funds - South Belmont Park Comfort Station.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1508) ADOPTED AS RESOLUTION R-298171

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$75,000 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements to CIP-29-472.0, South Belmont Park Comfort Station;
Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$75,000 from CIP-29-472.0, South Belmont Park Comfort Station, to supplement funding previously authorized to cover construction related costs, art work and to close out the project;

Authorizing the City Auditor and Comptroller, upon advice from the Engineering and Capital Projects Department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The South Belmont Park Comfort Station is located at Belmont Park; south of the plunge in the Community of Mission Bay and Mission Beach. The facility includes the following: in the women side's restroom - fourteen water closets, four lavatories; in the men's restroom - one trough urinal, five urinals, six water closets, four lavatories; two family stalls; two shower towers with foot rinse; one accessible shower station with bench; hi-lo drinking fountain; four sinks and an electrical/maintenance room. This comfort station is the largest public facility in the area, accommodating locals and visitors to the park.

This request is to cover the related cost overrun due to additional work for repairing and replacing vandalized items, to correct a drainage problem around the station, to install art work, and to close out the project.

FISCAL IMPACT:

The estimated cost is \$905,000 of which \$830,000 has been previously authorized. The additional \$75,000 is available in CIP-21-834.0, Fund No. 102244.

Loveland/Belock/AO

Aud. Cert. 2301286.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-108: Reprogramming of District Four CDBG Funds.

(Skyline Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1142) ADOPTED AS RESOLUTION R-298172

Authorizing the reprogramming of Council District 4 Community Development Block Grant (CDBG) Funds in the amount of \$493,824 from FY 2002 Martin Luther King (4th District) Seniors Resource Center Fund 18537 (4233/3321), and \$436,590 from FY 2003 Martin Luther King (4th District) Seniors Resource Center Fund 18538 (4253/5306), for a total of \$930,414 to FY 2003 District 4 Reserves Fund (4266/6604).

CITY MANAGER SUPPORTING INFORMATION:

In fiscal years 2002 and 2003, Council District 4 allocated a total of \$1,192,614 of Community Development Block Grant Funds (CDBG) to the Martin Luther King (Fourth District) Seniors Resource Center to be constructed in Martin Luther King, Jr. (MLK) Park in the Skyline Community.

In September 2002, the City of San Diego applied for a HUD Section 108 Loan that includes \$3,000,000 for this Seniors Resource Center. An additional \$863,550 was made available from State Grants for this project. The total cost of the project is estimated at \$4,125,750.

As a result, \$930,414 is now available to be reprogrammed from the Seniors Resource Center project to Council District 4 reserves for other CDBG eligible priorities.

The Martin Luther King Seniors Resource Center Project will still be fully funded after the \$930,414 is transferred to the reserves. The estimated center opening is Summer of 2004.

FISCAL IMPACT:

Funds are available from the Community Development Block Grant Program.

Herring/Cunningham/ELL

Aud. Cert. 2301237.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-109: Vehicle Donation to Metro Arson Strike Team.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-39) ADOPTED AS RESOLUTION R-298173

Authorizing the City Manager to accept the donation of one 1998 Ford Expedition from L.L. Applied Restoration Services, Inc., to be used by the San Diego Fire-Rescue Department Metro Arson Strike Team K9 Response Unit;

Declaring that the City Council expresses its thanks and gratitude for such display of civic generosity.

CITY MANAGER SUPPORTING INFORMATION:

L. L. Applied Restoration Services, Inc., seeks to donate a 1998 Ford Expedition vehicle to the San Diego Fire-Rescue Department Metro Arson Strike Team (MAST). The vehicle will be used solely by the MAST K9 Response Unit. The vehicle will replace a Jeep Cherokee which no longer provides adequate security for the canine assigned to the unit or adequate storage for equipment required for the use of the assigned investigator.

L. L. Applied Restoration Services, Inc., which is located at 630 National City Blvd. in National City, does business throughout San Diego, Orange, Los Angeles, Riverside and San Bernardino Counties, but does not do business with the City of San Diego or any other municipal organization.

FISCAL IMPACT:

No additional funding is required for the placement of this vehicle into service in the Fire-Rescue Department. Maintenance will be provided via the Fire-Rescue Department's repair facility.

Ewell/Bowman/FW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-110: Authorizing Additional Funding for Sewer Pump Station 30A Alternative.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1483) ADOPTED AS RESOLUTION R-298192

Authorizing the City Manager to expend an additional amount not to exceed \$230,000 from Fund No. 41506, CIP-46-200.0, Sewer Pump Station 30A Alternative, for the completion of the acquisition of property rights required for the Pump Station 30A Alternative project;

Authorizing the transfer of \$200,000 from Sewer Fund 41506, CIP-46-195.0, Belt Street Trunk Sewer to Sewer Fund 41506, CIP-46-200.0, Sewer Pump Station 30A.

CITY MANAGER SUPPORTING INFORMATION:

By Resolution R-295841, adopted December 10, 2001, Council authorized the expenditure of \$700,000 from Fund 41506, CIP-46-200.0, Sewer Pump Station 30A Alternative, for the acquisition of required property rights. In addition, on September 24, 2002, Council adopted Resolution R-297114, authorizing the filing of eminent domain proceedings.

Subsequent to these original authorizations, property rights expenses have increased, including the costs associated with initiation of the eminent domain proceedings, as well as increased labor costs. Therefore, additional funding is needed to complete the acquisition of the property rights. This action will approve an additional \$230,000 from Fund 41506, CIP-46-200.0, Sewer Pump Station 30A, to supplement funds originally approved on December 10, 2001. The total cost for the acquisition phase of the project will be \$930,000.

FISCAL IMPACT:

Funds in the amount of \$230,000 are available in Fund 41506, Sewer Pump Station 30A Alternative, CIP-46-200.0; the \$230,000 will supplement funds previously authorized by Resolution R-295841, adopted 12/10/2001.

Herring/Griffith/SLG

Aud. Cert. 2301266.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-111: Memorandum of Understanding with MTDB Regarding Project Review Procedures.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-58) ADOPTED AS RESOLUTION R-298174

Authorizing the City Manager to execute a Memorandum of Understanding between the City of San Diego and the San Diego Metropolitan Transit Development Board for Project Review Procedures (MOU).

CITY MANAGER SUPPORTING INFORMATION:

This action enters into an MOU with MTDB for City review of MTDB projects. MTDB, as a rapid transit district with a Board comprised of local elected officials, and is exempt from local agency building and zoning regulations pursuant to California Government Code Sections 53090 and 53091. Thus, MTDB does not need to obtain permits or plan approval from local agencies such as the City of San Diego for its construction projects. However, many MTDB projects affect City infrastructure and facilities that will return to City jurisdiction after the project is completed. Thus, it is in both agencies' interests that the City reviews MTDB plans to ensure that the facilities are constructed to standards that the City will accept.

The MOU establishes a procedure for plan review and construction inspection by City staff of City infrastructure affected by MTDB projects. The MOU serves the City 's interests by requiring MTDB to design and construct City infrastructure affected by MTDB projects to meet current City standards at MTDB's cost. For each project, MTDB must establish deposit accounts to compensate the City for staff time spent on the project. After construction, MTDB must submit to the City as-built drawings of affected City infrastructure. The City's role as a reviewing agency in environmental review of MTDB projects is unchanged, as well as the City's role as a permitting and enforcing agency for duties assigned to the City by the State or Federal governments.

As the result of recent State legislation, MTDB's planning and engineering functions will be merged with SANDAG into a consolidated agency. The consolidated agency is also exempt from local regulations, and will be the successor agency to this MOU when the affected MTDB functions transfer.

FISCAL IMPACT:

None with this action.

Ewell/Goldberg/SPC

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:57 p.m. - 2:57 p.m.)

MOTION BY FRYE 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-112: Excusing Councilmember Zucchet from Land Use & Housing Committee Meeting on Wednesday, June 4, 2003.

COUNCILMEMBER ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1501) ADOPTED AS RESOLUTION R-298175

Excusing Councilmember Michael Zucchet from attending the regularly scheduled Land Use & Housing Committee meeting of June 4, 2003.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-113: Appointments and Reappointments to the International Affairs Board.

(See memorandum from Mayor Murphy dated 7/1/2003 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-64) ADOPTED AS RESOLUTION R-298176

Council confirmation of the following appointments and reappointments by the

Mayor, to serve as members of the International Affairs Board, for terms ending March 1, 2005:

Reappointments

Ernest "Mike" Choi
Jacqueline S. Corey
Joseph J. Darby
Anthony D. Samson
Linda Bejerano Stepp

Appointments

Lance Abbott, replacing Randall Phillips, whose term has expired.
Wendy Gillespie, replacing Maryann Rosenthal, whose term has expired.
Jeffrey S. Lowe, replacing Stan C. Chu, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-114: Revision of Appointments to the Metropolitan Transit Development Board.

(See memorandum from Mayor Murphy dated 6/25/2003.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-70) ADOPTED AS RESOLUTION R-298177

Confirming the following revision of appointments by the Mayor on the Board of Directors of the City of San Diego/Metropolitan Transit Development Board (MTDB), effective September 1, 2003:

Toni Atkins - Representative, Executive Committee (replacing Scott Peters)

Brian Maienschein - Representative, Taxi Cab Committee (no change)
Charles Lewis - Representative (no change)

Michael Zucchet - Representative (formerly an alternate)

Directing the City Clerk to forward a copy of this resolution to MTDB for its information and action.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-115: San Diego Surf Cup Days.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-12 Cor. Copy) ADOPTED AS RESOLUTION R-298178

Proclaiming July 26 through 28, August 2 through 4, and November 28 through 30, 2003 to be "San Diego Surf Cup Days" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-116: Yokohama Sister City Society World Peace Dinner Celebration.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1497) ADOPTED AS RESOLUTION R-298179

Honoring the San Diego Yokohama Sister City Society World Peace Dinner Celebration.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-117: Cancellation of the 2:00 p.m., Wednesday, July 16, 2003, Public Safety and Neighborhood Services Committee Meeting.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-56) ADOPTED AS RESOLUTION R-298180

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2003 through December 31, 2003, to cancel the Public Safety and Neighborhood Services Committee meeting of Wednesday, July 16, 2003, at 2:00 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-118: 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-2003-1431) ADOPTED AS RESOLUTION R-298181

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: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-119: 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-2003-810)

ADOPTED AS RESOLUTION R-298182

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: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO AND 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-120: 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-2003-1218)

ADOPTED AS RESOLUTION R-298183

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 Hapatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. 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-121: 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-2003-1425) ADOPTED AS RESOLUTION R-298184

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

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-150: Prevailing Wage Requirements for City Projects.

(See City Manager Report CMR-03-111; letter from Douglas F. Manchester dated 6/2/2003; letter from James Ryan dated 5/1/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1505) ADOPTED AS AMENDED AS RESOLUTION R-298185

Declaring that the Council generally finds and determines that requiring the payment of prevailing wages on the City's public works municipal affair projects with an estimated value of over ten million dollars, including prevailing wages, can result in the following benefits: stimulation of market place competition; ensuring that contractors compete on an even playing field; providing a cost benefit to the public by ensuring the project will be adequately built by a skilled labor force; preventing the waste of public funds; minimizing the chance of further expenditure of funds for premature reparations due to use of unskilled labor; and that the public benefit from requiring prevailing wages on such projects can outweigh any potential increase in costs;

Rescinding Council Resolution No. R-251555;

Directing the City Manager to advertise and include a specification requiring compliance with the State's prevailing wage laws on all City public works municipal affair water and/or sewer fund projects, including design-build projects, when the engineer's estimate for the construction of the project exceeds ten million dollars (Water and/or Sewer Fund Projects);

Declaring that on a project-by-project basis, the City Council will determine, based on the evidence in the records, whether a Water and/or Sewer Fund Project will be awarded subject to the State's prevailing wage requirements;

Declaring that all other City public works projects shall include a prevailing wage specification only on jobs of state concern and/or when required by federal or state grants.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 6/4/2003, RULES voted 5 to 0 to:

- A. Require prevailing wages only on water and sewer projects over \$10 million subject to the City Council making the requisite findings on each project; and

- B. Direct staff to attend the Department of Industrial Relations meeting of June 6, 2003, to testify against applying prevailing wages to off-site fabrication.

(Councilmembers Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. - 4:22 p.m.)

MOTION BY INZUNZA TO ADOPT AS AMENDED TO DECLARE THAT PREVAILING WAGES WILL BE PAID ON THE CITY'S SEWER AND WATER PUBLIC WORKS PROJECTS, WHICH ARE MUNICIPAL AFFAIRS PROJECTS, WITH AN ESTIMATED VALUE OF OVER \$10 MILLION, AND TO DIRECT THE CITY MANAGER TO BRING THESE PROJECTS ON A CASE-BY-CASE BASIS TO THE CITY COUNCIL TO MAKE THE REQUISITE FINDINGS OF ECONOMIC BENEFIT.

ACCEPT COUNCIL MEMBER PETERS' RECOMMENDATION THAT IN ORDER TO AVOID BEING SUBJECT TO OFF-SITE FABRICATION RULES, DIRECT THE CITY MANAGER TO IDENTIFY PROVISIONS OF THE STATE PREVAILING WAGE LAW AND PROCEDURES WHICH THE CITY WOULD APPLY TO ITS MUNICIPAL AFFAIRS, SEWER AND WATER PROJECTS WITH AN ESTIMATED VALUE IN EXCESS OF \$10 MILLION AND SET THAT FORTH IN AN ADMINISTRATIVE REGULATION. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

- ITEM-151: Two actions related to Inviting Bids and Award of Contract for Alvarado Water Treatment Plant (WTP) Upgrade and Expansion - Phase II.

(See memorandum from Larry Gardner dated 4/22/2003; and memorandum from City Attorney Girard dated 4/17/2003, this was not available at Committee. Navajo Community Area. District-7.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-1295 Cor. Copy) ADOPTED AS RESOLUTION R-298186

Approving the plans and specifications for the construction of Alvarado Water Treatment Plant (WTP) Upgrade and Expansion - Phase II (Project) on Work Order No. 185001;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$44,000,000, contingent upon the passage of the FY 2004 Capital Improvement Program and Appropriations Ordinance Budgets, and 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 \$46,152,639 from Water Fund 41500, CIP-73-261.3 (Alvarado WTP Upgrade and Expansion - Phase II), and an amount not to exceed \$4,400,000 from Water Fund 41500, CIP-73-331.0 (Water Pooled Contingency), solely and exclusively for the purpose of providing funds for the Project and related costs, contingent upon the passage of the FY 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 necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K03492C)

Subitem-B: (R-2003-1296 Cor. Copy) ADOPTED AS RESOLUTION R-298187

Certifying that the Addendum to an Environmental Impact Report (EIR), LDR-40-0385 (Addendum to EIR-88-0459, SCH-92121051), has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the Addendum reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Addendum, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the construction of the Alvarado Water Treatment Plant Upgrade and Expansion - Phase II;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/30/2003, NR&C voted 4 to 1 to advertise this project as a prevailing wage project. (Councilmembers Zucchet, Lewis, Frye, and Inzunza voted yea. Councilmember Madaffer voted nay.)

SUPPORTING INFORMATION:

The Alvarado Water Treatment Plant (AWTP) Upgrade and Expansion Project, as defined in the Water Department's Capital Improvements Program approved by City Council in August of 1997, is structured to occur in three (3) overlapping phases (I, IA, and II).

Phase I construction, which is nearing completion, addressed amendments to the federal government's Safe Drinking Water Act and increased plant production from 120 million gallons/day (mgd) to 150 mgd. Phase IA (Earl Thomas Reservoir) recently began construction which is expected to be completed in 2005. This project removes and replaces the existing 35 million gallon reservoir which was suffering from serious structural deficiencies and operational limitations.

Phase II construction is the subject of two (2) California Department of Health compliance orders: No. 33, which requires the City to open bids for the work prior to June 1, 2003; and No. 34 which requires that the City begin construction of the work by October 1, 2003. This project will expand the production capacity of AWTP from 150 mgd to 200 mgd through the construction of additional flocculation and sedimentation basins. Phase II work also includes the rehabilitation of existing flocculation sedimentation basins, construction of the Earl Thomas Reservoir overflow facilities, building a retaining wall to support the existing flocculation and sedimentation basins, adding an access road around the new facilities, and constructing the water ozonation facility (Note: the equipment purchase and installation associated with the ozone facilities is not part of this contract. The equipment is scheduled to be purchased and installed at a later date so as to coincide with the purchase and installation of ozone facilities at Miramar Water Treatment Plant).

Construction for Phase II is estimated to cost \$44,000,000. Work is scheduled to begin in the fall of 2003 and to be completed in the fall of 2008. Following the completion of all three (3) major construction phases and the installation of the ozone equipment, a minor contract will be let to address the entire site's landscaping, drainage and paving concerns. The Water Department's successful public outreach program which has proven so effective on Phases I and IA will be

used again throughout Phase II to communicate and coordinate construction impacts with the neighboring communities.

On April 30, 2003, NR&C voted 4-1 to direct staff to advertise this Project as a prevailing wage project. If City Council desires this project to be awarded as a prevailing wage project, then Council must make the necessary findings as described in the City Attorney 's Memorandum to the Honorable Mayor and Council dated April 17, 2003 (which addressed prevailing wage on the Miramar project). The City Council must also waive Resolution R-251555.

FISCAL IMPACT:

The total estimated cost of this project is \$77,246,414, of which \$26,693,775 was previously authorized. This prevailing wages project will be phase funded in Fiscal Years 2004 thru 2008. Funding for the Project is available from Water Fund 41500, CIP-73-261.3, Alvarado WTP Upgrade and Expansion - Phase II.

Mendes/Gardner/JOP

FILE LOCATION: SUBITEMS A & B: CONT - Archer Western Contr., Ltd.;
W.O. 185001

COUNCIL ACTION: (Time duration: 4:23 p.m. - 4:23 p.m.)

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

ITEM-152: Inviting Bids and Award of Contract and Additional Funding for Miramar Water Treatment Plan Upgrade and Expansion - Contract A.

(See memorandum from Larry Gardner dated 1/28/2003. Scripps Miramar Ranch Community Area.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1499 Cor. Copy) ADOPTED AS RESOLUTION R-298188

Authorizing the City Manager to establish contracting funding phases for Miramar Water Treatment Plant Upgrade and Expansion - Contract A (Project) and to award the phase-funded Project contract to Western Summit Constructors, Inc., in an amount not to exceed \$81,352,723, contingent upon the passage of the FY 2004 Capital Improvements Program and Appropriation Ordinance budgets, and 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 additional expenditure of an amount not to exceed \$6,658,271, for the purpose of providing funds for the Project and related costs as follows: a \$9,067,279 increase in Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade & Expansion, and a \$2,409,008 decrease in Water Fund 41500, CIP-73-331.0, Annual Allocation - Water Pooled Contingency, contingent upon the passage of the FY2004 Capital Improvements 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 Funding Phase No. 1 of the Project Contract, contingent upon the passage of the FY 2004 Capital Improvements 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.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/5/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

The prevailing wage requirement was added by the City Council on April 21, 2003. (Peters-not present, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.)

SUPPORTING INFORMATION:

As a part of the Water Department Capital Improvement Program, the Miramar Water Treatment Plant (WTP) is scheduled for expansion from the current capacity of 140 million gallons per day (MGD) to 215 MGD to meet the water demand of its service area. In addition to increasing treatment capacity the facility will upgrade the treatment processes. This will improve operation and maintenance at the facility, and will meet the new drinking water standards set by the U. S. Environmental Protection Agency per California Department of Health Services (DHS) Compliance Order # SDHS CO 87 and 88. This contract must be completed by June 2008 according to DHS Compliance Order.

Contract A represents the first of four components of the Miramar WTP Upgrade & Expansion project. It consists of construction of new overflow, rapid mix and splitter box facilities, pre-ozonation and de-aeration facilities, demolition of flocculation/sedimentation basin number 4, structural and mechanical modifications to flocculation/sedimentation basins numbers 1 and 2, construction of ozone facilities, twelve (12) high rate filters, bulk chemical storage facilities, chemical feed facilities, chlorine facilities, a new administration building, main switchgear building, emergency generator and clearwell inlet structure and bridging the controls between the existing and new control stations.

The award and expenditure of funds for Contract A was approved by the City Council on April 21, 2003 (R-2003-869). The City Council also voted to apply prevailing wages to the Miramar WTP Upgrade & Expansion - Contract A project. The project estimate was \$72,901,703 at the time the City Council authorized award and expenditure of funds.

Prevailing wages are specific in setting minimum hourly rates, predetermined by Federal or State government, that must be paid to construction workers on public works projects. Prevailing wages also stipulate fringe benefit amounts for health insurance, pension, vacation and holiday time off.

At the bid opening on May 14, six contractors bid on this project. The first apparent low bidder is Western Summit Constructors, Inc. at \$81,352,723. The requirement for prevailing wages, high bidding environment and additional scope are some of the factors in the increase in cost from the engineer's estimate.

The requested action is to award the construction contract to Western Summit Constructors, Inc. and to authorize additional funding. Staff believes that rebidding the project will not result in a lower bid and any delays will have a significant impact to the project.

The prevailing wage requirement was added by the City Council after the project was approved at NR&C on February 5, 2003.

FISCAL IMPACT:

The total cost of this project is \$115,890,267 of which \$109,231,996 has been previously authorized. Funding of \$6,658,271 will be budgeted in FY04 through FY07.

Mendes/Gardner/MM

Aud. Cert. 2400019.

FILE LOCATION: CONT-Western Summit Constructors, Inc.

COUNCIL ACTION: (Time duration: 4:23 p.m. - 4:23 p.m.)

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

ITEM-250: Notice of Pending Final Map Approval - Point Carmel.

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 "Point Carmel" (T.M. 99-0806), a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is located in the Carmel Valley Community Plan Area, northeasterly of Del Mar Heights Road and Carmel Country Road 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-251: Notice of Pending Final Map Approval - Fairbanks Summit 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 "Fairbanks Summit II", T.M. 41-0480, 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, northeasterly of Carmel Valley Road 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 - Cambridge Square.

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 "Cambridge Square", T.M. 96-7749, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is located in the Uptown Community Plan Area, northeasterly of Third Avenue and Nutmeg Street in Council District 2. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-253: Notice of Pending Final Map Approval - Torrey Ranch.

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 Ranch", T.M. 7497, located in the Torrey Highlands Community Plan Area northwesterly of Torrey Meadows Drive and Camino Ruiz in Council District 1, a copy of which is available for public viewing at the office of the San Diego City Clerk. 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-254: Settlement of Property Damage Claim of Jaime and Connie Espinosa.

(R-2003-1487) Tb(CACTION Tb)

Adopted as Resolution R-298107.

A Resolution approved by the City Council in Closed Session on Tuesday, June 17, 2003, by the following vote: Peters-not present; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-not present; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$53,223.26 in complete settlement of each and every claim against the City, its agents and employees, resulting from property damage claim of Jaime and Connie Espinosa on December 8, 2002 (Claim File No. LP03-7773-1436);

Authorizing the City Auditor and Comptroller to issue one check in the amount of

\$41,589.76 made payable to Luth & Turley, Inc., in full settlement of all claims.

Aud. Cert. 2301484.

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

ITEM-255: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

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

SUBDIVISION

Valencia Business Park

COMMUNITY AREA

Valencia Park

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

ITEM-S400: Adrian S. Kwiatkowski Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-94) ADOPTED AS RESOLUTION R-298189

Declaring July 19, 2003 to be "Adrian S. Kwiatkowski Day" in the City of San Diego in honor of Adrian and his service to his community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:39 p.m.)

MOTION BY PETERS 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-S401: The Buffalo Soldiers Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-99) ADOPTED AS RESOLUTION R-298190

Honoring the unsurpassed courage and patriotism of the Buffalo Soldiers of the 9th
and 10th Cavalries;

Proclaiming July 14, 2003 to be "The Buffalo Soldiers Day" in the City of San
Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. - 2:45 p.m.)

MOTION BY LEWIS 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-S402: Amendment to Human Dignity Ordinance.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Introduce the following ordinance:

(O-2003-159 Cor. Copy) INTRODUCED, TO BE ADOPTED MONDAY,
JULY 28, 2003

Introduction of an Ordinance amending Chapter 5, Article 2, Division 96 of the San Diego Municipal Code by amending Sections 52.9601, 52.9602, 52.9603, 52.9604, 52.9605, 52.9606, and 52.9607, all relating to Discrimination Based on Sexual Orientation.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. 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-S403: Carmel Valley Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-95) ADOPTED AS RESOLUTION R-298191

Proclaiming July 20, 2003 to be "Carmel Valley Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:51 p.m.)

CONSENT MOTION BY MADAFFER 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-S404: REFERRED TO CLOSED SESSION ON TUESDAY, JULY 15, 2003

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

Property: Qualcomm Stadium

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

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.

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

Mayor Murphy closed the Hearing

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:03 p.m. - 3:05 p.m.)

