

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 20, 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 2:08 p.m. Mayor Murphy recessed the meeting at 2:59 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 3:10 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:18 p.m. for the purpose of a break. The meeting was reconvened at 4:42 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 5:22 p.m. into Closed Session on Tuesday, October 21, 2003, at 9:00 a.m. in the 12th floor conference room to discuss anticipated and existing 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/Maland/Lane (gs)

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 Wayne Riggs of Plymouth
Congregational Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Casey Gwinn.

FILE LOCATION: MINUTES

ITEM-30: San Diego Innovation and Investment Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-410) ADOPTED AS RESOLUTION R-298494

Recognizing the support of businesses, industry, and people in our community for innovation and ideas that are essential for San Diego's continued economic success;

Proclaiming October 2003 to be "San Diego Innovation and Investment Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:31 p.m.)

MOTION BY MAIENSCHIN 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-31: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

09/29/2003
09/30/2003

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

MOTION BY PETERS 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: Installation of 2-Hour Metered Parking Zone on Seventh Avenue, Eighth Avenue, and Island Avenue.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-40) INTRODUCED, TO BE ADOPTED, MONDAY,
NOVEMBER 3, 2003

Introduction of an Ordinance establishing a parking time limit of 2 hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, at the following locations:

East side of 7th Avenue, between Market Street and Island Avenue;
West side of 8th Avenue, between Market Street and Island Avenue; and
North side of Island Avenue between 7th Avenue and 8th Avenue;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes two-hour metered time limit parking zones effective 8:00 a.m. to 6:00 p.m., Sundays and certain holidays excepted at the following streets: Seventh Avenue, east side, between Market Street and Island Avenue for nine (9) meters, Eighth Avenue, west side, between Market Street and Island Avenue for eleven (11) meters; Island Avenue, north side, between Seventh Avenue and Eighth Avenue for nine (9) meters.

Centre City Development Corporation (CCDC) the property owner, has petitioned this action. Approval of this action is recommended by the City Staff.

FISCAL IMPACT:

Fiscal impact \$11,600. Funds are budgeted within the Transportation Department, Parking Management Division operating fund. Cost estimate is approximately \$400 per meter housing. Total cost estimate for (29) meters is \$11,600. The anticipated revenues for these meters is \$37,000 annually.

Loveland/Belock/DVW

Aud. Cert. 2400351.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. 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-100: Sewer Pump Station 45 Replacement – Property Acquisition Funding.

(University Community Area. District-1.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-399) ADOPTED AS RESOLUTION R-298495

Authorizing the City Manager to expend an additional amount not to exceed \$80,000 from Fund No. 41506, CIP-46-601.6, Sewer Pump Station 45 Replacement Project, for the acquisition of property rights and related costs, including City staff labor charges, for a total amount not to exceed \$280,000, provided that the City Auditor and Comptroller has first certified that the funds are, or will, be on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, that if the funds expended for acquisition of property rights and related costs are less than \$280,000, upon advice from the administering department, to transfer any remaining funds to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

By Resolution No. 297894, dated April 28, 2003 Council authorized the expenditure of \$200,000 for the acquisition of required property rights in connection with the Sewer Pump Station 45 Replacement Project. Since that date, the size of the easement and temporary construction area requirements have increased, resulting in increased land values, and leading to deficiencies in the authorized funding for this project. Additional funds in the amount of \$80,000 are required in order to bring the funding in balance, and allow for the acquisition of the required property rights. A portion of the additional funds are to be applied toward City staff labor charges from the Real Estate Assets Department.

This action will approve an additional \$80,000 from Fund 41506, CIP-46-601.6, Sewer Pump Station 45, to supplement funds originally approved April 28, 2003. The total cost for the acquisition phase of the project will be \$280,000.

FISCAL IMPACT:

Funds in the amount of \$80,000 are available in Fund 41506, CIP-46-601.6; the \$80,000 will supplement funds previously authorized by Resolution R-297894, adopted 04/28/2003.

Herring/Griffith/SLG

Aud. Cert. 2400390.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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-101: Funding for Otay Library and Rancho Penasquitos Skate Park.

(Rancho Penasquitos and Otay Mesa/Nestor Community Areas. Districts-1 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-404) ADOPTED AS RESOLUTION R-298496

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$200,000 from the Community Development Block Grant Fiscal Year 2002 and 2003 Council District 1 Reserves (\$95,881 from Fund 18537, Dept. 4247, Org. 4701 and \$104,119 from Fund 18538, Dept. 4266, Org. 6601) to the Otay Mesa/Nestor Library (CIP-35-087.0);

Authorizing the City Auditor and Comptroller to transfer \$200,000 from the Otay Mesa/Nestor Library (CIP-35-087.0) CAPOUT funds to the Rancho Penasquitos Skate Park Project (CIP-29-516.0);

Authorizing an increase of \$200,000 to the Fiscal Year 2004 Capital Improvements Program in CIP-29-516.0, Rancho Penasquitos Skate Park Capital Outlay Fund 30245;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Rancho Penasquitos Skate Park (CIP-29-516.0) will provide an approximately 20,000-square-foot skate park facility with supporting amenities, restroom, supervisor's office, parking, and landscaping on City-owned property at Carmel Mountain Road and Freeport Road.

FISCAL IMPACT:

This action will authorize an allocation of \$200,000 from Council District 1's CDBG Reserve Funds to the Otay Mesa/Nestor Library (CIP-35-087.0). In addition, this action will transfer \$200,000 from the Otay Mesa/Nestor Library (CIP-35-087.0) CAPOUT funds to the Rancho Penasquitos Skate Park (CIP-29-516.0).

Herring/Cunningham/ACP.

Aud. Cert. 2400395.

FILE LOCATION: CONT – Don Kelley Construction, Inc.; W.O. 174931

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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-102: Reprogramming of Districts 2, 3, 4, 7, and 8 CDBG Funds.

(Districts-2, 3, 4, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-371) ADOPTED AS RESOLUTION R-298497

Authorizing the City Manager to reprogram an amount not to exceed \$1,118,009.45 from HUD 108 loan repayment accounts to Council District Reserve Accounts as follows:

\$183,093.17 from Fund 18539, Dept. 4285, Org. 8511 (Section 108 Loan Repayment for the Ocean Beach Library Project) to Fund 18539, Dept. 4286, Org. 8602 (Council District 2 Reserves);

\$357,734.68 from Fund 18539, Dept. 4285, Org. 8503 (Section 108 Loan Repayment for the District 3 Public Improvement Project) to Fund 18539, Dept. 4286, Org. 8603 (Council District 3 Reserves);

\$240,494.08 from Fund 18539, Dept. 4285, Org. 8502 (Section 108 Loan Repayment for the College Heights/Rolando Library) to Fund 18539, Dept. 4286, Org. 8607 (Council District 7 Reserves);

\$259,687.52 from Fund 18539, Dept. 4285, Org. 8508 (Section 108 Loan Repayment for the Logan Heights Library) to Fund 18539, Dept. 4286, Org. 8608 (Council District 8 Reserves);

\$50,000 from Fund 18539, Dept. 4285, Org. 8504 (Section 108 Loan Repayment for the District 4/SEDC proposed loan) to Fund 18539, Dept. 4286, Org. 8604 (Council District 4 Reserves);

\$27,000 from Fund 18539, Dept. 4285, Org. 8506 (Section 108 Loan Repayment for the Golden Hill Community Center proposed loan) to Fund 18539, Dept. 4286, Org. 8608 (Council District 8 Reserves).

CITY MANAGER SUPPORTING INFORMATION:

The City recently received HUD 108 loan proceeds for the Ocean Beach Library, District 3 Public Improvements, College Heights/Rolando Library and the Logan Heights Library. All of the loans were fully funded, with the exception of the Logan Heights Library, which because of project scheduling is being funded in phases. The loans funded total \$9,857,000.

Because the funding date for these HUD Section 108 loans was not known when the 2004 CDBG budget allocations were established, the budget made provisions for a full year payment of both principal and interest for these loans. HUD's public offering and the subsequent funding of these loans occurred on August 7, 2003. Since this is past the established August 1st principal and loan payment due date for HUD guaranteed loans, the only payments due this fiscal year will be for 6 months interest on each loan, due on February 1, 2004. Therefore, the majority of budgeted funds will not be needed this fiscal year for repayment and are available for reprogramming to the respective Council District's CDBG Reserves as indicated in the proposed resolution. Enough money will be left in each repayment account to make the February 1, 2004 interest payments.

In addition to the above, the 2004 CDBG budget reflects estimated repayment amounts which are now known to be more than will be needed for two pending loans: the District 4/SEDC loan (\$3,535,000 authorized by Council on September 10, 2002) and the Golden Hill Community Center loan (\$2,030,000 authorized by Council on July 17, 2000). The District 4/SEDC loan application was submitted to HUD in September 2002 but has not yet been approved. The earliest that funding could be expected is November or December. The transfer of \$50,000 to District 4's Reserve, as recommended by the Manager, will leave \$60,000 in the repayment account which would be sufficient to pay FY 2004 interest, should the loan be funded this year. The Manager has not yet submitted the Golden Hill Community Center loan application because of project uncertainties. With most of the uncertainties resolved. The Manager plans to bring a proposed lease option and a request for authorization to borrow a larger amount than was previously approved to the Council this fall. Submittal of the loan application to HUD will follow. Because of the amount of time needed for HUD review and subsequent processing, no more than \$10,000 will be needed for loan repayment this fiscal year. The Manager is therefore recommending the reprogramming of \$27,000 to District 8's CDBG Reserve Account, leaving \$10,000 available if repayment is required this fiscal year.

SUMMARY OF REPROGRAMMING ACTIONS BY COUNCIL DISTRICT:

District 2: \$183,093.17 from HUD 108 loan repayment to Reserve Account

District 3: \$357,734.68 from HUD 108 loan repayment to Reserve Account

District 4: \$50,000 from HUD 108 loan repayment to Reserve Account

District 7: \$240,494.08 from HUD 108 loan repayment to Reserve Account

District 8: \$286,687.52 from HUD 108 loan repayment to Reserve Account

FISCAL IMPACT:

\$1,118,009.45 transferred from HUD 108 loan repayment accounts to Council District Reserve Accounts.

Herring/Cunningham/ELL

Aud. Cert. 2400384.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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-103: Two actions related to Del Mar Mesa – FY 2004 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-03-196 Rev; Del Mar Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2004; and letter from Paul Metcalf dated 9/18/2003. Del Mar Mesa Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-364) ADOPTED AS RESOLUTION R-298498

Approving the document titled “Del Mar Mesa Public Facilities Plan and Facilities Benefit Assessment, Fiscal Year 2004.”

Subitem-B: (R-2004-365) ADOPTED AS RESOLUTION R-298499

Resolution of Intention to designate an area of benefit in Del Mar Mesa and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/01/2003, LU&H voted 4 to 1, to approve with staff to work on Mr. Metcalf's letter. (Councilmembers Peters, Zucchet, Lewis, and Frye voted yea. Councilmember Atkins not present).

FILE LOCATION: STRT-FB-16 (33)

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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-104: Phase 2 Funding for Kennedy/Jenks – Planning and Design for Specific Canyon Trunk Sewers Group 2.

(See memorandum from Scott Tulloch dated 9/17/2003. Scripps, Miramar, Navajo, and Serra Mesa Community Areas. Districts-6 and 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-400 Cor.) ADOPTED AS RESOLUTION R-298500

Authorizing the expenditure of an amount not to exceed \$776,006 from Fund 41506, for the purpose of funding Phase 2 of the agreement with Kennedy/Jenks Consultants in the following manner:

- \$85,329 from CIP-40-933.0, Annual Allocation Fund MWWD Trunk Sewers for CIP-46-197.7, Mission Village Trunk Sewer
- \$339,693 from CIP-46-197.9, Lake Murray Trunk Sewer in Canyon
- \$350,984 from CIP-46-197.6, USIU Trunk Sewer

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administration department.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/24/2003, NR&C voted 3 to 0 to approve. (Councilmembers Frye, Madaffer, and Inzunza voted yea. Councilmembers Zucchet and Lewis not present.)

SUPPORTING INFORMATION:

This Agreement provides for a Pre-Design Study, replacement/relocation design, geotechnical, environmental engineering, landscaping, and construction support for the Specific Canyon Trunk Sewers Group II (USIU, Lake Murray, and Mission Village Trunk Sewers). A preliminary report prepared by the City of San Diego's (City) Engineering and Program Management Division shows that these trunk sewers have reached their flow capacities and/or are deteriorated and do not meet current City standards for trunk sewers. In compliance with Council Policies 400-13 and 400-14, a redirection of flow studies and cost benefit analysis will be prepared during Design.

Council Resolution R-297031 adopted September 12, 2002 authorized the City Manager to execute an agreement with Kennedy/Jenks Consultants for the planning and design of Specific Canyon Trunk Sewers Group II and authorized the expenditure in the amount of \$1,575,528 from Fund 41506, CIP-46-194.0 to fund this agreement. Design for the Group II Trunk Sewers is now 50% complete. This request is for funding Phase 2 in the amount of \$776,006, in order to complete the work under this Agreement. This request is also to reauthorize the expenditure for these projects due to a change in the funding source. Mission Village Trunk Sewer, CIP-46-197.7 is now being funded from the Annual Allocation - MWW Trunk Sewers, CIP-40-933.0. The USIU Trunk Sewer, CIP-46-197.6, and the Lake Murray Trunk Sewer, CIP-46-197.9, are now "stand alone" projects with a Fiscal Year 04 budget for final design, and engineering support for advertisement and construction.

FISCAL IMPACT:

This request is for the purpose of funding Phase Two (2) of this agreement, for a not-to-exceed amount of \$776,006. \$85,329 will be funded from Sewer Fund 41506, CIP-40-933.0, Annual Allocation - MWW Trunk Sewers, \$350,984 will be funded from Sewer Fund 41506, CIP-46-197.6, USIU Trunk Sewer, and \$339,693 will be funded from Sewer Fund 41506, CIP-46-197.9, Lake Murray Trunk Sewer-In Canyon for a total agreement cost of \$2,351,534.

Mendes/Tulloch/MM

Aud. Cert. 2400385.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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-105: Bonita Pipeline Phase II – Additional Funding.

(See memorandum from Larry Gardner dated 7/24/2003. Mount Hope, Chollas View, Mountain View, and Golden Hills Community Areas. Districts-4 and 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-391) ADOPTED AS RESOLUTION R-298501

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$7,310.84 within Water Fund 41500 from CIP-73-321.0, Morena Reservoir Outlet Tower Upgrade, to CIP-70-920.0, Bonita Pipeline Phase II;

Authorizing the additional expenditure of an amount not to exceed \$98,899.84 from Water Fund 41500, CIP-70-920.0, Bonita Pipeline Phase II, solely and exclusively for the purpose of providing funds to close out the Bonita Pipeline Phase II project;

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 7/30/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

Bonita Pipeline was constructed in 1915 and is one of the City's oldest transmission mains. The pipeline conveys water from both the Alvarado and Otay Water Treatment Plants to service customers in the Central and Southeastern portions of the city. Previous upgrades have included replacing 1.1 miles of the original pipeline in 1993 and 3.2 miles in 1994. The Bonita Pipeline Phase II project replaced the remaining sections of the original 1915 pipeline with 30-inch pipe in the Mount Hope, Chollas View, Mountain View and the Golden Hills Communities of San Diego. The design and construction schedules of this phase were to meet the dates mandated by Department of Health Services (DHS) Compliance Orders. The replacement took place in three segments:

- Segment 1, began East of 30th Street on Broadway, and extends approximately 1,300 ft. east through an undeveloped right of way, where it connects to an existing pipeline under State Route 94.
- Segment 2, began at Hilltop Drive and extends South approximately 1,400 ft. on 45th Street to Market Street.
- Segment 3, began at the intersection of Imperial Avenue and YMCA Way and extends north approximately 500 ft.

The construction contract was awarded to CLCI Construction Company for an amount of \$1,337,759.69 and the total project budget was estimated to \$2,398,993. The Close-Out Council Action is requesting additional funds due to the following: 1. Due to the challenges encountered in isolating the 30-inch pipeline and making the connections, the project has taken five months longer to construct than anticipated and additional costs were incurred for construction inspection. 2. Additional revegetation of plants and trees and hiring an as-needed environments consultant to provide additional environmental monitoring for a period of 25 months. This additional work was to address the concerns of the Golden Hills residents and community. This task was not part of the original scope of work. 3. Approximately \$10,000 is needed to acquire about 500 ft of easement on Imperial Avenue.

A sum of \$7,310.84 will be transferred from Water Fund 41500, CIP-73-321.0, Morena Reservoir Outlet Tower and is available because the project has been postponed until Fiscal Year 2007.

FISCAL IMPACT:

Total estimated cost of this project is \$2,501,786.84, of this, \$2,402,887 was previously authorized. This request is for \$98,899.84, funding is available from Water Fund 41500, CIP-70-920.0, Bonita Pipeline Phase II.

Mendes/Gardner/MLL

Aud. Cert. 2400366.

FILE LOCATION: CONT – CLCI Construction Company

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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-106: Agreement between the Otay Water District and the City of San Diego for the Purchase of Reclaimed Water from the South Bay Water Reclamation Plant.

(See memorandum from Larry Gardner dated 9/3/2003. Otay Mesa, Nestor, San Ysidro, Chula Vista, South San Diego, and Tijuana River Valley Community Areas. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-346) ADOPTED AS RESOLUTION R-298502

Authorizing the City Manager to execute an agreement with the Otay Water District, for the purchase of reclaimed water from the South Bay Water Reclamation Plant.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/10/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Inzunza voted yea. Councilmember Madaffer not present.)

SUPPORTING INFORMATION:

The City will provide an annual amount of up to 6 mgd of reclaimed water to Otay. Otay will pay the City \$3.6 million in capacity charges, the Council adopted rate (\$350/acre-foot currently), and monthly meter charges.

The City of San Diego currently has two sources of recycled water. The North City Water Reclamation Plant (NCWRP) began operation in 1997. The South Bay Water Reclamation Plant (SBWRP) construction was completed in the summer of 2002. SBWRP is in the process of being commissioned by the State Department of Health Services to produce reclaimed water. Operation of the SBWRP is planned to begin by the end of 2003.

This agreement will allow the City to sell reclaimed water from the SBWRP to Otay Water District. SBWRP has a capacity to treat 15 mgd, approximately 12 mgd of which is available for customer use. Otay's service area of approximately 125 square miles primarily covers the City of Chula Vista. The term of the agreement is 20 years from Otay's first delivery of reclaimed water or January 1, 2007, whichever occurs first. Otay can renew this agreement subject to payment of additional applicable capacity charges.

Otay Water District will pay the City a total capacity reservation charge of \$3.6 million, to reserve 6 mgd of plant capacity (up to 6,740 acre-ft. per year). Otay will also pay the City Council adopted rate for reclaimed water, currently \$350 per acre-foot, and prevailing monthly meter charges. Otay guarantees the purchase of the annual contract amount set in Exhibit B of this agreement. Otay will construct a \$35 million system with 6 miles of pipeline and a reservoir to connect their existing distribution system to the existing City's reclaimed water pipeline on Dairy Mart Road.

Direct benefits to the City include: payment of \$1.8 million by Otay at the execution of the agreement, plus \$1.8 million at first delivery of reclaimed water; 50% of the South Bay Water Reclamation Plant production utilized; and one (1) mgd capacity in Otay's transmission system to serve customers within the City.

The City has a limited service area for reclaimed water service within the South Bay. There are a few customers in close proximity to the plant, including the International Boundary and Water Commission and CalTrans. The City is working closely with these customers to connect them to the recycled system. This agreement is a product of City's active role in promoting the use of reclaimed water within the City and by other water agencies.

FISCAL IMPACT:

No cost to City. No expenditure will be authorized by this action.

Under this Agreement, Otay pays the City:

1. \$3.6 million capacity reservation charges.
2. City Council adopted reclaimed rate, currently \$350 per acre-foot.
3. Prevailing monthly meter charges.

Mendes/Gardner/MAS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:52 p.m. – 2:53 p.m.)

MOTION BY INZUNZA 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-107: First Amendment to Participation Agreement for Otay Mesa Potable Water Facilities.

(See memorandum from Larry Gardner dated 9/3/2003. Otay Mesa, Otay Mesa-Nestor and San Ysidro Community Areas. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-345) ADOPTED AS RESOLUTION R-298503

Authorizing the City Manager to execute a First Amendment to Participation Agreement, for Construction of the Otay Mesa Potable Water Facilities (First Amendment) with Stowe-Passco Development, Inc., under the terms and conditions set forth in the First Amendment;

Authorizing the expenditure of an amount not to exceed \$1,412,044 from Water Fund 41500, CIP-73-249.0, South San Diego Pipeline No. 2, for the purpose of funding the First Amendment and related in-house engineering costs;

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 9/10/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Inzunza voted yea. Councilmember Madaffer not present.)

SUPPORTING INFORMATION:

This request is for the approval of the First Amendment to the Otay Mesa Potable Water Facilities Participation Agreement, which will authorize construction of the final segment of the South San Diego Pipeline No. 2 (SSDPL#2), known as Segment S. When complete, 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.

In June 1998, the City entered into a Participation Agreement with the Developer for the design and construction of the SSDPL#2, a copy of which is on file in the office of the City Clerk as Documents RR-288361, RR-291188, and RR-295746. During the design review process for the SSDPL#2, the City identified additional improvements necessary to complete the pipeline. The Developer performed the additional design work but funding was insufficient to complete construction of the improvements. The SSDPL#2 Agreement has now expired.

On April 18, 2003, the City entered into the Otay Mesa Potable Water Facilities Agreement (RR-297917) with the Developer for construction of the additional improvements to the SSDPL#2. At the time this Agreement was executed (FY 2003), funds were not budgeted for construction of the final segment of the pipeline Segment S. However, funds to complete Segment S were budgeted in FY 2004. Segment S provides an interconnect from the SSDPL#2 to the 270 zone thereby increasing system reliability, redundancy, and stability in the 270 zone. Infrastructure includes 420 feet of 30-inch pipeline and a pressure reducing station. The pressure reducing station reduces the potable water pressure transmitted to the San Ysidro service area from the 390 Hydraulic Grade Line (HGL) to the 270 HGL. The 30-inch steel welded pipe connects the pressure reducing station to the San Ysidro area. The 270 zone provides water service to the San Ysidro area including the South Bay and IBWC water reclamation plants. This action will also authorize funds to cover additional costs on the construction of Alaquinas Pressure Reducing Station. These costs are due to escalation of material prices.

This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15303, "New Construction or Conversion of Small Structures." The project qualifies for this Class 3 exemption because it involves construction and installation of small, new equipment and facilities in small structures.

FISCAL IMPACT:

The total cost of the South San Diego Pipeline No. 2 is \$36,109,010 of which \$34,696,966 has been previously authorized. The additional funding of \$1,412,044 for the First Amendment is available from the South San Diego Pipeline No. 2, FY 2004 budget.

Mendes/Gardner/MS

Aud. Cert. 2400336.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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-108: First Amendment to Carmel Valley Pressure Reducing Station Participation Agreement.

(See memorandum from Larry Gardner dated 9/3/2003. Penasquitos East, Black Mountain Ranch, and Mira Mesa Community Areas. Districts-1 and 5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-403) ADOPTED AS RESOLUTION R-298504

Authorizing the City Manager to execute a First Amendment to Participation Agreement for the Construction of the Carmel Valley (712/610) Pressure Reducing Stations Upgrades (First Amendment) with Stowe-Passco Development, Inc., under the terms and conditions set forth in the First Amendment;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$100,000 from Water Fund 41500, CIP-73-317.0, Barrett Reservoir, Outlet Tower Upgrade, to Water Fund 41500, CIP-73-900.0, Annual Allocation -Pressure Reducing Facility Upgrades (Genetic Center Drive);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$32,000 from Water Fund 41500, CIP-70-918.0, Scripps Ranch/I-15 Subsystem, to Water Fund 41500, CIP-73-900.0, Annual Allocation-Pressure Reducing Facility Upgrades (Genetic Center Drive);

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$18,000 from Water Fund 41500, CIP-73-314.0, SD 17 Flow Control Facility, to Water Fund 41500, CIP-73-900.0, Annual Allocation - Pressure Reducing Facility Upgrades (Genetic Center Drive);

Authorizing the City Auditor and Comptroller to reallocate an amount not to exceed \$35,000 within Water Fund 41500 from CIP-73-900.0/73-900.2, Annual Allocation Pressure Reducing Facilities Upgrades (Eastgate Court), to CIP-73-900.0/73-900.1, Annual Allocation - Pressure Reducing Facility Upgrades (Genetic Center Drive);

Authorizing the expenditure of an amount not to exceed \$173,629.64 from Water Fund 41500, CIP-73-900.0, Annual Allocation - Pressure Reducing Facility Upgrades, exclusively for the purpose of funding the First Amendment;

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 9/10/2003, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Inzunza voted yea. Councilmember Madaffer not present.)

SUPPORTING INFORMATION:

This First Amendment will authorize additional costs of \$208,629.64 for the completion of Phase II of this Participation, the construction of the Genetic Center Pressure Reducing Station.

On November 12, 2002 the Water Department entered into a phase-funded Participation Agreement in the amount of \$2,612,198 with Stowe-Passco Development, Inc. for the construction of the Carmel Valley (712/160) Pressure Reducing Stations (PRSs). The PRSs will be constructed in three phases over three fiscal years. Phase I which includes the construction of the Eastgate Court PRS and a telemetry upgrade to the existing Camino Ruiz PRS, is in progress and is scheduled for completion in October 2003. Phase II includes construction of the Genetic Center Drive PRS which was scheduled to start in July 2003. Phase III includes construction of the Del Mar Heights PRS which is scheduled to begin in July 2004.

The Developer has notified the City that the low bid for the construction of Genetic Center Drive (Phase II) exceeds the Agreement's cost estimate by 9%. Increased bid costs are attributed to an increase in the cost of construction insurance which has directly impacted material costs and other economic factors. Construction of Phase II will begin upon authorization of this First Amendment. The contractor, Arrieta Construction, has agreed to honor the bid price until the end of October 2003. Savings of \$35,000 from Phase I will be transferred to Phase II and is included in the \$208,630.

When complete the new pressure reducing stations will provide increased water capacity from the 712 HGL Miramar Pressure Zone to the 610 HGL North City Zone and ensure that the Carmel Valley area has sufficient water pressure to serve its existing and future communities.

Environmental Impacts: No environmental impacts are associated with this action.

FISCAL IMPACT:

The total cost for Carmel Valley Pressure Reducing Stations is \$2,945,734.64. Funding of \$173,629.64 is available from Water Fund 41500, Annual Allocation Pressure Reducing Facility Upgrades, CIP-73-900.0, FY 04 budget.

Mendes/Gardner/MKS

Aud. Cert. 2400388.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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-109: FBA Credit and Reimbursement Agreement with D.R. Horton San Diego Holding Company for Processing Environmental Documentation Associated with Camino Ruiz.

(Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-301) ADOPTED AS RESOLUTION R-298505

Authorizing the City Manager to execute the FBA Credit and Reimbursement Agreement with D.R. Horton San Diego Holding Company, Inc., for the Processing of Environmental Documentation Associated with Camino Ruiz (Projects No. T-2.1 and T-2.2);

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$84,314.30 from FBA Fund Number 79015, CIP-52-725.0, consistent with the timing established in the most recently adopted Torrey Highlands Public Facilities Financing Plan, contingent upon the City Auditor and Comptroller certifying that the funds necessary for said agreement will be on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

D. R. Horton San Diego Holding Company agreed to advance the funding required for the City to prepare and process California Environmental Quality Act document LDR-40-0386 for Camino Ruiz improvements. The construction of Camino Ruiz, a six-lane major roadway identified, in the Torrey Highlands Public Facilities Financing Plan as projects T-2.1 and T-2.2, was a necessary prerequisite for development in Torrey Highlands and environmental documentation was required before the project could be approved. The funding was advanced by D. R. Horton until sufficient funds were available in the Torrey Highlands FBA for reimbursement.

FISCAL IMPACT:

Minimal. The funds needed for this project have been provided through developer fees.

Ewell/Goldberg/GH.

Aud. Cert. 2400277.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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-110: Torrey Highlands Neighborhood Park No. 1 – Acquisition.

(Torrey Highlands Community Area. District-1.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-406) ADOPTED AS RESOLUTION R-298506

Authorizing the City Manager to execute the Three-Party Implementing Agreement for Park Site Purchase Agreement (Torrey Highlands) and Related Escrow Instructions (the Agreement), for the purchase of approximately 5.0 usable acres of land for the Torrey Highlands Neighborhood Park;

Authorizing the City Manager to expend an amount not to exceed \$1,925,000 from FBA Fund No. 79015, CIP-29-547.0, Torrey Highlands Neighborhood Park South, solely and exclusively for the acquisition of the property rights for Torrey Highlands Neighborhood Park No. 1;

Authorizing the City Manager to accept a Grant Deed from the Poway Unified School District, granting to the City approximately 5.775 acres of land for open space park as more particularly described in the Grant Deed.

CITY MANAGER SUPPORTING INFORMATION:

The City will purchase approximately 5.0 usable acres from TR II, LLC, (Torrey Ranch Garden Communities) for the Torrey Ranch Neighborhood Park No. 1 as a requirement of the Torrey Highlands Subarea IV Neighborhood Park Site Purchase Agreement. The purchase price is \$1,875,000.

The Poway Unified School District will deed to the City 5.775 acres of land for open space as a condition of VTM No. 7497.

FISCAL IMPACT:

\$1,925,000 is available in FBA Fund No. 79015.

Herring/Griffith/RAG

Aud. Cert. 2400095.

FILE LOCATION: DEED F-9618

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

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

**HEARING HELD, REFERRED TO CLOSED SESSION OF TUESDAY,
OCTOBER 21, 2003.**

Property: Qualcomm Stadium.

Agency Negotiator: Assistant City Attorney Leslie 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 issue 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: MEET (61)

COUNCIL ACTION: (Time duration: 2:58 p.m. – 2:59 p.m.)

ITEM-250: **Notice** of Pending Final Map Approval – Inn at La Jolla.

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 "Inn at La Jolla" (T.M. No. 5136), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the La Jolla Community Plan Area, west of La Jolla Boulevard and south of Midway Street in the City 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 – “Princess Park in California Terraces

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 “Princess Park in California Terraces” (T.M. No. 86-1032), located in the Otay Mesa Community Plan Area, southeasterly of I-805 and SR 905 in City Council District 8, 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 map 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: SUBMISSION OF BALLOT PROPOSALS

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

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 2, 2004 election:

| <u>DAY</u> | <u>DATE</u> | <u>DAYS BEFORE ELECTION</u> | <u>EVENT</u> |
|------------|-----------------------|-------------------------------------|--|
| Friday | 9/26/2003 | 158 | LAST DAY (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee. |
| Wednesday | 10/1/2003 | 153 | Rules Committee review. |
| Monday | 10/27/2003 | 127 | Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee. |
| Monday | 11/3/2003 | 120 | Council adopts propositions for ballot; directs |
| Monday | through 11/17/2003 | to 106 | City Attorney to prepare ordinances. |
| Monday | 11/24/2003 | 99 | Council adopts ordinances prepared by City Attorney. |
| Friday | 12/5/2003 | 88 | Last day for City Clerk to file with Registrar of Voters all elections material. |
| Thursday | 12/18/2003 | 75 | Last day to file ballot arguments with City Clerk. |

If you have questions, please contact the Office of the City Clerk, (619) 533-4025.

ITEM-S400: Jewel Hooper Day

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-411) ADOPTED AS RESOLUTION R-298507

Commending Jewell D. Hooper for her outstanding dedication and commitment
in assisting our senior citizens in communities of the Fourth Council District;

Proclaiming October 20, 2003 to be "Jewell D. Hooper Day" in the City of San
Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:31 p.m. – 2:37 p.m.)

MOTION BY LEWIS TO ADOPT. 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-S401: Fred Zuckerman Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-407) ADOPTED AS RESOLUTION R-298508

Proclaiming October 20, 2003 to be "Fred Zuckerman Day" in the City of San
Diego, in honor of his incredible dedication and commitment to improving the
quality of life enjoyed by all San Diegans, and for helping to keep San Diego as
America's finest city.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:38 p.m. – 2:46 p.m.)

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-S402: Lead Poison Prevention Awareness Week.

COUNCILMEMBERS FRYE'S AND INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-423) ADOPTED AS RESOLUTION R-298509

Proclaiming the week of October 20, 2003 to be "Lead Poison Prevention Awareness Week" in the City of San Diego, and commending the participants of the City's Lead Safe Neighborhoods Program in working towards the goal of eliminating lead hazards from the housing in San Diego.

FILE LOCATION: AGENDA

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

MOTION BY FRYE 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-S403: Margaret Watson Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-430) ADOPTED AS RESOLUTION R-298510

Commending Margaret Watson for her exceptional service and dedication, and the tremendous work she has given to the City of San Diego;

Proclaiming October 20, 2003 to be "Margaret Watson Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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-S404: Adjournment of the October 28, 2003 City Council Meeting.

(See memorandum from Mayor Murphy dated 10/15/2003.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-438) ADOPTED AS RESOLUTION R-298511

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 regularly scheduled City Council Meeting of Tuesday, October 28, 2003.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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-S405: Amendment to Declaration of Restrictions for South San Diego Industrial Park, Unit No. 1.

(Otay Mesa-Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-435) ADOPTED AS RESOLUTION R-298512

Authorizing the City Manager to execute the “Amendment to Declaration of Restrictions, South San Diego Industrial Park, Unit 1.”

CITY MANAGER SUPPORTING INFORMATION:

READ has received a request from the owners of five of the parcels in the South San Diego Industrial Park, Unit No. 1 ("Industrial Park") to amend the Declaration of Restrictions recorded on September 19, 1978, in the Office of the Recorder of San Diego County. The six-lot Industrial Park is located at Beyer Boulevard and Del Sol Boulevard in Otay Mesa and was developed by the City in the late 1970's.

The Declaration of Restrictions contains many desirable provisions but also contains an outmoded use restriction that limits the properties to employment-intensive manufacturing or assembly uses only. Instead of having the desired effect, the use restriction has retarded development of the area. Parcel 1 has been vacant for 25 years; Parcel 2 is used in part for a qualifying use (having received a variance for the use); Parcel 3 was sold to the federal government for use as a post office transfer facility and was exempted from the Declaration by City Council action on July 14, 1997; Parcel 4 is used for manufacturing; Parcel 5 is developed with a 45,000 square foot building that has been vacant for more than three years; and Parcel 6 is owned by the City and used as a water retention basin. The private owners in the Industrial Park have formed a committee, as authorized and directed by the Declaration and, in that capacity, have unanimously voted to amend the Declaration to eliminate the use restriction.

The amendment eliminates the current use restriction and will allow uses as permitted under the zoning presently in effect in the area. Present zoning in the area allows for a mix of light industrial and office uses with limited commercial use.

FISCAL IMPACT:

None

Herring/Griffith/CWG

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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-S406: Appointments to the Mission Bay Park Committee.

(See memorandum from Mayor Murphy dated 10/8/2003, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-419) ADOPTED AS RESOLUTION R-298513

Council confirmation of the following appointments by the Mayor to serve as members of the Mission Bay Park Committee, for terms to expire as indicated:

| <u>APPOINTMENTS</u> | <u>CATEGORY</u> | <u>TERM ENDING</u> |
|----------------------------|-----------------------------------|---------------------------|
| Kevin Faulconer, Chair | Park and Recreation Board Member | March 1, 2005 |
| Robert Othillie | At Large | March 1, 2005 |
| Mike Pallamary | At Large | March 1, 2005 |
| Karl Jaedtke | Council District 2 Representative | March 1, 2005 |
| Judith Swink | Council District 2 Representative | March 1, 2005 |
| Rick Bussell | Council District 6 Representative | March 1, 2005 |
| Ryan Levinson | Council District 6 Representative | March 1, 2005 |
| Wayne Blum | Lessee Hotel Representative | March 1, 2004 |

| | | |
|------------------------|---|---------------|
| Ted Jardine | Lessee Other than a Hotel | March 1, 2004 |
| Donald Peterson | Stakeholder – OMBAC | March 1, 2004 |
| Richard Miller | Environmental Organization Sierra Club | March 1, 2004 |
| Chris Rink | Clairemont Mesa Planning Group | March 1, 2004 |
| Margaret Pamela Glover | Mission Beach Precise Planning Board | March 1, 2004 |
| Mindy Pellessier | Ocean Beach Planning Board | March 1, 2004 |
| Catherine Strohle | Pacific Beach Community Planning Committee | March 1, 2004 |

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:17 p.m.)

MOTION BY FRYE TO ADOPT. Second by Zucchet. 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-S407: Consideration and Possible Action to Introduce and Adopt an Ordinance Submitting to the Voters a Ballot Proposition Relating to Increasing the City's Transient Occupancy Tax from 10.5% to 13

(See City Manager Report CMR-03-202; Report from the City Attorney dated 10/9/2003; memorandums from Lisa Irvine dated 10/9/2003, and Ed Ryan dated 10/8/2003.)

(Continued from the meeting of October 14, 2003, Item S406, at the City Council's request, for further amendments to the ordinance as requested by Council.)

TODAY'S ACTION IS:

Introduce and adopt the following ordinance:

(O-2004-44G) INTRODUCED AND ADOPTED AS ORDINANCE
O-19227 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election Consolidated with the California State General Election to be held on March 2, 2004 one proposition relating to increasing the City's Transient Occupancy Tax by 2.5%.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On 10/1/2003, RULES voted 3 to 1 to:

- 1) Refer the proposed ordinance to the City Manager for a financial analysis and to the City Attorney for a legal analysis, and for drafting changes as to form and not as to substance.
- 2) Present to City Council on October 13 or 14, 2003.
- 3) Move the allocation to Fire from 1.0 to .75; redistribute the .25 as follows: preparation over three years of a Parks Master Plan as proposed by the Park and Recreation Department Budget Working Group; remainder distributed equally over B, C, and D on page 6; allow funds allocated in Section D to be used to prepare the coastal infrastructure plan.
- 4) Delete the sentence on page 7, top paragraph, beginning with "If the City Council fails to adopt..."
- 5) Provide a five-year opportunity for the Tourism Promotion Review Board to adjust funding minimums outlined on pages 7 and 8 (but not the 2.5 cents level of funding), every five years, on a two-thirds vote, subject to veto but not amendment on a two-thirds vote of the City Council.
- 6) Provide that if there is any successful challenge to the ordinance, we would return to the status quo.
- 7) Ensure that the measure is subject to the existing charter provisions allowing declaration of financial emergency.
- 8) Clarify that maintenance of effort applies to the enumerated equipment and infrastructure pages 4-6, and is not a requirement to escalate overall Police and Fire budgets by the amount of growth in the General Fund.
- 9) Eliminate "debt service for the bond debt for" on page 9.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:11 p.m. – 5:18 p.m.)

Motion by Madaffer to amend section 35.0128 (b) (1) at page 3 of 23 of version “F” (strikeout) by deleting the words “Revenues from said TOT shall not be used for personnel stationed at existing facilities, but may be used to provide personnel related to new stations as described in section 35.0129.” No second.

Motion by Madaffer to amend section 35.0143 (d) at page 19 of 23 of version “F” (strikeout) deleting section (d). Second by Lewis. Failed. Yeas-4,5,7,8. Nays-1,2,3,6,M.

Motion by Peters to amend section 35.0143 (a) at page 17 of 23 of version “F” (strikeout) adding the sentence “The City Council may entirely delete a line-item budget allocation to any recipient in the budget proposed by the Tourism Promotion Board, but the City Council may not increase or decrease an allocation, or add a recipient not included in the budget, without first receiving approval from the Tourism Promotion Board.” No second.

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

ADDITIONAL BUSINESS: (R-2004-477) ADOPTED AS RESOLUTION R-298579

During consideration of Item S407, the following resolution was adopted to reflect the following motion:

MOTION BY PETERS DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL BALLOT ANALYSIS FOR INCLUSION IN THE BALLOT STATEMENT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-yea, Mayor Murphy-nay.

ADDITIONAL BUSINESS: (R-2004-478) ADOPTED AS RESOLUTION
R-298580

During consideration of Item S407, the following resolution was adopted to reflect the following motion:

MOTION BY PETERS TO DESIGNATE FIRE FIGHTERS LOCAL 145, SAN DIEGO POLICE OFFICERS ASSOCIATION, AND LODGING INDUSTRY ASSOCIATION OF SAN DIEGO AS SIGNATORIES ON THE BALLOT STATEMENT AND AUTHORIZE THEM TO SELECT TWO OTHER ORGANIZATIONS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-not present, Madaffer-yea, Inzunza-not present, Mayor Murphy-nay.

* ITEM-S408: Pershing Portal – Additional Funding and Maintenance.
(Greater North Park Community Area. District-3

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-425) ADOPTED AS RESOLUTION R-298514

Authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the Property Owners Adjacent to the Pershing Portal Project;

Amending the Fiscal Year 2004 Capital Improvements Program (CIP) Budget for CIP-39-226.0, Pershing Portal, by increasing the budget amount by \$25,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$25,000 from Fund 79502, North Park – Urban Community Fund, to CIP-39-226.0, Pershing Portal;

Authorizing the appropriation and expenditure of an amount not to exceed \$25,000 from CIP-39-226.0, Pershing Portal, for the purpose of providing funds for Project construction and related costs.

CITY MANAGER SUPPORTING INFORMATION:

The North Park Pershing Portal Project (NP4) is a traffic safety, beautification, and historic monument project that will serve as a major entry portal into one of San Diego's oldest

neighborhoods. The proposed entry plaza will include decorative paving, landscaping, specialty lighting, as well as dual architectural "posts" commemorating David S. Dryden and his wife. This project will create an entry "portal" to the sixteen 28th Street single-story Craftsman style bungalows and double-story houses designed and built from 1915-1918 by master craftsman David Dryden. NP4 will improve traffic safety by permanently reconfiguring a five "leg" intersection into four. It will replace the temporary barriers currently in place at the end of 28th Street with permanent improvements. It addresses community wide concerns about pedestrian safety, encourages neighborhood enhancements which lead to more livable communities, links schoolchildren to available green spaces, and promotes the understanding and appreciation of the unique historic character of the neighborhood through the establishment of a key marker.

The Greater North Park Planning Committee (GNPPC) unanimously supported this project in a motion dated 02/20/01. The closure of 28th Street is part of the East Mesa Precise Plan, Balboa Park as adopted by resolution R-281752 (04/13/93).

This action also includes a Memorandum Of Understanding (MOU) between the City and the adjacent property owners to provide for maintenance of the improvements until the associated Maintenance Assessment District (MAD) can take over the maintenance responsibilities.

FISCAL IMPACT:

The total cost of this project is \$235,000. Of this, \$10,000 is available from TransNet Funds, \$135,000 from Fund 3245100 and \$65,000 from Fund 30304. The remainder of \$25,000 necessary for this project is available from Fund 79502, North Park-Urban Community Fund.

Loveland/Belock/PB

Aud. Cert. 2400410.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:11 p.m.)

CONSENT 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:22 p.m. in honor of the memory of:

Karen Dombeck, as requested by Council Member Maienschein; and
Robert Knoth, as requested by Council Member Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:19 p.m. – 5:22 p.m.)